

[CHAPTER 389]

AN ACT

To authorize payments to the public school district or districts serving the Fort Peck project, Montana, for the education of dependents of persons engaged on that project.

June 3, 1948
[H. R. 4201]
[Public Law 586]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, under regulations prescribed by the Secretary of the Army, payments may be made, in advance or otherwise, from any funds available for the Fort Peck project, Montana, to the school district or districts serving that project as reimbursement for educational facilities (including, where appropriate, transportation to and from school) furnished by the said district or districts to pupils who are dependents of persons engaged in the construction, operation, and maintenance of the project and living at or near Fort Peck upon real property of the United States not subject to taxation by State or local agencies and upon which payments in lieu of taxes are not made by the United States, which payments for any school year shall not exceed that part of the cost of operating and maintaining such facilities which the number of pupils aforesaid in average daily attendance during that year bears to the whole number of pupils in average daily attendance at those schools during that year: *Provided*, That of the whole amount so paid in any fiscal year, the Bureau of Reclamation, Department of the Interior, shall reimburse the Secretary of the Army from the continuing fund provided in Section 10 of the Act of May 18, 1938 (52 Stat. 403), that part which is properly chargeable as an operation expense incident to the generation and transmission of power delivered to the Bureau under that Act.

Fort Peck project,
Mont.
Payments to school
districts.

Reimbursement to
Secretary of Army.

16 U. S. C. § 833i.

Approved June 3, 1948.

[CHAPTER 390]

AN ACT

To provide for the distribution, promotion, separation, and retirement of commissioned officers of the Coast and Geodetic Survey, and for other purposes.

June 3, 1948
[H. R. 4393]
[Public Law 587]

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

SHORT TITLE

SECTION 1. That this Act may be cited as the "Coast and Geodetic Survey Commissioned Officers' Act of 1948".

Coast and Geodetic
Survey Commissioned
Officers' Act of 1948.

AUTHORIZED NUMBERS IN GRADES

SEC. 2. (a) Of the total authorized number of commissioned officers on the active list of the Coast and Geodetic Survey, there are authorized numbers in permanent grade, in relative rank with officers of the Navy, in the proportion of eight in the grade of captain, to fourteen in the grade of commander, to nineteen in the grade of lieutenant commander, to twenty-three in the grade of lieutenant, to eighteen in the grade of lieutenant (junior grade), to eighteen in the grade of ensign.

(b) Whenever a final fraction occurs in computing the authorized number of officers in any grade, the nearest whole number shall be taken, and if such fraction be one-half the next higher whole number shall be taken: *Provided*, That the total number of officers as authorized by law shall not be increased as the result of the computations prescribed herein, and if necessary the number of officers in the lowest grade shall be reduced accordingly.

Fractions in computa-
tion.

(c) No officer shall be reduced in grade or pay or separated from the active list as the result of any computations made to determine the authorized number of officers in the various grades.

Vacancies.

(d) Nothing in this section shall be construed as requiring the filling of any vacancy or as prohibiting additional numbers in any grade to compensate for vacancies existing in higher grades.

PROMOTION AND SEPARATION OF OFFICERS

SEC. 3. Promotion to fill vacancies in all permanent grades above that of lieutenant (junior grade) shall be made by selection from the next lower respective grades upon recommendation of the personnel board hereinafter provided for.

Lieutenant (jg) and lieutenant.

SEC. 4. Irrespective of any vacancies, each officer in the permanent grade of lieutenant (junior grade) and lieutenant shall be considered by the personnel board for promotion to the grade of lieutenant and lieutenant commander in sufficient time so that, if found fully qualified, such officer may be promoted to and appointed in such grade upon completion of seven and fourteen years of service, respectively. All promotions under this section shall be made on the date on which the required service is completed, and the authorized number of officers in the grade of lieutenant and lieutenant commander shall be temporarily increased, if necessary, to authorize such appointments: *Provided*, That an officer found not fully qualified in accordance with this section may be promoted on such later date on which he may be found fully qualified.

