

## Counterclaims.

SEC. 3. In said suit the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian nation, but any payment which may have been made by the United States upon any claim against the United States shall not operate as an estoppel, but may be pleaded as an offset in such suit.

## Appeal to Supreme Court.

SEC. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this Act, an appeal may be taken by either party as in other cases to the Supreme Court of the United States.

## Attorneys' fees, etc., by court decree.

SEC. 5. That upon the final determination of any suit instituted under this Act, the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Indian nation for the services and expenses of said attorneys rendered or incurred prior or subsequent to the date of approval of this Act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per centum of the amount of recovery against the United States.

*Proviso.*  
Limitation.

## Issue of orders and process.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

## Appearance of Attorney General directed.

SEC. 7. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case.

Approved, May 24, 1924.

May 24, 1924.

[H. R. 6357.]

[Public, No. 135.]

**CHAP. 182.**—An Act For the reorganization and improvement of the Foreign Service of the United States, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That hereafter the Diplomatic and Consular Service of the United States shall be known as the Foreign Service of the United States.

Foreign Service.  
Diplomatic and Consular Service to be known as.

## Official designation of officers.

SEC. 2. That the official designation "Foreign Service officer" as employed throughout this Act shall be deemed to denote permanent officers in the Foreign Service below the grade of minister, all of whom are subject to promotion on merit, and who may be assigned to duty in either the diplomatic or the consular branch of the Foreign Service at the discretion of the President.

## Officers graded and classified.

SEC. 3. That the officers in the Foreign Service shall hereafter be graded and classified as follows, with the salaries of each class herein affixed thereto, but not exceeding in number for each class a proportion to the total number of officers in the service represented in the following percentage limitations: Ambassadors and ministers as now or hereafter provided; Foreign Service officers as follows: Class 1, 6 per centum, \$9,000; class 2, 7 per centum, \$8,000; class 3, 8 per centum, \$7,000; class 4, 9 per centum, \$6,000; class 5, 10 per centum, \$5,000; class 6, 14 per centum, \$4,500; class 7, \$4,000; class 8, \$3,500; class 9, \$3,000; unclassified, \$3,000 to \$1,500: *Provided*, That as many Foreign Service officers above class 6 as may be required for the purpose of inspection may be detailed by the Secretary of State for that purpose.

## Percentage of allotments and salaries.

*Proviso.*  
Details for inspection.

## Appointments, diplomatic, consular, or both.

SEC. 4. That Foreign Service officers may be appointed as secretaries in the Diplomatic Service or as consular officers or both:

*Provided*, That all such appointments shall be made by and with the advice and consent of the Senate: *Provided further*, That all official acts of such officers while on duty in either the diplomatic or the consular branch of the Foreign Service shall be performed under their respective commissions as secretaries or as consular officers.

*Provisos.*  
Approval of the Senate.  
Official acts according to commissions.

SEC. 5. That hereafter appointments to the position of Foreign Service officer shall be made after examination and a suitable period of probation in an unclassified grade or, after five years of continuous service in the Department of State, by transfer therefrom under such rules and regulations as the President may prescribe: *Provided*, That no candidate shall be eligible for examination for Foreign Service officer who is not an American citizen: *Provided further*, That reinstatement of Foreign Service officers separated from the classified service by reason of appointment to some other position in the Government service may be made by Executive order of the President under such rules and regulations as he may prescribe.

Appointments subject to examination or Department service.

*Provisos.*  
American citizenship required.  
Reinstatement by Executive Order permitted.

All appointments of Foreign Service officers shall be by commission to a class and not by commission to any particular post, and such officers shall be assigned to posts and may be transferred from one post to another by order of the President as the interests of the service may require: *Provided*, That the classification of secretaries in the Diplomatic Service and of consular officers is hereby abolished, without, however, in any wise impairing the validity of the present commissions of secretaries and consular officers.

Appointments to be by appointments to a class.

*Proviso.*  
Present commissions not impaired.

SEC. 6. That section 5 of the Act of February 5, 1915 (Public, 242), is hereby amended to read as follows:

Promotions and transfers.  
Vol. 33, p. 806, amended.

"SEC. 5. That the Secretary of State is directed to report from time to time to the President, along with his recommendations, the names of those Foreign Service officers who by reason of efficient service have demonstrated special capacity for promotion to the grade of minister, and the names of those Foreign Service officers and employees and officers and employees in the Department of State who by reason of efficient service, an accurate record of which shall be kept in the Department of State, have demonstrated special efficiency, and also the names of persons found upon taking the prescribed examination to have fitness for appointment to the lower grades of the service."

