

## Public Law 85-421

May 19, 1958  
[H. R. 7568]

## AN ACT

To amend the District of Columbia Police and Firemen's Salary Act of 1953 to provide that service in the grade of inspector and the grade of private in the Fire Department of the District of Columbia shall be deemed to be service in the same grade for the purpose of longevity increases.

D. C. Police and  
Firemen.  
Longevity in-  
creases.  
69 Stat. 531.

70 Stat. 624.

Effective date.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 202 of the District of Columbia Police and Firemen's Salary Act of 1953, as amended (D. C. Code, sec. 4-816 (a)), relating to longevity increases of officers and members of the Fire Department of the District of Columbia, is amended by inserting immediately following the first sentence thereof the following new sentence: "In computing service for the purpose of determining longevity increases under this section, service in the grade of inspector or assistant marine engineer, and service in the grade of private, shall be deemed to be service in the same grade."*

(b) Subsection (f) of such section 202 (D. C. Code, sec. 4-816 (f)) is amended by striking out the last sentence thereof.

SEC. 2. (a) The amendments made by this Act shall take effect as of the first day of the first pay period of the Fire Department of the District of Columbia which began after July 24, 1956.

(b) No compensation shall be payable, by reason of the enactment of this Act, for any period prior to such effective date.

Approved May 19, 1958.

## Public Law 85-422

May 20, 1958  
[H. R. 11470]

## AN ACT

To adjust the method of computing basic pay for officers and enlisted members of the uniformed services, to provide proficiency pay for enlisted members thereof, and for other purposes.

Armed Forces.  
Salary increase.  
63 Stat. 802.  
37 USC 231 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Career Compensation Act of 1949, as amended, is amended as follows:*

(1) Section 201 (a), as amended (37 U. S. C. 232 (a)), is amended by striking out the tables therein and inserting the following tables in place thereof:

## "COMMISSIONED OFFICERS

## "YEARS OF SERVICE

"Pay grade	Under 2 years	Over 2 years	Over 3 years	Over 4 years	Over 6 years	Over 8 years	Over 10 years
O-10 <sup>1</sup>	\$1,200.00	\$1,250.00	\$1,250.00	\$1,250.00	\$1,250.00	\$1,300.00	\$1,300.00
O-9	1,063.30	1,100.00	1,122.00	1,122.00	1,122.00	1,150.00	1,150.00
O-8	963.30	1,000.00	1,022.00	1,022.00	1,022.00	1,100.00	1,100.00
O-7	800.28	860.00	860.00	860.00	900.00	900.00	950.00
O-6	592.80	628.00	670.00	670.00	670.00	670.00	670.00
O-5	474.24	503.00	540.00	540.00	540.00	540.00	560.00
O-4	400.14	424.00	455.00	455.00	465.00	485.00	520.00
O-3 <sup>2</sup>	326.04	346.00	372.00	415.00	440.00	460.00	480.00
O-2 <sup>2</sup>	259.36	291.00	360.00	370.00	380.00	380.00	380.00
O-1 <sup>2</sup>	222.30	251.00	314.00	314.00	314.00	314.00	314.00

<sup>41</sup> While serving as Chairman of Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is \$1,875.00 regardless of cumulative years of service.

<sup>112</sup> Does not apply to commissioned officers who have been credited with over 4 years' active service as an enlisted member.

