

Public Law 86-769

AN ACT

To amend sections 22, 23, and 24, title 13, United States Code, and for other purposes.

September 13, 1960
[H. R. 12043]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 22 of title 13 of the United States Code is amended to read as follows:

Census Bureau.
Positions.

“§ 22. Qualifications of permanent personnel

“All permanent officers and employees of the Bureau shall be citizens of the United States.”

SEC. 2. Section 23 of title 13 of the United States Code is amended to read as follows:

68 Stat. 1014.

“§ 23. Additional officers and employees

“(a) The Secretary may establish, at rates of compensation to be fixed by him without regard to the Classification Act of 1949, as many temporary positions as may be necessary to meet the requirements of the work provided for by law. Bureau employees who are transferred to any such temporary positions shall not lose their permanent civil service status by reason of the transfer. The Secretary may make appointments to such temporary positions in conformity with the civil service laws and rules.

Temporary posi-
tions.
63 Stat. 954.
5 USC 1071note.

“(b) In addition to employees of the Department of Commerce, employees of other departments and independent offices of the Government may, with the consent of the head of the respective department or office, be employed and compensated for field work in connection with the work provided for by law.”

Employees from
other departments.

SEC. 3. Section 24 of title 13 of the United States Code is amended to read as follows:

68 Stat. 1015.

“§ 24. Special employment provisions

“(a) The Secretary may utilize the services of nontemporary employees of the Bureau (by assignment, promotion, appointment, detail, or otherwise) in temporary positions established for any census, for not to exceed the period during which appropriations are available for that census. Whenever the Secretary determines that the services of an employee which have been utilized under this section are no longer required in such a temporary position, he may, without regard to the provisions of any other law, return the employee to a continuing position, with rank and compensation not less than that which he held in his last permanent position in the Bureau: *Provided*, That no employee shall, by reason of his service in a temporary position under this subsection, lose the protection of any law or regulation with respect to his separation, suspension, furlough, or reduction in rank or compensation below the level held in his last permanent position in the Bureau. Service by a nontemporary employee in a temporary position under this subsection shall be creditable for step-increases (both periodic and longevity) under title VII of the Classification Act of 1949, as amended, as though it were a continuation of service in his last permanent position.

Permanent em-
ployees in tempo-
rary positions.

“(b) As used in this title with respect to appointments or positions, ‘temporary’ shall be construed to mean not in excess of one year, or not in excess of the specific period during which appropriations are available for the conduct of a particular census, whichever is longer. No employee of the Bureau who holds only a temporary appointment within the meaning of this section shall be considered as other than strictly temporary for purposes of any other provision of law relating to separations, suspensions, or reductions in rank or compensation.

63 Stat. 967.
5 USC 1121-
1125.
“Temporary.”

Enlisted men and officers.

Compensation fixing, etc.

63 Stat. 166.

Travel expenses.

Positions exempt.

63 Stat. 954.

68 Stat. 1014.

"(c) The enlisted men and officers of the uniformed services may be appointed and compensated for service in temporary enumerator positions for the enumeration of personnel of the uniformed services.

"(d) The Secretary may fix compensation on a piece-price basis without limitation as to the amount earned per diem, and payments may be made to enumerators for the use of private automobiles on official business without regard to section 4 of the Travel Expense Act of 1949, as amended (5 U.S.C. 837), but at rates not in excess of the rates provided by that Act.

"(e) The Secretary may authorize the expenditure of necessary sums for travel expenses of persons selected for appointment for attendance at training courses held by the Department of Commerce with respect to any of the work provided for by law."

SEC. 4. Section 202 of the Classification Act of 1949, as amended (5 U.S.C. 1082), is further amended by adding the following paragraph:

"(35) Temporary positions in the Bureau of the Census established under section 23 of title 13, United States Code, and enumerator positions in the Bureau of the Census."

Approved September 13, 1960.

Public Law 86-770

AN ACT

September 13, 1960
[H. R. 5396]

To amend title 28 of the United States Code to provide for transfer of cases between the district courts and the Court of Claims and for other purposes.

Courts, transfer of cases.
62 Stat. 937.

District court.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1406 of title 28 of the United States Code is amended by adding at the end thereof the following new subsection:

"(c) If a case within the exclusive jurisdiction of the Court of Claims is filed in a district court, the district court shall, if it be in the interest of justice, transfer such case to the Court of Claims, where the case shall proceed as if it had been filed in the Court of Claims on the date it was filed in the district court."

SEC. 2. (a) Chapter 91 of title 28 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1506. Transfer to cure defect of jurisdiction.

"If a case within the exclusive jurisdiction of the district courts is filed in the Court of Claims, the Court of Claims shall, if it be in the interest of justice, transfer such case to any district court in which it could have been brought at the time such case was filed, where the case shall proceed as if it had been filed in the district court on the date it was filed in the Court of Claims."

(b) The analysis of chapter 91 of title 28 of the United States Code is amended by adding at the end thereof the following:

"Sec. 1506. Transfer to cure defect of jurisdiction."

SEC. 3. The first sentence of section 2 of the Act of March 9, 1920 (title 46, U.S.C. 742), is amended to read as follows:

"In cases where if such vessel were privately owned or operated, or if such cargo were privately owned or possessed, or if a private person or property were involved, a proceeding in admiralty could be maintained, any appropriate nonjury proceeding in personam may be brought against the United States or against any corporation mentioned in section 1 of this Act."

41 Stat. 525.

Maritime claims.