Report to the President of recommendations for promotion, etc.

Efficiency record to be kept.

Appointments to lower grades.

SEC. 7. That on the date on which this Act becomes effective the Secretary of State shall certify to the President, with his recommendation in each case, the record of efficiency of the several secretaries in the Diplomatic Service, consuls general, consuls, vice consuls of career, consular assistants, interpreters, and student interpreters then in office and shall, except in cases of persons found to merit reduction in rank or dismissal from the service, recommend to the President the recommissioning, without further examination, of those then in office as follows:

Efficiency record of present officers to be certified to the President with recommendations.

Recommissions without examination.

Secretaries of class one designated as counselors of embassy, and consuls general of classes one and two as Foreign Service officers of class one.

Class one.

Secretaries of class one designated as counselors of legation and consuls general of class three as Foreign Service officers of class two.

Class two.

Secretaries of class one not designated as counselors, consuls general of class four, and consuls general at large as Foreign Service officers of class three.

Class three.

Secretaries of class two, consuls general of class five, consuls of classes one, two, and three, and Chinese, Japanese, and Turkish secretaries as Foreign Service officers of class four.

Class four.

Consuls of class four as Foreign Service officers of class five.

Class five.

- Class six. Secretaries of class three, consuls of class five, and Chinese, Japanese, and Turkish assistant secretaries as Foreign Service officers of class six.
- Class seven. Consuls of class six as Foreign Service officers of class seven.
- Class eight. Secretaries of class four and consuls of class seven as Foreign Service officers of class eight.
- Class nine. Consuls of classes eight and nine as Foreign Service officers of class nine.
- Unclassified officers. Vice consuls of career, consular assistants, interpreters, and student interpreters as Foreign Service officers, unclassified.
- No pay reduction of designated officers. SEC. 8. That consuls general of class one and consuls of class one holding office at the time this Act takes effect shall not, as a result of their recommissioning or reclassification, suffer a reduction in salary below that which they are then receiving: *Provided, however,* That this provision shall apply only to the incumbents of the offices mentioned at the time this Act becomes effective.
- Proviso.* Limited to incumbents. That the grade of consular assistant is hereby abolished, and that all consular assistants now in the service shall be recommissioned as Foreign Service officers, unclassified.
- Consular assistants made unclassified officers. SEC. 9. That sections 1697 and 1698 of the Revised Statutes are hereby amended to read as follows:
- R. S., secs. 1697, 1698, p. 363, amended. "Every secretary, consul general, consul, vice consul of career, or Foreign Service officer, before he receives his commission or enters upon the duties of his office, shall give to the United States a bond, in such form as the President shall prescribe, with such sureties, who shall be permanent residents of the United States, as the Secretary of State shall approve, in a penal sum not less than the annual compensation allowed to such officer, conditioned for the true and faithful accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property which shall come to his hands or to the hands of any other person to his use as such officer under any law now or hereafter enacted, and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such officer: *Provided,* That the operation of no existing bond shall in any wise be impaired by the provisions of this Act: *Provided further,* That such bond shall cover by its stipulations all official acts of such officer, whether as Foreign Service officer or as secretary in the Diplomatic Service, consul general, consul, or vice consul of career. The bonds herein mentioned shall be deposited with the Secretary of the Treasury."
- Bonds required of Foreign Service officers. SEC. 10. That the provisions of section 4 of the Act of April 5, 1906, relative to the powers, duties, and prerogatives of consuls general at large are hereby made applicable to Foreign Service officers detailed for the purpose of inspection, who shall, under the direction of the Secretary of State, inspect the work of offices in the Foreign Service, both in the diplomatic and the consular branches.
- Amount and conditions. SEC. 11. That the provisions of sections 8 and 10 of the Act of April 5, 1906, relative to official fees and the method of accounting therefor shall include both branches of the Foreign Service.
- Provisos.* Existing bonds not impaired. SEC. 12. That the President is hereby authorized to grant to diplomatic missions and to consular offices at capitals of countries where there is no diplomatic mission of the United States representation allowances out of any money which may be appropriated for such purpose from time to time by Congress, the expenditure of such representation allowance to be accounted for in detail to the Department of State quarterly under such rules and regulations as the President may prescribe.
- All official acts covered. Deposit with Secretary of the Treasury.
- Inspectors of consulates. Vol. 34, p. 100, amended. Duties applicable to inspection officers.
- Fees, etc. Application of provisions. Vol. 34, pp. 101, 102.
- Representation allowance where no diplomatic mission.
- Accounting.

