

SEC. 10. Such Act, as amended, is amended by inserting after section 311 the following new section:

“SEC. 312. Any agency designated by the President to provide temporary shelter under the provisions of Public Law Numbered 9, Seventy-seventh Congress, Public Law Numbered 73, Seventy-seventh Congress, or the Third Supplemental National Defense Appropriations Act, 1942, shall have the same powers with respect to the management, maintenance, operation, and administration of such temporary shelter as are granted to the Federal Works Administrator under section 304 and section 306 of this Act with respect to projects constructed hereunder, and the provisions of section 307 shall apply to such temporary shelter projects and the occupants thereof.”

SEC. 11. The first proviso of section 1 (b) of such Act, as amended, is amended by inserting before the colon at the end thereof the following: “and so far as is consistent with emergency needs, contracts shall be subject to section 3709 of the Revised Statutes”.

Approved, January 21, 1942.

Temporary shelter.
55 Stat. 14, 198, 818.
42 U. S. C., Supp. I,
§ 1523 note.

54 Stat. 1127, 1128; 55
Stat. 363.
42 U. S. C., Supp. I,
§§ 1544, 1546, 1547.

Ante, p. 12.
Contracts.
54 Stat. 1126.
42 U. S. C., Supp. I,
§ 1521 (b).

41 U. S. C. § 5.

[CHAPTER 15]

AN ACT

To amend the Act entitled “An Act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes”, approved March 3, 1909, as amended, so as to extend commissary privileges to such other persons as may be specifically authorized by the Secretary of the Navy.

January 23, 1942
[S. 2090]
[Public Law 410]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That such part of the Act of March 3, 1909 (35 Stat. 768; U. S. C., title 34, sec. 533), as amended, which provides “That hereafter such stores as the Secretary of the Navy may designate may be procured and sold to officers and enlisted men of the Navy, Marine Corps, and Coast Guard; to the widows of such officers and enlisted men; and to civilian officers and employees of the United States at naval stations and post exchanges beyond the continental limits of the United States or in Alaska, under such regulations as the Secretary of the Navy may prescribe”, is hereby further amended to read “That hereafter such stores as the Secretary of the Navy may designate may be procured and sold to officers and enlisted men of the Navy, Marine Corps, and Coast Guard; to the widows of such officers and enlisted men; to civilian officers and employees of the United States, and to such other persons as may be specifically authorized by the Secretary of the Navy, at naval stations and post exchanges beyond the continental limits of the United States or in Alaska, under such regulations as the Secretary of the Navy may prescribe”.

Navy.
Procurement and
sale of stores.

Approved, January 23, 1942.

[CHAPTER 16]

AN ACT

To amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

January 24, 1942
[H. R. 3487]
[Public Law 411]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Civil Service Retirement Act approved May 29, 1930, as amended, is amended by striking out the whole thereof and substituting in lieu thereof the following:

Civil Service Retirement Act, amendments.
46 Stat. 468.
5 U. S. C. § 691.

“SEC. 1. (a) All officers and employees to whom this Act applies who shall have attained, or shall hereafter attain the age of seventy years and have rendered at least fifteen years of service computed as

Eligibility.

46 Stat. 471, 472.
5 U. S. C. §§ 698, 707.
Post, p. 16.
Optional retirement.

46 Stat. 472.
5 U. S. C. § 707.

46 Stat. 471.
5 U. S. C. § 698.
Post, p. 16.

Retirement requested by employing agency.

Notification to employee.

Right of hearing.

46 Stat. 471.
5 U. S. C. § 698.
Post, p. 16.
Elective officers, etc.
Post, p. 147.

50 Stat. 512.
5 U. S. C. § 693b.

Voluntary retirement.

46 Stat. 472.
5 U. S. C. § 707.

46 Stat. 471.
5 U. S. C. § 698.
Post, p. 16.
If options not exercised.

46 Stat. 469.
5 U. S. C. § 715.

Automatic separation.
5 U. S. C. §§ 715, 715a, 715d.

Advance notice to employee.

prescribed in section 5 of this Act shall be eligible for retirement on an annuity as provided in section 4 hereof.