**"COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS'  
ACTIVE SERVICE AS AN ENLISTED MEMBER**

**"YEARS OF SERVICE"**

“WARRANT OFFICERS

## "YEARS OF SERVICE"

“Pay grade	Under 2 years	Over 2 years	Over 3 years	Over 4 years	Over 6 years	Over 8 years	Over 10 years	Over 12 years
W-4	\$332.90	\$376.00	\$376.00	\$383.00	\$399.00	\$416.00	\$435.00	\$465.00
W-3	302.64	343.00	343.00	348.00	353.00	380.00	398.00	412.00
W-2	264.82	298.00	298.00	307.00	328.00	342.00	355.00	369.00
W-1	219.42	266.00	266.00	285.00	299.00	313.00	334.00	345.00
“Pay grade	Over 14 years	Over 16 years	Over 18 years	Over 20 years	Over 22 years	Over 26 years	Over 30 years	
W-4	\$486.00	\$504.00	\$516.00	\$528.00	\$543.00	\$575.00	\$595.00	
W-3	427.00	441.00	458.00	470.00	487.00	506.00	506.00	
W-2	381.00	393.00	406.00	417.00	440.00	440.00	440.00	
W-1	354.00	364.00	375.00	390.00	390.00	390.00	390.00	

**"ENLISTED MEMBERS"**

**"YEARS OF SERVICE"**

Commissioned  
officers.

(2) Section 201 (b) (37 U. S. C. 232 (b)), is amended by striking out the table therein and inserting the following table in place thereof:

"Pay grade	Army, Air Force, and Marine Corps	Navy, Coast Guard, and Coast and Geodetic Survey	Public Health Service
O-10	General	Admiral	
O-9	Lieutenant general	Vice admiral	
O-8	Major general	Rear admiral (upper half)	
			Surgeon General, Deputy Surgeon General, Assistant Surgeon General having rank of major general, Assistant Surgeon General having rank of brigadier general, Director grade.
O-7	Brigadier general	Rear admiral (lower half) and commodore	Senior grade.
O-6	Colonel	Captain	Full grade.
O-5	Lieutenant colonel	Commander	Senior assistant grade.
O-4	Major	Lieutenant commander	Assistant grade.
O-3	Captain	Lieutenant	Junior assistant grade."
O-2	1st lieutenant	Lieutenant (junior grade)	
O-1	2d lieutenant	Ensign	

Enlisted personnel.

Post, p. 125.

(3) Section 201 (c), as amended (37 U. S. C. 232 (c)), is amended by adding the following at the end thereof: "However, except as provided in section 209 of this title, an enlisted member may not be placed in pay grade E-8 or E-9 until he has completed at least eight years or ten years, respectively, of cumulative years of enlisted service creditable in the computation of his basic pay. Except as provided in section 209 of this title, the authorized daily average number of enlisted members on active duty (other than for training) in any uniformed service in pay grades E-8 and E-9 may not be more than 2 per centum and 1 per centum, respectively, of the number of enlisted members of that uniformed service who are on active duty (other than for training) on January 1 of each year."

(4) Section 201 (d) is amended by striking out the last sentence and inserting the following in place thereof: "Any payments accruing under any law to any member of a uniformed service incident to his release from active duty or active duty for training or for his return home incident to release from that duty, may be paid to that member before his departure from his last duty station, whether or not he actually performs the travel involved. If a member receives a payment under this subsection but dies before that payment would but for this subsection have been made, no part of that payment is recoverable by the United States."

Repeal.

(5) Section 201 (f) (37 U. S. C. 232 (f)) is repealed.

(6) (A) That part of the table in section 204 (b) (37 U. S. C. 235 (b)) relating to commissioned officers is amended to read as follows:

"COMMISSIONED OFFICERS

"Pay grade	Years of service						
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
O-10	\$165.00	\$165.00	\$165.00	\$165.00	\$165.00	\$165.00	\$165.00
O-9	165.00	165.00	165.00	165.00	165.00	165.00	165.00
O-8	155.00	155.00	165.00	165.00	165.00	165.00	165.00
O-7	150.00	150.00	160.00	160.00	160.00	160.00	160.00
O-6	200.00	200.00	215.00	215.00	215.00	215.00	215.00
O-5	190.00	190.00	205.00	205.00	205.00	205.00	205.00
O-4	170.00	170.00	185.00	185.00	185.00	195.00	210.00
O-3	145.00	145.00	155.00	165.00	180.00	185.00	190.00
O-2	115.00	125.00	150.00	150.00	160.00	165.00	170.00
O-1	100.00	105.00	135.00	135.00	140.00	145.00	155.00

"Pay grade	Years of service						
	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30
O-10.....	\$165.00	\$165.00	\$165.00	\$165.00	\$165.00	\$165.00	\$165.00
O-9.....	165.00	165.00	165.00	165.00	165.00	165.00	165.00
O-8.....	165.00	165.00	165.00	165.00	165.00	165.00	165.00
O-7.....	160.00	160.00	160.00	160.00	160.00	160.00	160.00
O-6.....	215.00	215.00	220.00	245.00	245.00	245.00	245.00
O-5.....	210.00	225.00	230.00	245.00	245.00	245.00	245.00
O-4.....	215.00	220.00	230.00	240.00	240.00	240.00	240.00
O-3.....	200.00	205.00	205.00	205.00	205.00	205.00	205.00
O-2.....	180.00	185.00	185.00	185.00	185.00	185.00	185.00
O-1.....	160.00	170.00	170.00	170.00	170.00	170.00	170.00"

(B) That part of the table in section 204 (b) (37 U. S. C. 235 (b)) relating to enlisted members is amended to read as follows:

"ENLISTED PERSONNEL

"Pay grade	Years of service						
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
E-9.....	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00
E-8.....	105.00	105.00	105.00	105.00	105.00	105.00	105.00
E-7.....	80.00	85.00	85.00	85.00	90.00	95.00	100.00
E-6.....	70.00	75.00	75.00	80.00	85.00	90.00	95.00
E-5.....	60.00	70.00	70.00	80.00	80.00	85.00	90.00
E-4.....	55.00	65.00	65.00	70.00	75.00	80.00	80.00
E-3.....	55.00	60.00	60.00	60.00	60.00	60.00	60.00
E-2.....	50.00	60.00	60.00	60.00	60.00	60.00	60.00
E-1.....	50.00	55.00	55.00	55.00	55.00	55.00	55.00
E-1 (under 4 months)	50.00						
Aviation cadets.....	50.00						

"Pay grade	Years of service						
	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30
E-9.....	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00
E-8.....	105.00	105.00	105.00	105.00	105.00	105.00	105.00
E-7.....	105.00	105.00	105.00	105.00	105.00	105.00	105.00
E-6.....	95.00	100.00	100.00	100.00	100.00	100.00	100.00
E-5.....	95.00	95.00	95.00	95.00	95.00	95.00	95.00
E-4.....	80.00	80.00	80.00	80.00	80.00	80.00	80.00
E-3.....	60.00	60.00	60.00	60.00	60.00	60.00	60.00
E-2.....	60.00	60.00	60.00	60.00	60.00	60.00	60.00
E-1.....	55.00	55.00	55.00	55.00	55.00	55.00	55.00"

(7) The table in section 206 (37 U. S. C. 237) is amended to read as follows:

Sea and foreign duty.

"Pay grades	Monthly rates
E-9.....	\$22.50
E-8.....	22.50
E-7.....	22.50
E-6.....	20.00
E-5.....	16.00
E-4.....	13.00
E-3.....	9.00
E-2.....	8.00
E-1.....	8.00"

(8) The following new sections are added after section 208:

37 USC 239.

"PROFICIENCY PAY

"SEC. 209. (a) An enlisted member of a uniformed service entitled to basic pay and designated as possessing special proficiency in a military skill of the service concerned may—

37 USC 232(a).

“(1) be advanced to any enlisted pay grade prescribed in section 201 (a) of this Act that is higher than his pay grade at the time of designation and receive the pay, allowances, and special or incentive pays of the higher pay grade in accordance with his cumulative years of service for pay purposes; or

“(2) in addition to any pay, allowances, special or incentive pays to which he is entitled under this Act, be paid proficiency pay at a monthly rate not to exceed the maximum rate prescribed in the following table for the proficiency rating to which he is assigned:

“Proficiency Rating	Maximum Monthly Rates
P-1	\$50
P-2	100
P-3	150

Years of service.  
Pay provisions.

“(b) An enlisted member who has less than eight or ten, as the case may be, of cumulative years of enlisted service for basic pay purposes and who is advanced under subsection (a) (1) to pay grade E-8 or E-9, respectively, is entitled to the minimum amount of basic pay, allowances, and special or incentive pays prescribed for that pay grade until such time as his cumulative years of service for pay purposes entitles him to a higher rate of such pays.

Determination of  
pay.

“(c) The Secretary concerned shall determine whether enlisted members of any uniformed service under his jurisdiction are to be paid proficiency pay either under subsection (a) (1) or (a) (2). However, he may elect only one of these methods of paying proficiency pay for each uniformed service under his jurisdiction. If he elects to have proficiency pay paid under subsection (a) (1), enlisted members in a military rank assigned to pay grades E-8 and E-9 may be paid proficiency pay at a monthly rate not to exceed the maximum rate prescribed in subsection (a) (2). If he elects to have proficiency pay paid under subsection (a) (2), he shall prescribe, within the limitations set forth in subsection (a) (2), the amount of such pay for each proficiency rating prescribed therein. He shall also designate, from time to time, those skills within each uniformed service under his jurisdiction in which proficiency pay is authorized, and shall prescribe the criteria under which members of that uniformed service are eligible for a proficiency rating in each such skill. He may, whenever he deems it necessary, increase, decrease, or abolish proficiency pay for any such skill.

Administration.

“(d) This section shall be administered under regulations prescribed by the Secretary of Defense for the uniformed services under his jurisdiction, and by the Secretary of the Treasury for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

#### “SPECIAL PAY—CERTAIN DESIGNATED OFFICERS

“SEC. 210. (a) The Secretary concerned may designate positions of unusual responsibility which are of a critical nature to the service concerned, and is authorized to pay special pay, in addition to any other pay prescribed by law, to any officer of an armed force who is entitled to the basic pay grade O-3, O-4, O-5, or O-6 and is performing the duties of such a position, at a monthly rate as follows:

“Pay grade	Monthly rate
O-3	\$50.00
O-4	50.00
O-5	100.00
O-6	150.00

The Secretary shall prescribe the criteria and circumstances under which officers of the armed forces under his jurisdiction are eligible for pay under this section and may, whenever he considers it necessary, abolish such special pay.

Eligibility.

“(b) Not more than 5 percent of the number of officers on active duty in any armed force in pay grade O-3, and not more than 10 percent of the number of officers on active duty in any armed force in any of pay grades O-4, O-5, or O-6, may receive special pay under this section.

“(c) This section shall be administered under regulations to be prescribed by the Secretary of Defense for the armed forces under his jurisdiction, and by the Secretary of the Treasury for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

“(d) This section does not apply to any person who is entitled to special pay under section 203 of this Act.

“(e) The Secretary of Defense shall report to Congress by March 1 of each year on the administration of this section within each military department during the preceding calendar year. The Secretary of the Treasury shall make a similar report for the Coast Guard when the Coast Guard is not operating as a service in the Navy.”

(9) The table in section 302 (f) (37 U. S. C. 252 (f)) is amended to read as follows:

37 USC 234.  
Report to Congress.

Pay grade	With dependents	Without dependents
O-10	\$171.00	\$136.80
O-9	171.00	136.80
O-8	171.00	136.80
O-7	171.00	136.80
O-6	136.80	119.70
O-5	136.80	102.60
O-4	119.70	94.20
O-3	102.60	85.50
O-2	94.20	77.10
O-1	85.50	68.40
W-4	119.70	94.20
W-3	102.60	85.50
W-2	94.20	77.10
W-1	85.50	68.40
E-9	67.50	45.00
E-8	67.50	45.00
E-7	67.50	45.00
E-6	67.50	45.00
E-5	67.50	45.00
E-4 (7 or more years' service) <sup>1</sup>	67.50	45.00
E-4 (less than 7 years' service) <sup>1,2</sup>	45.00	45.00
E-3 <sup>2</sup>	45.00	45.00
E-2 <sup>2</sup>	45.00	45.00
E-1 <sup>2</sup>	45.00	45.00

<sup>1</sup> Service authorized to be credited in computation of basic pay pursuant to sec. 202 of this Act.

