

Public Law 85-795

AN ACT

To encourage and authorize details and transfers of Federal employees for service with international organizations.

August 28, 1958
[S. 4004]

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 "Federal Employees International Organization Service Act."

Federal Employees International Organization Service Act.

DEFINITIONS

SEC. 2. As used in this Act—

(1) "International organization" means every public international organization or international-organization preparatory commission in which the United States Government participates.

(2) "Federal agency" means any department or agency in the executive branch of the United States Government including independent establishments and Government owned or controlled corporations, and any employing authority in the legislative branch of the United States Government.

(3) "Employee" means any civilian appointive officer or employee in or under the executive or the legislative branch of the United States Government.

(4) "Congressional employee" means those included in the definition of that term contained in the Civil Service Retirement Act.

(5) "Transfer" means the change of position by an employee from a Federal agency to an international organization.

(6) "Detail" means the assignment or loan of an employee to an international organization without the employee's transfer from the Federal agency by which he is employed.

(7) "Reemployment" means either the reemployment of an employee pursuant to section 4 (a) (5), or the reemployment of a Congressional employee within ninety days from the date of his separation from the international organization, following a term of employment not extending beyond the period specified by the head of the Federal agency at the time of consent to transfer or, in the absence of such a specified period, not extending beyond the first three consecutive years of his entering the employ of the international organization.

70 Stat. 743.
5 USC 2251 et seq.

DETAILS

SEC. 3. (a) The head of any Federal agency is authorized to detail for a period not exceeding three years any employee of his department or agency to an international organization requesting services.

(b) Any employee while so detailed shall be considered for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits, to be an employee of the Federal agency from which detailed and he shall continue to receive compensation, allowances, and benefits from funds available to that agency. The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section 1765 of the Revised Statutes.

(c) Details may be made under this section—

(1) without reimbursement to the United States by the international organization; or

(2) with agreement by the international organization to reimburse the United States for compensation, travel expenses, and allowances, or any part thereof, payable during the period of detail in accordance with subsections (a) and (b), and such reim-

5 USC 70.

bursement shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, or allowances.

62 Stat. 793.

(d) Nothing in section 1914 of title 18, United States Code, relative to augmenting salaries of Government employees shall prevent an employee detailed under this section from being paid or reimbursed by an international organization for allowances or expenses incurred in the performance of duties required by the detail.

TRANSFERS

SEC. 4. (a) Notwithstanding the provisions of any law, Executive order, or regulation, any employee serving under a Federal appointment not limited to one year or less who transfers to an international organization is entitled to the following, if the transfer is made with the consent of the head of his agency, except that the provisions of paragraph (5) relating to reemployment rights, and the provisions of paragraph (6) relating to rates of basic compensation payable upon reemployment shall not apply to Congressional employees:

Retirement.

(1) To retain coverage and all rights and benefits under any system established by law for the retirement of civilian employees of the United States, if all necessary employee deductions and agency contributions in payment for such coverage, rights, and benefits for the period of employment with the international organization are currently deposited in the system's fund or depository, and for such purpose service as an officer or employee of the international organization shall be considered to be creditable service under any such system.

Life insurance.
68 Stat. 736.
5 USC 2091 note.

(2) To retain coverage and all rights and benefits under the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U. S. C., ch. 24), if all necessary employee deductions and agency contributions in payment for such coverage, rights, and benefits for the period of employment with the international organization are currently deposited in the Employees' Life Insurance Fund created by section 5 (c) of the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U. S. C. 2094 (c)), and for such purpose service as an officer or employee of the international organization shall be considered to be service as an officer or employee of the United States.

68 Stat. 738.

Disability compensation.
39 Stat. 742; 63 Stat. 854.
5 USC 751 note.

(3) To retain coverage and all rights and benefits under the Federal Employees' Compensation Act, as amended (5 U. S. C., ch. 15), and for this purpose his employment with the international organization shall be deemed to be employment by the United States. However, in any case in which the injured employee, or his dependents in case of death, receives from the international organization any payment (including any allowance, gratuity, payment under an insurance policy for which the premium is wholly paid by that organization, or other benefit of any kind), on account of the same injury or death, the amount of such payments shall be credited against any benefits payable under the Federal Employees' Compensation Act as follows: (A) payments on account of injury or disability shall be credited against disability compensation payable to the injured employee; and (B) payments on account of death shall be credited against death compensation payable to dependents of the deceased employee.

Annual leave.

(4) To elect to retain to his credit all accumulated and current accrued annual leave to which entitled at the time of transfer to an international organization which would otherwise be liquidated by a lump-sum payment. On the request of an employee at any time prior to reemployment, payment shall be made for all of the leave retained. In any case in which an employee receives a lump-sum payment and reemployment occurs within six months following the date

of the transfer, such employee shall refund to the Federal agency the amount of the lump-sum payment. This subsection shall under no circumstances operate so as to cause a forfeiture of retained leave following reemployment or to deprive an employee of any lump-sum payment to which he would otherwise be entitled.

(5) To be reemployed within thirty days of his application for reemployment in his former position or a position of like seniority, status, and pay in the agency from which he transferred, if he is separated from the international organization within three years after the date on which he entered on duty with the international organization, or within such shorter period as may be specified by the head of the Federal agency at the time of consent to transfer, and he applies for reemployment not later than ninety days after the separation.

Reemployment rights.

(6) Upon reemployment, to the rate of basic compensation to which he would be entitled had he remained in the Federal service. Upon reemployment, the sick leave account of the employee shall be restored by credit or charge to its status at the time he left the Federal service; and the period of separation caused by his employment with the international organization and the period necessary to effect reemployment shall be considered creditable service for all appropriate Federal employment purposes.

Sick leave.

(b) During the employee's period of service with the international organization, the agency contribution for retirement and insurance purposes may be made from the appropriations or funds of the Federal agency from which the employee transferred.

Agency contributions.

(c) All computations under this Act prior to reemployment shall be made in the same manner as if the employee had received basic compensation (or basic compensation plus additional compensation in the case of a congressional employee) at the rate at which it would have been payable had the employee continued in the position in which he was serving at the time of his transfer.

Rate of compensation.

(d) The provisions of this section shall apply only with respect to so much of any period of employment with an international organization as does not exceed three years or such shorter period as may be specified by the head of the Federal agency from which the employee is transferred at the time of consent to transfer, except that for retirement and insurance purposes this section shall continue to apply during the period in which a congressional employee is effecting or could effect a reemployment or an employee other than a congressional employee is properly exercising or could exercise the reemployment right established by subsection (a) (5). During that reemployment period, the employee shall be considered to be on leave without pay for retirement and insurance purposes.

Applicability.

REGULATIONS

SEC. 5. The President is authorized to prescribe the necessary rules and regulations to carry out the provisions of this Act and to protect and assure the retirement, insurance, leave, and reemployment rights and such other similar Federal employment rights as he may find appropriate. These regulations may provide for the exclusion of employees from coverage hereunder on the basis of the nature and type of employment such as, but not limited to, excepted appointments of a confidential or policy-determining character, or conditions pertaining to the employment such as, but not limited to, short-term appointments, seasonal or intermittent employment, and part-time employment.

EFFECTIVE DATE

SEC. 6. This Act shall take effect on the date of its enactment except that any present employee of an international organization who entered on duty with the organization by transfer under Executive Order 9721 of May 10, 1946, as amended by Executive Order 10103 of February 1, 1950, or under the International Atomic Energy Agency Participation Act of 1957, not earlier than three years prior to the date of enactment, may elect to have coverage hereunder for the remainder of the three-year term if the head of the Federal agency from which he transferred consents to that coverage.

3 CFR, 1943-
1948 Comp., p.
528.
3 CFR, 1950
Supp., p. 81.
71 Stat. 453.
22 USC 2021
note.

REPEAL PROVISION

SEC. 7. Section 6 (a) of the International Atomic Energy Agency Participation Act of 1957 (22 U. S. C. 2025 (a)), is repealed except that it shall be considered to remain in effect with respect to any employee subject thereto who is serving as an employee of the International Atomic Energy Agency on the date of enactment of this Act and who does not make the election referred to in section 6, and for the purposes of any rights and benefits vested thereunder prior to such date.

Approved August 28, 1958.

Public Law 85-796

AN ACT

To amend sections 1461 and 1462 of title 18 of the United States Code.

August 28, 1958
[H. R. 6239]

Crimes and of-
fenses.
Obscene and
crime-inciting mat-
ter.
62 Stat. 768.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the eighth paragraph of section 1461 of title 18 of the United States Code is amended to read as follows: "Whoever knowingly uses the mails for the mailing, carriage in the mails, or delivery of anything declared by this section to be nonmailable, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, or knowingly takes any such thing from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than \$5,000 or imprisoned not more than five years, or both; for the first such offense, and shall be fined not more than \$10,000 or imprisoned not more than ten years, or both, for each such offense thereafter."

64 Stat. 194.

SEC. 2. (a) The first paragraph of section 1462 of title 18 of the United States Code is amended to read as follows:

"Whoever brings into the United States, or any place subject to the jurisdiction thereof, or knowingly uses any express company or other common carrier, for carriage in interstate or foreign commerce—"

(b) That paragraph of such section 1462 which begins with the words "Whoever knowingly takes" is amended to read as follows: "Whoever knowingly takes from such express company or other common carrier any matter or thing the carriage of which is herein made unlawful—"

(c) The last paragraph of such section 1462 is amended to read as follows: "Shall be fined not more than \$5,000 or imprisoned not more than five years, or both, for the first such offense and shall be fined not more than \$10,000 or imprisoned not more than ten years, or both, for each such offense thereafter."

Penalty.

Approved August 28, 1958.