“(b) Any officer or employee to whom this Act applies who shall have attained, or shall hereafter attain the age of sixty years and have rendered at least thirty years of service computed as prescribed in section 5 of this Act, or who shall have attained, or shall hereafter attain the age of sixty-two years and have rendered at least fifteen years of such service may, upon his own option, retire and shall be paid an annuity computed as provided in section 4 of this Act.

“(c) The head of a department or independent Government agency concerned may request the retirement of any such officer or employee described in subsection (b) of this section who, by reason of a disqualification is unable to perform satisfactorily and efficiently the duties of his position or some other position of the same grade or class as that occupied by the employee and to which he could be assigned. No such request shall be submitted to the Civil Service Commission unless and until the said officer or employee has been notified in writing of the proposed retirement. Each such officer or employee shall, upon request by him, have opportunity for a hearing before the Civil Service Commission, at which hearing the officer or employee may appear in person or he may be represented by a person of his choice. No such officer or employee shall be so retired unless the Civil Service Commission after examination finds that he is so disqualified. The determination of the Civil Service Commission as to whether the officer or employee shall be retired under this subsection shall be final and conclusive. Any person so retired shall be paid an annuity computed as provided in section 4 hereof. Nothing in this subsection shall be deemed to authorize any person to request the retirement of any elective officer, any officer or employee in the legislative branch of the Government within the classes of officers and employees which were made eligible for the benefits of this Act by the Act of July 13, 1937, or any employee of the office of the Architect of the Capitol.

“(d) Any officer or employee who has completed thirty years of service computed in accordance with the provisions of section 5 hereof and who has reached or may hereafter reach the age of fifty-five years may voluntarily retire and shall be paid an immediate life annuity beginning on the first day of the month following the date of separation from the service having a value equal to the present worth of a deferred annuity at the age of sixty years computed as provided in section 4 of this Act.

“If none of the options provided in this section is exercised prior to the date upon which the officer or employee would otherwise be eligible for retirement from the service, the provisions of this Act with respect to automatic separation from the service shall apply.”

SEC. 2. Strike out all of section 2 of the Act of May 29, 1930, as amended, and insert in lieu thereof the following:

“(a) Except as provided in section 204 of the Act of June 30, 1932 (47 Stat. 404), and section 3 of the Act of July 13, 1937 (50 Stat. 512), all officers or employees to whom this Act applies shall, on the last day of the month in which they attain retirement age as defined in the preceding section; and having rendered at least fifteen years of service, 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 concerned to notify each such employee under his direction of the date of his separation from the service at

least sixty days in advance thereof: *Provided, however*, That no provision of this or any other Act relating to automatic separation from the service shall have any application whatever to any elective officer.

“(b) No person separated from the service who is receiving an annuity under the provisions of section 1 of this Act shall be eligible again to appointment to any appointive office, position, or employment under the United States or of the government of the District of Columbia unless the appointing authority determines that he is possessed of special qualifications, in which event payment of his annuity shall be terminated during the period of his appointment. Any such person whose annuity is terminated shall, upon the termination of his appointment, have his subsequent annuity rights determined under the provisions of law in effect at the time of such termination.”

SEC. 3. That section 3 of the Act of May 29, 1930, as amended, is amended by striking out all thereof and inserting in lieu thereof the following:

“(a) This Act shall apply to all officers and employees in or under the executive, judicial, and legislative branches of the United States Government, all elective and appointive officers in or under the said branches, and to all officers and employees of the municipal government of the District of Columbia: *Provided, however*, That this Act shall not apply to any such officer or employee of the United States or of the municipal government of the District of Columbia subject to another retirement system for such officers and employees of the said governments: *Provided further*, That this Act shall not apply to any elective officer or to any officer or employee in the legislative branch of the Government within the classes of officers and employees which were made eligible for the benefits of this Act by the Act of July 13, 1937, until he gives notice in writing to the disbursing officer by whom his salary is paid of his desire to come within the purview of this Act; and any such officer or employee may, within sixty days after the effective date of this subsection, withdraw from the purview of this Act by giving similar notice of such desire. In the case of any elective officer serving in the legislative branch of the Government on the effective date of this Act and in the case of any officer or employee in the service of the legislative branch of the Government on the effective date of this Act, such notice must be given within the calendar year of 1942. In the case of any elective officer elected to and serving in the legislative branch of the Government after such effective date, such notice must be given within six months after the taking of the oath of office; and, in the case of any officer or employee of the legislative branch of the Government who enters the service after such effective date, such notice must be given within six months after the date of entrance to the service. No provision of this or any other Act relating to automatic separation from the service shall have any application whatever to any elective officer.

“(b) The President shall have power, in his discretion, to exclude from the operation of this Act any officer or employee or group of officers or employees in the executive branch of the service whose tenure of office or employment is intermittent or of uncertain duration.

“(c) The provisions of this Act shall not apply to employees of the Senate or the House of Representatives whose employment is temporary or of uncertain duration; and the Architect of the Capitol is authorized to exclude from the operation of this Act any employees under the Office of the Architect of the Capitol whose tenure of employment is temporary or of uncertain duration.”

Proviso.
Elective officers.
Post, p. 147.

Appointment of annuitants.
Ante, p. 13.

Termination of annuity.

46 Stat. 470.
5 U. S. C. § 693.
Post, p. 147.

Application of Act.

Provisos.
Exceptions.

Elective officers,
etc.
Notice to disbursing officer.

50 Stat. 512.
5 U. S. C. §§ 693b,
693c, 693d.

Time limitations.

Exemption from automatic separation

Intermittent employees, executive branch.

Temporary employees, Senate, House, etc.

53 Stat. 1201.
5 U. S. C. § 698 (b).

Minimum annuity.

46 Stat. 474.
5 U. S. C. §§ 733,
735, 736.
Deferred annuity.

53 Stat. 1201.
5 U. S. C. § 698 (a).
Provisos.
Immediate annuity.

46 Stat. 471.
5 U. S. C. § 698.
Supra.
Refunds.
46 Stat. 475; 53 Stat.
1202.
5 U. S. C. §§ 719,
719-1, 721, 722.
Infra.
Redeposit of re-
funds.

Effect of reemploy-
ment.

Interest.

Credit for past serv-
ice.
46 Stat. 475.
5 U. S. C. § 736b.

Deductions from
salaries.
46 Stat. 475.
5 U. S. C. § 719.

46 Stat. 476.
5 U. S. C. § 724 (b).

SEC. 4. Section 4 (b) of the Act of May 29, 1930, as amended by the Act of August 4, 1939, is amended by striking out the period at the end of section 4 (b) and inserting in lieu thereof a semicolon, and by adding the following sentence after the semicolon: "nor shall such total annuity paid be less than an amount equal to the average annual basic salary, pay, or compensation received by the employee during any five consecutive years of allowable service at the option of the employee, multiplied by the number of years of service, not exceeding thirty-five years, and divided by seventy."

SEC. 5. Section 7 of the said Act of May 29, 1930, as amended, is hereby repealed, and in lieu thereof the following is substituted:

"(a) Should any officer or employee to whom this Act applies, after having served for a total period of not less than five years and before becoming eligible for retirement become separated from the service, such officer or employee shall be paid a deferred annuity beginning at the age of sixty-two years, computed as provided in clauses (1) and (2) of section 4 (a) of this Act: *Provided*, That any such person involuntarily separated from the service not by removal for cause on charges of misconduct or delinquency may elect to receive an immediate annuity beginning at the age of fifty-five or at the date of separation from the service if subsequent to that age having a value equal to the present worth of a deferred annuity beginning at the age of sixty-two years, or at age of separation if subsequent to age sixty-two, computed as provided in section 4 of this Act: *Provided further*, That nothing in this Act shall be so construed as to prohibit the refund of deductions, deposits, or redeposits made prior to the effective date of this Act with interest thereon, or of any voluntary contributions made under the provisions of section 10 of this Act, with interest: *And provided further*, That all moneys, except voluntary contributions, so refunded an officer or employee must be redeposited with interest before such officer or employee may derive any annuity benefits based on the service covered by the refund.

"(b) Should an annuitant under the provisions of this section be reemployed in a position included in the provisions of this Act, the annuity and any right to an immediate or deferred annuity as provided herein shall cease as of the date of such employment. If such annuitant is reemployed in any position in the service of the United States or the District of Columbia, not within the provisions of this Act, annuity payments shall be discontinued during the period of such employment, and resumed in the same amount upon termination of such employment.

"(c) Interest shall be allowed on the amount credited to such separated officer's or employee's individual account in the retirement fund at 3 per centum compounded on June 30 of each year until the beginning date of annuity."

SEC. 6. That in section 9 of the Act of May 29, 1930, as amended, after the words "and also 3½ per centum of the basic salary, pay, or compensation for services rendered from and after July 1, 1926" insert the following: "and prior to July 1, 1942, and also 5 per centum of such basic pay, salary, or compensation for services rendered on and after July 1, 1942".

SEC. 7. Add to the first sentence of section 10 of the Act of May 29, 1930, as amended, the following: "*Provided*, That after June 30, 1942, there shall be deducted and withheld from the basic salary, pay, or compensation of any officer or employee to whom this Act applies a sum equal to 5 per centum of such officer's or employee's basic salary, pay, or compensation".

SEC. 8. Strike out paragraph (b) of section 12 of the Act of May 29, 1930, as amended, and insert in lieu thereof the following:

“In the case of any officer or employee to whom this Act applies who shall be transferred to a position not within the purview of this Act, or who shall become absolutely separated from the service before he shall have completed an aggregate of five years of service computed in accordance with section 5 of this Act, the amount of deductions from his basic salary, pay, or compensation credited to his individual account, together with interest at 4 per centum compounded on June 30 of each year shall be returned to such officer or employee: *Provided*, That when an officer or employee becomes involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency before completing five years of creditable service the total amount of deductions from his basic salary, pay, or compensation with interest at 4 per centum compounded on June 30 of each year shall be returned to such officer or employee: *Provided further*, That all deductions from basic salary, pay, or compensation so returned to an officer or employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this Act be redeposited with interest at 4 per centum compounded on June 30 of each year before such officer or employee may derive any benefits under this Act, except as provided in this section, but interest shall not be required covering any period of separation from the service.”

SEC. 9. Section 13 of the Act of May 29, 1930, as amended, is hereby amended, effective from January 1, 1940, by adding at the end thereof the following paragraph:

“The term ‘annuitant’ as used in this Act shall include any employee who has met all requirements of the Act for title and has filed claim therefor, notwithstanding final administrative action was not taken by the Civil Service Commission prior to his death. Nothing in this section shall be so construed as to reduce any benefit otherwise payable.”

SEC. 10. Nothing in this Act shall be so construed as to affect any rights of persons separated prior to the effective date of this Act, but all such rights shall continue and may be enforced in the same manner as though this Act had not been made.

SEC. 11. This Act shall take effect upon approval except as otherwise provided herein.

Approved, January 24, 1942.

Refund for service of less than 5 years.

46 Stat. 472.
5 U. S. C. § 707.

Provisos.
Involuntary separation.

Redeposit of deductions upon reinstatement, etc.

46 Stat. 477.
5 U. S. C. §§ 716-718, 725.

“Annuitant.”

Separations before effective date.

[CHAPTER 17]

AN ACT

To amend certain provisions of the Internal Revenue Code relating to the production of alcohol.

January 24, 1942
[H. R. 6325]

[Public Law 412]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2883 of the Internal Revenue Code (relating to transfer of spirits at registered distilleries) is amended by adding at the end thereof the following:

Internal Revenue Code, amendment.
53 Stat. 335.
26 U. S. C. § 2883.
Post, p. 187.

“(c) TRANSFER OF SPIRITS FOR INDUSTRIAL USES.—Distilled spirits of one hundred and sixty degrees of proof or greater may be withdrawn from registered distilleries (including registered fruit distilleries), and stored in and withdrawn from internal-revenue bonded warehouses, pursuant to the applicable provisions of subsection (a): *Provided*, That such distilled spirits may also be withdrawn without payment of tax from registered distilleries (including registered fruit distilleries) and internal-revenue bonded warehouses for

Proviso.
Withdrawals without payment of tax.