<sup>2</sup> Considered at all times as without dependents pursuant to subsection (a) of this section.”

(10) Section 302 (h) (37 U. S. C. 252 (h)) is amended by striking out the words “E-6 and E-7” and inserting the words “E-6, E-7, E-8, and E-9” in place thereof.

Enlisted members.  
Allotment.

(11) Section 304 (c) (37 U. S. C. 254 (c)) is amended by adding the following new sentence at the end thereof: “An officer entitled to receive basic pay shall, while serving as Surgeon General of the Public Health Service, in lieu of any other personal money allowance authorized by this section but in addition to any other pay or allowance authorized by this Act, be entitled to receive a personal money allowance of \$1,200 per annum.”

Surgeon General.

SEC. 2. The tables in section 1 (c) of the Act of May 19, 1952, chapter 310 (66 Stat. 79), are amended to read as follows:

Allowance for quarters.  
37 USC 252 note.

"Pay grade	Not over 2 dependents	Over 2 dependents
E-9.....	\$77.10	\$96.90
E-8.....	77.10	96.90
E-7.....	77.10	96.90
E-6.....	77.10	96.90
E-5.....	77.10	96.90
E-4.....	77.10	96.90

  

"Pay grade	1 dependent	2 dependents	Over 2 dependents
E-8.....	\$51.30	\$77.10	\$96.90
E-2.....	51.30	77.10	96.90
E-1.....	51.30	77.10	96.90

**Retirement pay.**

SEC. 3. (a) Notwithstanding any other provision of law, except sections 4 and 7 of this Act and subsection (b) of this section, the changes in rates of basic pay made by this Act do not increase the amount of retired pay, retirement pay, retainer pay, or equivalent pay to which any person is entitled on the day before the effective date of this Act.

Post. p. 129.

(b) Notwithstanding any other provision of law, except section 6483 (c) of title 10, United States Code, a member of a uniformed service who became entitled to retired, retirement, or retainer pay before the effective date of this Act, and who performed a period of continuous active duty of at least one year after becoming entitled to that pay, is entitled, upon release from that active duty on or after the effective date of this Act, to recompute that pay based on the rates of pay set forth in the Career Compensation Act of 1949, as amended by this Act.

(c) Notwithstanding any other provision of law, except subsection (b) of this section, a member of a uniformed service who became entitled to retired or retainer pay before the effective date of this Act, and who on or after that date is advanced on the retired list to, or is transferred to a retired list in, a grade higher than the grade he held on the date when he became entitled to that retired or retainer pay, shall have his retired pay computed on the basis of the basic pay set forth in the Career Compensation Act of 1949 on the day before the effective date of this Act, plus 6 per centum of that pay.

**Disability retirement.**

SEC. 4. (a) Except for members covered by section 7 of this Act and persons with two or less years of service for basic pay purposes who were retired for physical disability or placed on the temporary disability retired list, members and former members of the uniformed services who are entitled to retired pay, retirement pay, retainer pay, or equivalent pay, on the day before the effective date of this Act, shall be entitled to an increase of 6 per centum of that pay to which they were entitled on that date.

**Computation.**

(b) Notwithstanding any other provision of law, a member of a uniformed service retired under any provision of law, or transferred to the Fleet Reserve or Fleet Marine Corps Reserve, on the effective date of this Act shall have his retired pay or retainer pay computed on the basis of the rates of basic pay set forth in the Career Compensation Act of 1949, as amended by this Act, or on the rates of basic pay set forth in the Career Compensation Act of 1949 on the day before the effective date of this Act, plus 6 per centum of that pay, whichever is greater.

Non applicability.  
37 USC 321a.

(c) Section 5 of the Career Incentive Act of 1955 (69 Stat. 22) does not apply to any person who is retired, or to whom retired pay, retirement pay, retainer pay, or equivalent pay (including temporary disability retired pay) is granted, on or after the effective date of this Act.

