

Submarine mines.
Board of Ordnance
and Fortifications.

Submarine mines, Panama Canal, \$231,082.21.
Board of Ordnance and Fortifications, \$230,000.
Total appropriations to be covered into the Treasury, fortifications
and other works of defense, \$800,615,139.13.
Approved, May 21, 1920.

May 22, 1920.

[S. 1699.]

[Public, No. 215.]

CHAP. 195.—An Act For the retirement of employees in the classified civil service, and for other purposes.

Retirement of classi-
fied civil service em-
ployees.
Age and service eli-
gibility.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That beginning at the expiration of ninety days next following the passage of this Act, all employees in the classified civil service of the United States who have on that date, or shall have on any date thereafter, reached the age of seventy years and rendered at least fifteen years of service computed as prescribed in section 3 of this Act, shall be eligible for retirement on an annuity as provided in section 2 hereof: *Provided,* That mechanics, city and rural letter carriers, and post-office clerks shall be eligible for retirement at sixty-five years of age, and railway postal clerks at sixty-two years of age, if said mechanics, city and rural letter carriers, post-office clerks, and railway postal clerks shall have rendered at least fifteen years of service computed as prescribed in section 3 of this Act.

Proviso.
Mechanics, and postal
service employees.

Other specified em-
ployees included.

The provisions of this Act shall include superintendents of United States national cemeteries, employees of the Superintendent of the United States Capitol Buildings and Grounds, the Library of Congress, and the Botanic Gardens, excepting persons appointed by the President and confirmed by the Senate, and may be extended by Executive order, upon recommendation of the Civil Service Commission, to include any employee or group of employees in the civil service of the United States not classified at the time of the passage of this Act. The President shall have power, in his discretion, to exclude from the operation of this Act any employee or group of employees in the classified civil service whose tenure of office or employment is intermittent or of uncertain duration.

Extension author-
ized.

Discretionary exclu-
sion.

District of Columbia
employees included.

All regular annual employees of the municipal government of the District of Columbia, appointed directly by the commissioners, or by other competent authority including those receiving per diem compensation paid out of general appropriations, but whose services are continuous, and including public-school employees, excepting school officers and teachers, shall be included in the provisions of this Act, but members of the police and fire departments shall be excluded therefrom.

Exceptions.

Ante, pp. 363, 387,
396.

Postmasters and
Lighthouse employees
not included.
Vol. 40, p. 608.

Postmasters, and such employees of the Lighthouse Service as come within the provisions of section 6 of the Act of June 20, 1918, entitled, "An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," shall not be included in the provisions of this Act.

Classification and
rates for annuities.

SEC. 2. That for the purpose of determining the amount of annuity which retired employees shall receive, the following classifications and rates shall be established:

Class A.
Service of 30 years
or more.

Class A shall include all employees to whom this Act applies who shall have served the United States for a total period of thirty years or more. The annuity to a retired employee in this class shall equal 60 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire: *Provided,* That in no case shall an annuity in this class exceed \$720 per annum or be less than \$360 per annum.

Proviso.
Maximum and min-
imum.

Class B shall include all employees to whom this Act applies who shall have served the United States for a total period of twenty-seven years or more, but less than thirty years. The annuity to a retired employee in this class shall equal 54 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed \$648 per annum, or be less than \$324 per annum.

Class B.
Between 27 and 30
years.

Proviso.
Maximum and min-
imum.

Class C shall include all employees to whom this Act applies who shall have served the United States for a total period of twenty-four years or more, but less than twenty-seven years. The annuity to a retired employee in this class shall equal 48 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed \$576 per annum, or be less than \$288 per annum.

Class C.
Between 24 and 27
years.

Proviso.
Maximum and min-
imum.

Class D shall include all employees to whom this Act applies who shall have served the United States for a total period of twenty-one years or more, but less than twenty-four years. The annuity to a retired employee in this class shall equal 42 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed \$504 per annum, or be less than \$252 per annum.

Class D.
Between 21 and 2
years.

Proviso.
Maximum and min-
imum.

Class E shall include all employees to whom this Act applies who shall have served the United States for a total period of eighteen years or more, but less than twenty-one years. The annuity to a retired employee in this class shall equal 36 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed \$432 per annum, or be less than \$216 per annum.

Class E.
Between 18 and 21
years.

Proviso.
Maximum and min-
imum.

Class F shall include all employees to whom this Act applies who shall have served the United States for a total period of fifteen years or more, but less than eighteen years. The annuity to a retired employee in this class shall equal 30 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed \$360 per annum, or be less than \$180 per annum.

Class F.
Between 15 and 18
years.

