

Public Law 87-233

AN ACT

September 14, 1961
[S. 685]

To amend the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended, and for other purposes.

Coast and Geo-
detic Survey Com-
missioned Offi-
cers' Act of 1948,
amendment.
62 Stat. 297.Active duty.
Authorized num-
ber.

33 USC 853e.

Appointment and
promotion.

33 USC 853f.

33 USC 852a,
852b, 851a, 854a-
854c, 864b, 864c.

Motor vehicle.

Original appoint-
ments.

Regulations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Coast and Geodetic Survey Commissioned Officers Act of 1948 (33 U.S.C. 853a-853r), as amended, is further amended by:

(a) Adding at the end of section 2 a new subsection reading as follows:

"(e) The total number of officers on active duty as authorized by law may be temporarily exceeded provided that the average number on active duty for the fiscal year shall not exceed the authorized number."

(b) Amending section 6(a) to delete the proviso added by the Act of June 21, 1955 (ch. 172, 69 Stat. 169, sec. 4).

(c) Redesignating section 12 as section 13.

(d) Adding a new section 12 reading as follows:

"SEC. 12. (a) Temporary appointment in the grade of ensign may be made by the President alone, provided such temporary appointment will be terminated at the close of the next regular session of the Congress unless confirmed by the Senate.

"(b) Officers in the permanent grade of ensign may be temporarily promoted to and appointed in the grade of lieutenant junior grade by the President alone whenever vacancies exist in higher grades.

"(c) When deemed necessary or desirable by the Secretary of Commerce to be in the best interest of the service, officers in any permanent grade may be temporarily promoted one grade by the President alone provided such temporary promotion will terminate upon the transfer of the officer to a new assignment, and further provided the number of officers holding temporary promotions under authority of this subsection shall not exceed the whole number nearest 1½ per centum of the total number of officers authorized to be on active duty."

(e) Redesignating section 13 as section 14, striking the word "thirty" and substituting the word "twenty" in lieu thereof.

(f) Redesignating sections 20 and 21 as sections 21 and 22 respectively.

(g) Adding a new section 20 reading as follows:

"SEC. 20. Notwithstanding the provisions of section 209 of the Act of June 30, 1932 (ch. 314, 47 Stat. 405, 5 U.S.C. 73c) when any commissioned officer of the Coast and Geodetic Survey is ordered to make a permanent change of station, one motor vehicle owned by him for his personal use may be transported to his new station on a Government-owned vessel or as otherwise authorized by law. Expenses incurred by virtue of this subsection shall be payable from the appropriation available for transportation of household effects."

(h) Adding a new section 23 as follows:

"SEC. 23. (a) Original appointments may be made in grades up to and including lieutenant after passage of a mental and physical examination given in accordance with regulations prescribed by the Secretary of Commerce: *Provided*, That the President, under such regulations as he may prescribe, may revoke the commission of any officer appointed under this section during his first three years of service if he is found not qualified for the service.

"(b) Any person appointed under authority of this section shall be placed on the lineal list of active duty officers in a position com-

mensurate with his age, education, and experience in accordance with regulations prescribed by the Secretary of Commerce.

“(c) (1) For the purposes of basic pay any person appointed under this section to the grade of lieutenant or lieutenant (junior grade) shall be considered as having, on date of appointment, three years or one and one-half years service respectively.

“(2) If a person appointed under this section is entitled to credit for the purpose of basic pay under other provision of law which would exceed that authorized by subsection (c) (1) he shall be credited with that service in lieu of the credit provided by subsection (c) (1).”

SEC. 2. Section 1(r) of the Civil Service Retirement Act, as amended (5 U.S.C. 2251(r)), is further amended by inserting after “the Regular Corps or Reserve Corps of the Public Health Service”, the phrase “or, after June 30, 1961, as a commissioned officer of the Coast and Geodetic Survey.”

70 Stat. 743; 74 Stat. 35.

SEC. 3. Section 304(c) of the Career Compensation Act of 1949, as amended (37 U.S.C. 254(c)), is further amended by inserting the words “or as Director of the Coast and Geodetic Survey” after the words “Surgeon General of the Public Health Service.”

63 Stat. 816; 72 Stat. 127.

SEC. 4. Section 3(A) of the Act of August 10, 1956, as amended (33 U.S.C. 857(a)) (70A Stat. 618) is further amended by redesignating subsection 8 as subsection 9 and adding a new subsection 8 reading as follows:

73 Stat. 358.

“(8) Sections 2731, 2732, and 2735, property loss incident to service.”

10 USC 2731, 2732, 2735.

Approved September 14, 1961.

Public Law 87-234

AN ACT

For the relief of certain members of the Army National Guard of the United States and the Air National Guard of the United States.

September 14, 1961
[S. 935]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15 through 20, inclusive, of the Federal Employees' Compensation Act, as amended (U.S.C., title 5, secs. 765-770), are hereby waived with respect to cases involving those members of the Army National Guard and the Air National Guard of the United States alleged to have suffered disability or death from compensable causes which arose during the period from August 7, 1947, to December 31, 1956, inclusive, and their claims or the claims of their dependents for compensation by reason of the Act of July 15, 1939 (5 U.S.C. 797, 797a), are authorized and directed to be considered and acted upon under the remaining provisions of the Federal Employees' Compensation Act, as amended and extended to members of military reserve components, if filed with the Department of Labor (Bureau of Employees' Compensation) within one year from the date of enactment of this Act.

Army and Air National Guard. Disability or death claims. 39 Stat. 746.

53 Stat. 1042; 70 Stat. 886.

SEC. 2. Notwithstanding the provisions of section 206(b) (1) of the Servicemen's and Veterans' Survivor Benefits Act any person whose rights may be affected by section 1 of this Act may receive any benefits to which he should be found eligible under the Federal Employees' Compensation Act provided he makes the election required under section 7 thereof. In the event of such an election, any benefit amounts received under any other Act for the same death shall be deducted from amounts payable for similar purposes under the Federal Employees' Compensation Act.

70 Stat. 865; 72 Stat. 1274.

5 USC 757.

Approved September 14, 1961.