SEC. 5. Section 4 (a) (1) of the Armed Forces Leave Act of 1946 (37 U. S. C. 33) is amended by striking out the word "three" and inserting in place thereof the word "five".

Quarters allowance.  
60 Stat. 964.

SEC. 6. Title 10, United States Code, is amended as follows:

(1) Footnote 1 of section 3991 is amended to read as follows:

70A Stat. 232.

"<sup>1</sup> For the purposes of this section, determine member's retired grade as if section 3962 (d) did not apply and, for an officer who has served as Chief of Staff, compute at the highest rates of basic pay applicable to him while he served in that office."

(2) Section 5083 is amended by striking out the words "and with retired pay based on that grade" and adding the following new sentence at the end thereof: "The retired pay of such an officer shall be computed at the highest rates of basic pay applicable to him while he served in that office".

Chief of Naval Operations.  
70A Stat. 282.

(3) Section 5201 (c) is amended by striking out the words "and with retired pay based on that grade" and adding the following new sentence at the end thereof: "The retired pay of such an officer shall be computed at the highest rates of basic pay applicable to him while he served in that office".

Marine Corps Commandant.  
70A Stat. 292.

(4) Section 5233 is amended by inserting before the period at the end of the first sentence the words "and with retired pay based on that grade", and by striking out the last sentence thereof.

Navy and Marine Corps positions.

(5) Section 6483 is amended by adding the following new subsection:

70A Stat. 417.

(c) If recalled to active duty in the grade he holds on the retired list under section 6150 of this title, or under any other law which authorized advancement on the retired list by reason of a special commendation for the performance of duty in actual combat, he may, upon release from active duty on or after the effective date of this sentence, have his retired pay recomputed on the basis of the then monthly basic pay of the grade he holds on the retired list only if he has served on that duty for a continuous period of at least two years."

70A Stat. 385.

(6) Footnote 1 of section 8991 is amended to read as follows:

70A Stat. 556.

"<sup>1</sup> For the purposes of this section, determine member's retired grade as if section 8962 (c) did not apply and, for an officer who has served as Chief of Staff, compute at the highest rates of basic pay applicable to him while he served in that office."

(7) Chapter 71 is amended as follows:

70A Stat. 106.

(A) Column 1 of formula 1 and column 1 of formula 2 of section 1401 are each amended to read as follows:

"Monthly basic pay<sup>1</sup> of grade to which member is entitled under section 1372 or to which he was entitled on day before retirement or placement on temporary disability retired list, whichever is higher, increased, for members credited with two or less years of service for basic pay purposes, by 6%.<sup>4</sup>"

(B) By adding the following footnote at the end of section 1401:

70A Stat. 106.

"<sup>4</sup> For an officer who served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, compute at the highest rates of basic pay applicable to him while he served in that office."

(8) Column 1 of formulas C and D of sections 3991 and 8991 are each, respectively, amended to read as follows:

70A Stat. 232, 556.

"Monthly basic pay<sup>1</sup> to which member was entitled on day before he retired."

(9) Section 6326 (c) (2) is amended by striking out the words "grade in which retired" and inserting the words "pay grade in which he was serving on the day before retirement" in place thereof.

Enlisted personnel.  
Thirty-year service.  
70A Stat. 395.

The amendments made by clauses (1)–(3), (6), (7), (8), and (9) of this section do not apply to any person who is retired, or to whom retired pay (including temporary disability retired pay) is granted, before the effective date of this Act.

Continuation of  
pay.  
Provisions.

50 USC app. 1691,  
1692 notes.  
34 USC 1 note.  
64 Stat. A224.

General or ad-  
miral.

Lieutenant gen-  
eral or vice ad-  
miral.

Repeal.  
5 USC 2208.

Effective date.

Savings pro-  
visions.

70 Stat. 862.  
38 USC 1112.

Computation of  
retired pay.  
70A Stat. 106.

SEC. 7. (a) Notwithstanding any other provision of law, each officer entitled to pay and allowances under any of the following provisions of law shall continue to receive the pay and allowances to which he was entitled on the day before the effective date of this Act:

- (1) The Act of March 23, 1946 (60 Stat. 59).
- (2) The Act of June 26, 1948 (62 Stat. 1052).
- (3) The Act of September 18, 1950 (Private Law 957, Eighty-first Congress).

(b) Notwithstanding any other provision of law except subsection (a) of this section and sections 3 (b) and 6 (5) of this Act, the retired pay of any officer entitled to retired pay on the day before the effective date of this Act who served on active duty before that date in the grade of general or admiral for a period of at least 180 days, shall, unless he is entitled to a higher amount under some other provision of law, be recomputed on the basis of the monthly basic pay of pay grade O-8 for the cumulative years of service creditable to him on the day before the effective date of this Act, plus \$200, multiplied by the number of years of service creditable to him for use as a multiplier in computing his retired pay, multiplied by 2½ per centum, but not to exceed a total of 75 per centum of such monthly basic pay as increased by \$200, plus 6 per centum of the product thereof.

(c) Notwithstanding any other provision of law except subsection (a) of this section and sections 3 (b) and 6 (5) of this Act, the retired pay of any officer entitled to retired pay on the day before the effective date of this Act who served on active duty before that date in the grade of lieutenant general or vice admiral for a period of at least 180 days, shall, unless he is entitled to a higher amount under some other provision of law, be recomputed on the basis of the monthly basic pay of pay grade O-8 for the cumulative years of service creditable to him on the day before the effective date of this Act, plus \$100, multiplied by the number of years of service creditable to him for use as a multiplier in computing his retired pay, multiplied by 2½ per centum, but not to exceed a total of 75 per centum of such monthly basic pay as increased by \$100, plus 6 per centum of the product thereof.

SEC. 8. Section 110 of the Federal Executive Pay Act of 1956 (70 Stat. 740) is repealed.

SEC. 9. This Act becomes effective on the first day of the month following the month in which it is enacted.

SEC. 10. The enactment of this Act shall not operate to reduce—

- (1) the basic pay or retired pay to which a member or former member of a uniformed service was entitled on the day before the effective date of this Act; or
- (2) the rate of dependency and indemnity compensation under section 202 of the Servicemen's and Veterans' Survivor Benefits Act which any person was receiving on the day before the effective date of this Act or which thereafter becomes payable for that day by reason of a subsequent determination.

SEC. 11. (a) Title 10, United States Code, is amended as follows:

(1) Chapter 71 is amended—

(A) by adding the following new section at the end thereof:

“§ 1405. Years of service

“For the purposes of section 1401 (formula 4), 3888 (1), 3927 (b) (1), 3991 (formula B), 6151 (b), 6325 (a) (2) and (b) (2), 6381 (a) (2), 6383 (c) (2), 6390 (b) (2), 6394 (g) (2), 6396 (c) (2), 6398

(b) (2), 6399 (c) (2), 6400 (b) (2), 8888 (1), 8927 (b) (1), or 8991 (formula B) of this title, the years of service of a member of the armed forces are computed by adding—

“(1) his years of active service;

“(2) the years of service credited to him under section 233

(a) (7) of title 37;

“(3) the years of service, not included in clause (1) or (2) with which he was entitled to be credited, on the day before the effective date of this section, in computing his basic pay; and

“(4) the years of service, not included in clause (1), (2), or (3), with which he would be entitled to be credited under section 1333 of this title, if he were entitled to retired pay under section 1331 of this title.

For the purpose of this section, a part of a year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded.”; and

(B) by adding the following new item at the end of the analysis:

“1405. Years of service.”

(2) Formula 4 of section 1401 is amended by striking out the words “in computing basic pay” and inserting the words “under section 1405 of this title” in place thereof.

(3) Section 3888 (1) is amended by striking out the words “credited to him in computing his basic pay” and inserting the words “that may be credited to him under section 1405 of this title” in place thereof.

(4) Section 3927 (b) (1) is amended by striking out the words “credited to him in computing his basic pay” and inserting the words “that may be credited to him under section 1405 of this title” in place thereof.

(5) Formula B of section 3991 is amended by striking out the words “credited to him in determining basic pay” and inserting the words “credited to him under section 1405 of this title” in place thereof.

(6) The following sections are amended by striking out the words “creditable for basic pay” wherever they appear therein and inserting the words “that may be credited to him under section 1405 of this title” in place thereof:

(A) 6151 (b).

(B) 6325 (a) (2) and (b) (2).

(C) 6381 (a) (2).

(D) 6383 (c) (2).

(E) 6390 (b) (2).

(F) 6394 (g) (2).

(G) 6396 (c) (2).

(H) 6398 (b) (2).

(I) 6399 (c) (2).

(J) 6400 (b) (2).

(7) Section 8888 (1) is amended by striking out the words “credited to him in computing his basic pay” and inserting the words “that may be credited to him under section 1405 of this title” in place thereof.

(8) Section 8927 (b) (1) is amended by striking out the words “credited to him in computing his basic pay” and inserting the words “that may be credited to him under section 1405 of this title” in place thereof.

(9) Formula B of section 8991 is amended by striking out the words “credited to him in determining basic pay” and inserting the words “credited to him under section 1405 of this title” in place thereof.

63 Stat. 525.

Coast and Geodetic Survey.

Ante, p.130.

(b) Section 423 of title 14, United States Code, is amended by striking out the words "for which he was entitled to credit in the computation of his pay when last on active duty" and inserting the words "that may be credited to him under section 1405 of title 10" in place thereof.

(c) Section 16 (a) of the Act of June 3, 1948, chapter 390 (33 U. S. C. 853o (a)), is amended by striking out the words "for which entitled to credit in the computation of his pay while on active duty" and inserting the words "that may be credited to him under section 1405 of title 10, United States Code, as if his service were service as a member of the armed forces" in place thereof.

Approved May 20, 1958.

## Public Law 85-423

May 22, 1958  
[H. R. 7300]

### AN ACT

To amend section 15 of the District of Columbia Alcoholic Beverage Control Act.

D. C., alcoholic  
beverage licenses.

48 Stat. 328, 974.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 15 of the District of Columbia Alcoholic Beverage Control Act, as amended (sec. 25-116, District of Columbia Code, 1951 edition), is amended by inserting "(a)" immediately after "SEC. 15."; by inserting "(b)" immediately before the second paragraph; and by adding thereto the following new subsections:

"(c) The provisions of subsection (a) of this section shall not apply in any case where an application is made for the issuance or transfer of a retailer's license for a place of business conducted in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission if the zoning of such place of business was changed from a less restricted use to such residential use during a period when a license of the same class for which application is made was in effect at such place of business: *Provided*, That a license of the same class at such place of business is in effect on the date the application for the new license, or transfer, is filed.

"(d) The provisions of subsection (b) of this section shall not apply in any case where an application is made for the issuance or transfer of a wholesaler's or manufacturer's license for a place of business conducted in a residential- or first commercial-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission if the zoning of such place of business was changed from a less restricted use to such residential- or first commercial-use during a period when a license of the same class for which application is made was in effect at such place of business: *Provided*, That a license of the same class at such place of business is in effect on the date the application for the new license, or transfer, is filed.

"(e) Nothing contained in this section shall be construed as entitling a licensee to any preferential treatment or be construed as making inapplicable any provision in any other section of this Act, in any case where an application is made pursuant to this section for the issuance or transfer of a retailer's license for a place of business conducted in a residential-use district, or for the issuance or transfer of a wholesaler's or manufacturer's license for a place of business conducted in a residential- or first commercial-use district, as such districts are defined in the zoning regulations and shown in the official atlases of the Zoning Commission, and the applicant for the issuance or transfer of any of the said licenses is the holder of a similar license for any of the said places of business in effect on the date the application for the new license, or transfer, is filed."

Approved May 22, 1958.