Proviso.
Maximum and min-
imum.

The term "basic salary, pay, or compensation" wherever used in this Act shall be so construed as to exclude from the operation of the Act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the positions as fixed by law or regulation.

Bonuses, etc., ex-
cluded from basic pay.

SEC. 3. That for the purposes of this Act and subject to the provisions of section 10 hereof, the period of service shall be computed from the date of original employment, whether as a classified or unclassified employee in the civil service of the United States, and shall include periods of service at different times and services in one or more departments, branches, or independent offices of the Government, and shall also include service performed under authority of the United States beyond seas, and honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States: *Provided*, That in the case of an employee who is eligible for and elects to receive a pension under any law, or compensation under the War Risk Insurance Act, the period of his or her military or naval service upon which such pension or compensation is based shall not be included for the purpose of assignment to classes defined in section 2 hereof, but nothing contained in this Act shall be so

Periods of all service
included.

Overseas, military,
naval, etc.

Proviso.
Deduction of period
entitling to pension,
etc.

Pension or War Risk compensation rights not affected.

construed as to affect in any manner his or her right to a pension, or to compensation under the War Risk Insurance Act, in addition to the annuity herein provided.

Periods of separations, etc., excluded.

It is further provided that in computing length of service for the purposes of this Act all periods of separation from the service and so much of any period of leave of absence as may exceed six months shall be excluded, and that in the case of substitutes in the Postal Service only periods of active employment shall be included.

Commissioner of Pensions. Administration of Act by.

Sec. 4. That for the purpose of administration, except as otherwise provided herein, the Commissioner of Pensions, under the direction of the Secretary of the Interior, be, and is hereby, authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect. An appeal to the Secretary of the Interior shall lie from the final action or order of the Commissioner of Pensions affecting the rights or interests of any person or of the United States under this Act, the procedure on appeal to be as prescribed by the Commissioner of Pensions, with the approval of the Secretary of the Interior.

Appeals from, to Secretary of the Interior.

Disability annuity. Allowance of, before reaching retirement age.

Sec. 5. That any employee to whom this Act applies who shall have served for a total period of not less than fifteen years, and who, before reaching the retirement age as fixed in section 1 hereof, becomes totally disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his or her own application or upon the request or order of the head of the department, branch, or independent office concerned, be retired on an annuity under the provisions of section 2 hereof: *Provided, however,* That no employee shall be retired under the provisions of this section until examined by a medical officer of the United States or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose and found to be disabled in the degree and in the manner specified herein.

Proviso. Medical examination required.

Annual examinations. Required until reaching retirement age, unless disability permanent.

Every annuitant retired under the provisions of this section, unless the disability for which retired is permanent in character, shall, at the expiration of one year from the date of such retirement and annually thereafter until reaching the retirement age as defined in section 1 hereof, be examined under direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any; if the annuitant recovers and is restored to his or her former earning capacity before reaching the retirement age, payment of the annuity shall be discontinued from the date of the medical examination showing such recovery; if the annuitant fails to appear for examination as required under this section, payment of the annuity shall be suspended until continuance of the disability has been satisfactorily established. The Commissioner of Pensions is hereby authorized to order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section.

Annuity discontinued on recovery.

Payments suspended on failure to be examined.

Special examinations.

Fees for medical examinations.

Fees for examinations made under the provisions of this section by physicians or surgeons who are not medical officers of the United States shall be fixed by the Commissioner of Pensions, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this Act.

In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the total amount of his or her contributions with accrued interest, the difference shall be paid to the retired employee, or to his or her estate, upon application therefor in such form and manner as the Commissioner of Pensions may direct.

Discontinued annuities.
Difference between contribution and amount received, to be paid.

No person shall be entitled to receive an annuity under the provisions of this Act, and compensation under the provisions of the Act of September 7, 1916, entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either Act for any part of the same period of time.

No annuity if receiving compensation for injuries.
Vol. 39, p. 742.

SEC. 6. That all employees to whom this Act applies shall, upon the expiration of ninety days next succeeding its passage, if of retirement age, or thereafter on arriving at retirement age as defined in section 1 hereof, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and it shall be the duty of the head of each department, branch, or independent office of the Government to notify such employees under his direction of the date of such separation from the service at least sixty days in advance thereof: *Provided*, That no person employed in the executive departments within the District of Columbia, retired under the provisions of this Act during the fiscal year ending June 30, 1921, shall be replaced by additional employees, but if the exigencies of the service so require, places made vacant by such retirement may be filled by promotion or transfer of eligible employees already in the service: *Provided*, That if within sixty days after the passage of this Act or not less than thirty days before the arrival of an employee at the age of retirement, the head of the department, branch, or independent office of the Government in which he or she is employed certifies to the Civil Service Commission that by reason of his or her efficiency and willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon approval and certification by the Civil Service Commission, and at the end of the two years he or she may, by similar approval and certification, be continued for an additional term not exceeding two years, and so on: *Provided, however*, That at the end of ten years after this Act becomes effective no employee shall be continued in the civil service of the United States beyond the age of retirement defined in section 1 hereof for more than four years.

