

## [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

October 14, 1940

[H. R. 8621]

[Public, No. 846]

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

Civil Service Retirement Act of 1930, amendment.

Computation of accredited service.

Veterans' Administration on account of service-connected disability, all honorable military or naval service shall be included; and nothing in this Act shall be construed as to affect in any manner an employee's right to retired pay, pension, or compensation in addition to the annuity herein provided."

SEC. 2. That the first paragraph of section 97 of title 2, Canal Zone Code, be amended to read as follows:

"SEC. 97. COMPUTATION OF ACCREDITED SERVICE.—Subject to the provisions of section 98 of this title, the service which shall form the basis for calculating the amount of any benefit provided in this Article 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 under the municipal government of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices of the Government, and service on the Isthmus of Panama with the Isthmian Canal Commission, the Panama Canal, or the Panama Railroad Company; also periods of service performed overseas and 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 Veterans' Administration on account of service-connected disability, all honorable military or naval service shall be included; and nothing in this Article shall be construed as to affect in any manner an employee's right to retired pay, pension, or compensation in addition to the annuity herein provided."

SEC. 3. That the first paragraph of section 7 of the Act entitled "An Act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States," approved June 29, 1936 (49 Stat. 2021; 5 U. S. C. 745f), as amended by the Act approved August 7, 1939 (Public Law Numbered 320, Seventy-sixth Congress), be further amended to read as follows:

"SEC. 7. Subject to the provisions of section 8 hereof, the service which shall form 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 under the municipal government of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices of the Government and service in Alaska with the Alaskan Engineering Commission and the Alaska Railroad, or of either of them, and service on the Isthmus of Panama with the Isthmian Canal Commission, the Panama Canal, or the Panama Railroad Company; 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

Canal Zone Code, amendment.  
46 Stat. 1476.  
Computation of accredited service.

Alaska Railroad Retirement Act, amendment.

53 Stat. 1246.  
5 U. S. C., Supp. V, § 745f.

Computation of accredited 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 Veterans' Administration on account of service-connected disability, all honorable military or naval service shall be included; and nothing in this Act shall be construed as to affect in any manner an employee's right to retired pay, pension, or compensation in addition to the annuity herein provided."

SEC. 4. That the last clause of paragraph (o) of section 26 of the Act entitled "An Act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor", approved February 23, 1931 (46 Stat. 1213; 22 U. S. C. 21), as amended by the Act of August 5, 1939 (Public Law Numbered 277, Seventy-sixth Congress), be further amended to read as follows: "but in the case of a Foreign Service officer 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 Veterans' Administration on account of service-connected disability, all honorable military or naval service shall be included; and nothing in this Act shall be construed as to affect in any manner an employee's right to retired pay, pension, or compensation in addition to the annuity herein provided".

SEC. 5. This Act shall take effect the 1st day of the month next succeeding the date of enactment. Any person separated from the service prior to such effective date may, upon request, have his claim for retirement adjudicated under the terms of this Act; but no increase in annuity shall be allowed prior to such effective date nor shall this Act be construed so as to reduce the annuity of any person separated prior to its effective date.

Approved, October 14, 1940.

[CHAPTER 860]

AN ACT

To provide for the retirement of certain members of the Metropolitan Police Department of the District of Columbia, the United States Park Police force, the White House Police force, and the members of the Fire Department of the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 12 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes", approved September 1, 1916, is amended by adding after the fourth paragraph of such section a new paragraph to read as follows:

"Whenever any member of the Metropolitan Police Department of the District of Columbia, or of the United States Park Police force, or of the White House Police force, or the Fire Department of the District of Columbia has served twenty-five years or more as a member of such department or police force, or the Fire Department of the District of Columbia, or any combination of such service, or whenever any member of the United States Secret Service, who has served twenty-five years in the service of the United States Government, the

Foreign Service.  
Retirement and disability system.

53 Stat. 1208.  
22 U. S. C. § 21 (o);  
Supp. V, § 21 (o).

Computation of period of service.

Effective date.

October 14, 1940  
[H. R. 8846]  
[Public, No. 847]

District of Columbia.  
Retirement of Metropolitan Police, etc.

39 Stat. 718.

Voluntary retirement.  
Requirements.