SEC. 13. Appropriations are authorized for the salary of a private secretary to each ambassador who shall be appointed by the ambassador and hold office at his pleasure.

Ambassadors allowed private secretaries.

SEC. 14. That any foreign Service officer may be assigned for duty in the Department of State without loss of class or salary, such assignment to be for a period of not more than three years, unless the public interests demand further service, when such assignment may be extended for a period not to exceed one year. Any Foreign Service officer of whatever class detailed for special duty not at his post or in the Department of State shall be paid his actual and necessary expenses for travel and not exceeding an average of \$8 per day for subsistence during such special detail: *Provided*, That such special duty shall not continue for more than sixty days, unless in the case of trade conferences or international gatherings, congresses, or conferences, when such subsistence expenses shall run only during the period thereof and the necessary period of transit to and from the place of gathering: *Provided further*, That the Secretary of State is authorized to prescribe a per diem allowance not exceeding \$6, in lieu of subsistence for Foreign Service officers on special duty or Foreign Service inspectors.

Assignments to Department duty for limited periods.

For special duty elsewhere.

Travel and subsistence expenses.

*Provisos.*  
Details limited.

Per diem subsistence allowance.

SEC. 15. That the Secretary of State is authorized, whenever he deems it to be in the public interest, to order to the United States on his statutory leave of absence any Foreign Service officer who has performed three years or more of continuous service abroad: *Provided*, That the expenses of transportation and subsistence of such officers and their immediate families, in traveling from their posts to their homes in the United States and return, shall be paid under the same rules and regulations applicable in the case of officers going to and returning from their posts under orders of the Secretary of State when not on leave: *Provided further*, That while in the United States the services of such officers shall be available for trade conference work or for such duties in the Department of State as the Secretary of State may prescribe.

Statutory leave may be ordered after three years' service abroad.

*Provisos.*  
Transportation allowed officers and their families.

Duties may be prescribed.

SEC. 16. That the part of the Act of July 1, 1916 (Public, Numbered 131), which authorizes the President to designate and assign any secretary of class one as counselor of embassy or legation, is hereby amended to read as follows:

Counselors of embassies or legations.  
Vol. 39, p. 252, amended.

"*Provided*, That the President may, whenever he considers it advisable so to do, designate and assign any Foreign Service officer as counselor of embassy or legation."

Any Foreign Service officer may be so designated, etc.

SEC. 17. That within the discretion of the President, any Foreign Service officer may be appointed to act as commissioner, chargé d'affaires, minister resident, or diplomatic agent for such period as the public interests may require without loss of grade, class, or salary: *Provided, however*, That no such officer shall receive more than one salary.

Temporary appointments for specified duties.

*Proviso.*  
Salary restriction.

That section 1685 of the Revised Statutes as amended by the Act entitled "An Act for the improvement of the Foreign Service, approved February 5, 1915," is hereby amended to read as follows:

Chargé d'affaires ad interim.  
R. S. sec., 1685, p. 295.  
Vol. 38, p. 805, amended.

"SEC. 1685. That for such time as any Foreign Service officer shall be lawfully authorized to act as chargé d'affaires ad interim or to assume charge of a consulate general or consulate during the absence of the principal officer at the post to which he shall have been assigned, he shall, if his salary is less than one-half that of such principal officer, receive in addition to his salary as Foreign Service officer compensation equal to the difference between such salary and one-half of the salary provided by law for the ambassador, minister, or principal consular officer, as the case may be."

Pay of officer acting as, or in charge of a consulate.

Retirement, etc. system established.

SEC. 18. The President is authorized to prescribe rules and regulations for the establishment of a Foreign Service retirement and disability system to be administered under the direction of the Secretary of State and in accordance with the following principles, to wit:

Annuities.  
Annual report of receipts, and disbursements on account of, to be submitted.

(a) The Secretary of State shall submit annually a comparative report 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, and shall submit annually estimates of appropriations necessary to continue this section in full force and such appropriations are hereby authorized: *Provided*, That in no event shall the aggregate total appropriations exceed the aggregate total of the contributions of the Foreign Service officers theretofore made, and accumulated interest thereon.

*Proviso.*  
Appropriations for, limited to contributions.

Special fund created.

(b) There is hereby created a special fund to be known as the Foreign Service retirement and disability fund.

Contributions by deductions from salaries of eligible officers.

(c) Five per centum of the basic salary of all Foreign Service officers eligible to retirement shall be contributed to the Foreign Service retirement and disability fund and the Secretary of the Treasury is directed on the date on which this Act takes effect to cause such deductions to be made and the sums transferred on the books of the Treasury Department to the credit of the Foreign Service retirement and disability fund for the payment of annuities, refunds, and allowances: *Provided*, That all basic salaries in excess of \$9,000 per annum shall be treated as \$9,000.

Deductions transferred to funds.

*Proviso.*  
Maximum salary basis.

Retirement age.

(d) When any Foreign Service officer has reached the age of sixty-five years and rendered at least fifteen years of service he shall be retired: *Provided*, That the President may in his discretion retain any such officer on active duty for such period not exceeding five years as he may deem for the interest of the United States.

*Proviso.*  
Discretionary retention.

Classification of annuities based on service and salary.

Percentages.

(e) Annuities shall be paid to retired Foreign Service officers under the following classification, based upon length of service and at the following percentages of the average annual basic salary for the ten years next preceding the date of retirement: Class A, thirty years or more, 60 per centum; class B, from twenty-seven to thirty years, 54 per centum; class C, from twenty-four to twenty-seven years, 48 per centum; class D, from twenty-one to twenty-four years, 42 per centum; class E, from eighteen to twenty-one years, 36 per centum; class F, from fifteen to eighteen years, 30 per centum.

Officers not contributing for each year of service, to have that proportion withheld on retiring.

(f) Those officers who retire before having contributed for each year of service shall have withheld from their annuities to the credit of the Foreign Service retirement and disability fund such proportion of 5 per centum as the number of years in which they did not contribute bears to the total length of service.

Fund to be invested in Federal securities.

(g) The Secretary of the Treasury is directed to invest from time to time in interest-bearing securities of the United States such portions of the Foreign Service retirement and disability fund as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances, and the income derived from such investments shall constitute a part of said fund.

Moneys not assignable, subject to attachment, etc.

(h) None of the moneys mentioned in this section shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process.

Annuitant dying before receiving total of contributions, etc., excess payable to legal representative.

(i) In case an annuitant dies without having received in annuities an amount equal to the total amount of his contributions from salary with interest thereon at 4 per centum per annum compounded annually up to the time of his death, the excess of the said accumu-

lated contributions over the said annuity payments shall be paid to his or her legal representatives; and in case a Foreign Service officer shall die without having reached the retirement age the total amount of his contributions with accrued interest shall be paid to his legal representatives.

(j) That any Foreign Service officer who before reaching the age of retirement becomes totally disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on his part, shall, upon his own application or upon order of the President, be retired on an annuity under paragraph (e) of this section: *Provided, however,* That in each case such disability shall be determined by the report of a duly qualified physician or surgeon designated by the Secretary of State to conduct the examination: *Provided further,* That unless the disability be permanent, a like examination shall be made annually in order to determine the degree of disability, and the payment of annuity shall cease from the date of the medical examination showing recovery.

Fees for examinations under this provision, together with reasonable traveling and other expenses incurred in order to submit to examination, shall be paid out of the Foreign Service retirement and disability fund.

When the annuity is discontinued under this provision, before the annuitant has received a sum equal to the total amount of his contributions with accrued interest, the difference shall be paid to him or to his legal representatives.

(k) The President is authorized from time to time to establish, by Executive order, a list of places in tropical countries which by reason of climatic or other extreme conditions are to be classed as unhealthy posts, and each year of duty at such posts, while so classed, inclusive of regular leaves of absence, shall be counted as one year and a half, and so on in like proportion in reckoning the length of service for the purposes of retirement.

(l) Whenever a Foreign Service officer becomes separated from the service except for disability before reaching the age of retirement, 75 per centum of the total amount of contribution from his salary without interest shall be returned to him.

(m) Whenever any Foreign Service officer, after the date of his retirement, accepts a position of employment the emoluments of which are greater than the annuity received by him from the United States Government by virtue of his retirement under this Act, the amount of the said annuity during the continuance of such employment shall be reduced by an equal amount: *Provided,* That all retired Foreign Service officers shall notify the Secretary of State once a year of any positions of employment accepted by them stating the amount of compensation received therefrom and whenever any such officer fails to so report it shall be the duty of the Secretary of State to order the payment of the annuity to be suspended until such report is received.

(n) The Secretary of State is authorized to expend from surplus money to the credit of the Foreign Service retirement and disability fund an amount not exceeding \$5,000 for the expenses necessary in carrying out the provisions of this section, including actuarial advice.

(o) Any diplomatic secretary or consular officer who has been or any Foreign Service officer who may hereafter be promoted from the classified service to the grade of ambassador or minister, or appointed to a position in the Department of State shall be entitled to all the benefits of this section in the same manner and under the same conditions as Foreign Service officers.

(p) For the purposes of this Act the period of service shall be computed from the date of original oath of office as secretary in the

If officer die before retirement, his contributions to be paid to legal representative.

Disability allowance before reaching retirement age.

*Provisos.* Medical examination required.

Subsequent examinations of disability not permanent, etc.

To cease on recovery.

Fees payable from retirement fund.

If annuity discontinued before total contribution received, difference to be paid.

Unhealthy posts. Credit of year and a half for each year of service at.

Officer separated before retirement age, to have 75 per cent of contribution returned.

Annuity reduced if officer accepts employment at greater than amount thereof.

*Proviso.* Yearly notification to be made of amount received.

Annuity suspended until report received.

Amount authorized from fund for expenses.

Officers entitled to retirement benefits.

Periods of service computed for retirement.

Periods excluded.

Diplomatic Service, consul general, consul, vice consul, deputy consul, consular assistant, consular agent, commercial agent, interpreter, or student interpreter, and shall include periods of service at different times in either the Diplomatic or Consular Service, or while on assignment to the Department of State, or on special duty, but 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: *Provided*, That service in the Department of State prior to appointment as a Foreign Service officer may be included in the period of service, in which case the officer shall pay into the Foreign Service retirement and disability fund a special contribution equal to 5 per centum of his annual salary for each year of such employment, with interest thereon to date of payment compounded annually at 4 per centum.

*Proviso.*  
Special contributions from officers having prior department service.

Full pay to retired officers recalled to active service.

SEC. 19. In the event of public emergency any retired Foreign Service officer may be recalled temporarily to active service by the President and while so serving he shall be entitled in lieu of his retirement allowance to the full pay of the class in which he is temporarily serving.

Laws relating to diplomatic secretaries and consular officers made applicable to Diplomatic Service affairs.

SEC. 20. That all provisions of law heretofore enacted relating to secretaries in the Diplomatic Service and to consular officers, which are not inconsistent with the provisions of this Act, are hereby made applicable to Foreign Service officers when they are designated for service as diplomatic or as consular officers, and that all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Inconsistent laws repealed.

State Department appropriation for 1925, made applicable.  
*Post*, pp. 205, 391.

SEC. 21. That the appropriations contained in Title I of the Act entitled "An Act making appropriations for the Departments of State and Justice and for the Judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1925, and for other purposes," for such compensation and expenses as are affected by the provisions of this Act are made available and may be applied toward the payment of the compensation and expenses herein provided for, except that no part of such appropriations shall be available for the payment of annuities to retired Foreign Service officers.

Retirement annuities excepted.

Department of State, Second and Third Assistant Secretaries made Assistant Secretaries.

SEC. 22. The titles "Second Assistant Secretary of State" and "Third Assistant Secretary of State" shall hereafter be known as "Assistant Secretary of State" without numerical distinction of rank; but the change of title shall in no way impair the commissions, salaries, and duties of the present incumbents.

Commissions, etc., not impaired.

Additional Assistant Secretary to be appointed.

There is hereby established in the Department of State an additional "Assistant Secretary of State," who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to compensation at the rate of \$7,500 per annum.

Compensation.

Director of Consular Service abolished.

Salary available for additional Assistant Secretary.

*Post*, p. 205.

The position of Director of the Consular Service is abolished and the salary provided for that office is hereby made available for the salary of the additional Assistant Secretary of State herein authorized.

Act effective July 1, 1924.

SEC. 23. That this Act shall take effect on July 1, 1924.

Approved, May 24, 1924.

May 24, 1924.

[H. R. 8262.]

[Public, No. 136.]

**CHAP. 183.**—An Act To fix the compensation of officers and employees of the Legislative Branch of the Government.

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

Legislative officers and employees.

Positions and pay established.

SECTION 1. The following positions and annual (except where specified otherwise) rates of compensation are hereby established: