

[CHAPTER 858]

AN ACT

October 14, 1940

[S. 3636]

[Public, No. 845]

To amend the National Defense Act, as amended, so as to provide for retirement of assistant chiefs of branches and of wing commanders of the Air Corps with the rank and pay of the highest grade held by such officers as assistant chiefs and wing commanders, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth sentence of section 4c of the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916, as amended by the Act of June 4, 1920 (41 Stat. 762), and as amended by the Act of May 12, 1939 (Public, Numbered 72, Seventy-sixth Congress), be, and the same is hereby, further amended to read as follows:

"Any officer who shall have served four years as chief or assistant chief of a branch or as commanding general of the General Headquarters Air Force or who shall have served two years as wing commander of the Air Corps and who may subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the highest grade held by him as such chief, assistant chief, commanding general, or wing commander."

SEC. 2. Any officer who has heretofore served four years as assistant chief of branch of the Army or who has heretofore served two years as wing commander of the Air Corps and who has been retired in a grade below that of brigadier general, shall, on the date of approval of this Act, be advanced in rank upon the retired list to the highest grade held by him as such assistant chief or wing commander and shall receive the pay and allowances provided by law for such advanced rank.

SEC. 3. No back pay or allowances shall accrue by reason of this Act.

Approved, October 14, 1940.

National Defense Act, amendments.

53 Stat. 740,
10 U. S. C. § 1026;
Supp. V, § 1026.

Retirement of designated officers of Air Corps.

Rank, pay, and allowances.

Assistant chief of branch or wing commander.

Rank, pay, and allowances.

No back pay.

[CHAPTER 859]

AN ACT

To amend the Civil Service Retirement Act and other retirement Acts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 5 of the Civil Service Retirement Act of May 29, 1930 (46 Stat. 472; 5 U. S. C. 707), be amended to read as follows:

"SEC. 5. Subject to the provisions of section 9 hereof, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this Act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, or in the service of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices, or the legislative branch of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included; in the case of an employee who is eligible for and receives a pension on account of non-service-connected disability under laws administered by the Veterans' Administration the minimum period of service necessary to entitle him to pension shall not be included; but in the case of an employee who is eligible for and receives pension or compensation under laws administered by the

October 14, 1940

[H. R. 8621]

[Public, No. 846]

Civil Service Retirement Act of 1930, amendment.

Computation of accredited service.