Nonqualified officer.

Lieutenant commander and commander.

SEC. 5. Irrespective of any vacancies, any officer in the permanent grade of lieutenant commander who has completed twenty-one years of service and any officer in the permanent grade of commander who has completed thirty years of service may be considered by the personnel board at any time for promotion to the grade of commander and captain, respectively. If selected, he may be promoted at any time and the authorized number of officers in the grade of commander and captain shall be temporarily increased, if necessary, to authorize such appointments.

Ensign.

SEC. 6. (a) Officers in the permanent grade of ensign shall be promoted to and appointed in the grade of lieutenant (junior grade) on completion of three years of service, and the authorized number of officers in the grade of lieutenant (junior grade) shall from time to time be temporarily increased as necessary to authorize such appointments.

Revocation of commission.

(b) Ensigns who are found not fully qualified at any time shall have their commissions revoked and be separated from the commissioned service.

Lineal list.

SEC. 7. Each officer shall be assumed to have, for promotion purposes, at least the same length of service as any officer below him on the lineal list, except that an officer who has lost numbers shall be assumed to have for promotion purposes no greater service than the officer next above him in his new position on the lineal list.

Retirement or separation.

SEC. 8. As recommended by the personnel board, officers in the permanent grade of captain, commander, and lieutenant commander may be transferred to the retired list and officers in the permanent grade of lieutenant and lieutenant (junior grade) may be separated from the service: *Provided*, That, in any fiscal year, the total number of officers selected for retirement and separation plus the number of officers retired for age shall not exceed the whole number nearest 4 per centum of the total authorized number of commissioned officers on the active list, except as otherwise provided by law: *Provided further*, That all retirements and separations pursuant to this section shall become effective on the first day of the sixth month following the

Limitation.

Date of retirement or separation.

date of approval of the retirement or separation by the Secretary of Commerce, unless the officer concerned requests earlier retirement or separation, in which case the date shall be as determined by the Secretary of Commerce.

SEC. 9. Any officer in the grade of lieutenant or lieutenant (junior grade) who is separated from the service in accordance with section 8 of this Act shall be paid a lump-sum payment computed on the basis of two months' active-duty pay with longevity credit at the time of separation for each year of service, but not to exceed a total of two years' active-duty pay with longevity credit: *Provided*, That for the purpose of this section a fractional year of six months or more shall be considered a full year in computing the number of years of service upon which to base such lump-sum payment.

SEC. 10. (a) Promotions to all permanent grades shall be made by the President, by and with the advice and consent of the Senate.

(b) In time of emergency declared by the President or by the Congress, and in time of war, the President is authorized, in his discretion, to suspend the operation of all or any part or parts of the several provisions of law pertaining to promotion.

SEC. 11. Nothing in this Act shall be construed to modify the provisions of existing law relating to examination of officers for promotion, and no officer shall be promoted until he shall have passed the prescribed examinations.

RETIREMENT OF OFFICERS

SEC. 12. (a) When any commissioned officer serving in a rank below that of rear admiral has attained the age of sixty years, he shall be placed on the retired list: *Provided*, That this subsection shall not become effective until a date six months subsequent to the enactment of this Act, and until such effective date the retirement age for officers serving in a rank below that of rear admiral shall be sixty-two years.

(b) When any officer serving in a rank above that of captain has attained the age of sixty-two years, he shall be placed on the retired list: *Provided*, That the President may, in his discretion, defer placing any such officer on the retired list for the length of time he deems advisable but not later than the date upon which such officer attains the age of sixty-four years.

SEC. 13. When any commissioned officer has completed thirty years of service, he may at any time thereafter, upon his own application, in the discretion of the President, be placed on the retired list.

SEC. 14. When any commissioned officer is found incapacitated for active service and his incapacity is the result of disease or injury incurred in line of duty, he shall, upon approval of the President, be placed on the retired list.

SEC. 15. In computing service for the purpose of retirement of a commissioned officer, there shall be included, in addition to active commissioned service in the Coast and Geodetic Survey, all active service counted on June 30, 1922, for longevity pay, service as authorized in section 2 (b) of the Act of January 19, 1942 (56 Stat. 6), and all service in the Army, Navy, Air Force, Marine Corps, and Coast Guard which is now or hereafter may be authorized by law to be counted for the purpose of retirement of an officer of those services.

SEC. 16. (a) Each commissioned officer on the retired list, except as provided in subsection (b) of this section or in some other provision of law, shall receive retired pay at the rate of 2½ per centum of the active-duty pay with longevity credit of the rank with which retired, multiplied by the number of years of service for which entitled to credit in the computation of his pay while on active duty, not to exceed a total of 75 per centum of said active-duty pay with longevity credit:

Lump-sum payment.

Fractional year.

Senate approval.

Suspension in time of war, etc.

Officers ranking below rear admiral.

Officers ranking above captain.

Voluntary retirement.

Service-incurred disability.

Computation of service.

33 U. S. C. §854a (b).
Post, p. 300.

Retired pay.

- Fractional year. *Provided*, That a fractional year of six months or more shall be considered a full year in computing the number of years of service by which the rate of 2½ per centum is multiplied.
- Disability retirement pay. (b) Each commissioned officer retired for physical disability incurred in line of duty shall receive retired pay at the rate of 75 per centum of the active-duty pay with longevity credit of the rank with which retired.
- Rank on retired list. SEC. 17. (a) Each commissioned officer heretofore or hereafter retired pursuant to any provision of law shall be placed on the retired list with the highest rank, permanent or temporary, held by him while on active duty, if his performance of duty, in the case of temporary rank, has been satisfactory as determined by the Secretary of the department or departments under whose jurisdiction the officer served, and shall receive retired pay based on such higher rank: *Provided*, That for the purposes of this section the words "temporary rank" shall mean temporary rank held prior to June 30, 1946.
- "Temporary rank." (b) Officers on the retired list returned to an inactive status with higher rank pursuant to subsection (a) of this section shall receive retired pay based on such higher rank.
- SEC. 18. Nothing in this Act shall prevent any officer from being placed on the retired list with the highest rank and with the highest retired pay to which he might be entitled under other provision of law.

PERSONNEL BOARD

SEC. 19. At least once a year and at such other times as may be necessary, the Secretary of Commerce shall appoint a personnel board consisting of not less than five officers not below the permanent rank of commander on the active list, to recommend such changes in the lineal list as the board may determine, and to make selections and recommendations for the promotion, separation, and retirement of officers as herein prescribed: *Provided*, That in case any recommendation by the board is not acceptable to the Secretary of Commerce or to the President, the board shall make such further recommendations as shall be acceptable.

AMENDMENTS TO AND REPEAL OF APPOINTMENT, PROMOTION, AND RETIREMENT LAWS

- 33 U. S. C. § 852a. SEC. 20. (a) Section 5 of the Act of February 16, 1929 (45 Stat. 1186), as amended by the Act of March 18, 1936 (ch. 147, 49 Stat. 1164), is hereby further amended by deleting the word "not" in the third line.
- 56 Stat. 8.
33 U. S. C. § 852b. (b) Section 8 of the Act of January 19, 1942 (59 Stat. 8), is hereby amended by deleting the word "not" in the fourth line, by changing the period at the end of the section to a colon, and by adding the words "*Provided further*, That any officer, upon expiration of his appointment as Director or Assistant Director, shall, unless reappointed, revert to the grade and number that he would have occupied had he not served as Director or Assistant Director. Such officer shall be an extra number in his grade and the authorized number of ensigns shall be decreased accordingly."
- Director or Assistant Director. SEC. 21. (a) Sections 1, 2 (except the second proviso of section 2 (b)), 3, 4, 5, and 6 of the Act of January 19, 1942 (59 Stat. 8), are hereby repealed.
- Repeal. (b) The word "physical" in the first line of section 7 of the said Act of January 19, 1942, is hereby amended to read "physical".

Approved June 3, 1948.