Choice of greater benefit allowed.

Automatic separation from service on reaching retirement age.

Notification to be given.

Proviso.
Restriction on replacing employees in executive departments, D. C.

Temporary retentions on certificate by head of department, etc.

Final separation.

Ante, p. 614.

Applications for annuities by employees.

Certificate from head of department, etc.

Proviso.
If service continued beyond retirement age.

Compulsory retirement not prevented.

SEC. 7. That every employee who is or hereafter becomes eligible for retirement because of age as provided in this Act, shall, within sixty days after its passage or thirty days before reaching the retirement age, or at any time thereafter, file with the Commissioner of Pensions, in such form as he may prescribe, an application for an annuity, supported by a certificate from the head of the department, branch, or independent office of the Government in which the applicant has been employed, stating the age and period or periods of service of the applicant and salary, pay, or compensation received during such periods, as shown by the official records: *Provided, however*, That in the case of an employee who is to be continued in the civil service of the United States beyond the retirement age as provided in section 6 hereof, he or she may make application for retirement at any time within such period of continuance in the service; but nothing contained in this Act shall be construed to prevent the compulsory retirement of such employee when in the judgment of the head of the department, branch, or independent office in which he

or she is employed such retirement would promote the best interests of the service.

Issue of retirement certificate.

Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Department of the Interior.

Commencement, etc., of annuities.

Annuities granted under this Act for retirement on account of age shall commence from the date of separation from the service on or after the date this Act shall take effect, and shall continue during the life of the annuitant. Annuities granted for disability under the provisions of section 5 hereof shall be subject to the limitations specified in said section.

Disability annuities.

Monthly deductions from salaries.

SEC. 8. That beginning on the first day of the third month next following the passage of this Act and monthly thereafter there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this Act applies a sum equal to 2½ per centum of such employee's basic salary, pay, or compensation. The Secretary of the Treasury shall cause the said deductions to be withheld from all specific appropriations for the particular salaries or compensation from which the deductions are made and from all allotments out of lump-sum appropriations for payments of such salaries or compensation for each fiscal year, and said sums shall be transferred on the books of the Treasury Department to the credit of a special fund to be known as "the civil-service retirement and disability fund," and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this Act.

Transferred to special fund.

The Secretary of the Treasury is hereby directed to invest from time to time, in interest-bearing securities of the United States, such portions of the "civil-service retirement and disability fund" hereby created as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 11 of this Act.

Appropriations therefrom.

Investment of unused portion of fund.

The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this Act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, bequests, or otherwise, and to receive, invest, and disburse for the purposes of this Act all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally or any special class of employees.

Post, p. 619.
Acceptance and application of donations, etc., to fund.

SEC. 9. That every employee coming within the provisions of this Act shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided in section 8 hereof, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he or she shall be entitled under the provisions of this Act, notwithstanding the provisions of sections 167, 168, and 169 of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this Act applies.

Consent of deductions from pay inferred.

Payment a full discharge of all claims for services except annuities.

R. S., secs. 167-169, p. 27.

Credit for services, subsequent hereto, if transferred to classified status, or reinstated.
Deposit required.

SEC. 10. That upon the transfer of any employee from an unclassified to a classified status, or upon the reinstatement of a former employee, credit for past service rendered subsequent to the date this Act shall take effect, or for any part thereof, shall be granted only upon deposit with the Treasurer of the United States of the amount of such deductions with interest as provided in this Act as

would have been made for the periods of actual service, or part thereof, for which credit is to be given, but such interest shall not be computed for periods of separation from the service: *Provided*, That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to the date this Act shall become operative, and to which he or she would otherwise be entitled.

Proviso.
Credit for prior services.

SEC. 11. That in the case of an employee in the classified civil service of the United States who shall be transferred to an unclassified position, and in the case of any employee to whom this Act applies who shall become absolutely separated from the service before becoming eligible for retirement on an annuity, the total amount of deductions of salary, pay, or compensation with accrued interest computed at the rate of 4 per centum per annum, compounded on June 30 of each fiscal year, shall, upon application, be returned to such employee: *Provided*, That all money so returned to an employee must be redeposited with interest before such employee may derive any benefit under the provisions of this Act, upon reinstatement or retransfer to a classified position; and in case an annuitant shall die without having received in annuities an amount equal to the total amount of the deductions from his or her salary, pay, or compensation, together with interest thereon at 4 per centum per annum compounded as herein provided up to the time of his or her death, the excess of the said accumulated deductions over the said annuity payments shall be paid in one sum to his or her legal representatives upon the establishment of a valid claim therefor; and in case an employee shall die without having reached the retirement age or without having established a valid claim for annuity, the total amount of deductions with accrued interest as herein provided shall be paid to the legal representatives of such employee: *Provided*, That if in case of death the amount of deductions to be paid under the provisions of this section does not exceed \$300, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor or administrator, the payment may be made, after the expiration of three months from date of death, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled to the proceeds of the estate, and such payment shall be a bar to recovery by any other person.

Return of pay deductions on transfer to unclassified status, or separated before retirement age.

Provisos.
Redeposit required if reinstated, etc.

Payment if annuitant die before receiving total of deductions, etc.

Payment of deductions, if employees die before age of retirement, etc.

If no executor, etc., appointed, of amounts not exceeding \$300.

SEC. 12. That annuities granted under the terms of this Act shall be due and payable monthly on the first business day of the month following the month or other period for which the annuity shall have accrued, and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Secretary of the Interior in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments.

Monthly payment of annuities.

Issue of checks, etc.

SEC. 13. That it shall be the duty of the head of each executive department and the head of each independent establishment of the Government not within the jurisdiction of any executive department to report to the Civil Service Commission in such manner as said commission may prescribe, the name and grade of each employee to whom this Act applies in or under said department or establishment who shall be at any time in a nonpay status, showing the dates such employee was in a nonpay status, and the amount of salary, pay, or compensation lost by the employee by reason of such absence. The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this Act, and shall furnish the Commissioner of Pensions such reports therefrom as he shall from time to time request as

Periods of nonpay status of employees.

Detailed report of, to Civil Service Commission by departments, etc.

Record of individual services, to be kept by Commission.

Reports, etc., to Commissioner of Pension of all needful data.

necessary to the proper adjustment of any claim hereunder, and shall prepare and keep all needful tables and records required for carrying out the provisions of this Act, including data showing the mortality experience of the employees in the service and the percentage of withdrawal from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this Act.

Annual report of receipts, disbursements, etc.

The Commissioner of Pensions shall make a detailed comparative report annually showing all receipts and disbursements on account of refunds, allowances, and annuities, together with the total number of persons receiving annuities and the amounts paid them.

Moneys nonassignable, subject to attachment, etc.

SEC. 14. That none of the moneys mentioned in this Act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process.

Appropriation for salaries, and all other expenses hereunder.
Post, pp. 910, 1030.

SEC. 15. That there is hereby authorized to be appropriated, from any moneys in the Treasury not otherwise appropriated, the sum of \$100,000 for salaries and for clerical and other services, the purchase of books, office equipment, stationery, and other supplies, and all other expenses necessary in carrying out the provisions of this Act, including traveling expenses and expenses of medical and other examinations as provided in section 5 hereof.

Act, p. 616.

Estimates to be submitted annually.

The Secretary of the Interior shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary to continue this Act in full force and effect.

Board of Actuaries. Selection of, by Commissioner of Pensions. Duties.

SEC. 16. That the Commissioner of Pensions, with the approval of the Secretary of the Interior, is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the Board of Actuaries, whose duty it shall be to annually report upon the actual operations of this Act, with authority to recommend to the Commissioner of Pensions such changes as in its judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis. It shall be the duty of the Commissioner of Pensions to submit with his annual report to Congress the recommendations of the Board of Actuaries. It shall be the duty of the Board of Actuaries to make a valuation of the "civil-service retirement and disability fund" at the end of the first year following the passage of this Act and at intervals of every five years thereafter, or oftener, if deemed necessary by the Commissioner of Pensions. The compensation of the members of the Board of Actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior.

Report of recommendations to Congress.

Valuation of retirement fund by Board.

Compensation.

Inconsistent laws repealed.

SEC. 17. That all laws and parts of laws inconsistent with this Act are hereby repealed.

Approved, May 22, 1920.

May 25, 1920.
[H. R. 9781.]

[Public, No. 216.]

CHAP. 196.—An Act To amend section 217 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909.

Criminal Code.

Vol. 35, p. 1131, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 217 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (Thirty-fifth Statutes at Large, page 1131), is hereby amended to read as follows:

Postal offenses. Poisons, explosives, disease germs, etc., nonmailable.

"SEC. 217. That all kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs