

Public Law 90-623

AN ACT

October 22, 1968
[H. R. 17864]

To amend titles 5, 10, and 37, United States Code, to codify recent law, and to improve the Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 5, United States Code, is amended as follows:

Titles 5, 10,
and 37, USC,
amendments.
80 Stat. 388.

(1) In section 559 insert "of this title" immediately after the figure "7521" wherever it appears;

80 Stat. 410;
81 Stat. 196.

(2) In section 2108(3) (D) insert "as defined by paragraph (1) (A) of this section" immediately after "veteran";

80 Stat. 414.

(3) In section 3102(a) (2) strike out "Board of Commissioners" and insert "Commissioner" in place thereof;

80 Stat. 462.

(4) In paragraphs (14), (15), and (16) of section 5315 strike out "(3)" and insert "(4)" in place thereof; and in paragraph (126) of section 5316 insert "(2)" at the end;

Ante, p. 205.

(5) In section 5316 insert the following after paragraph (126):
"(127) Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice."

81 Stat. 258.

(6) In section 5334 (a)—
(A) strike out "section 106(a) of the Appalachian Regional Development Act of 1965" and insert "section 106(a) of title 40, appendix" in place thereof;

(B) strike out "section 502 of the Public Works and Economic Development Act of 1965, under section 506(2) of such Act" and insert "section 3182 of title 42, under section 3186(2) of that title" in place thereof; and

80 Stat. 472.

(C) strike out "six" and insert "6" in place thereof;

(7) In section 5352—
(A) insert a comma and "and the District of Columbia Council with respect to the government of the District of Columbia," immediately following "head of each agency"; and

(B) strike out "his" and insert "its" in place thereof;

(8) In section 5353 insert a comma and "and the District of Columbia Council with respect to the government of the District of Columbia," immediately following "head of the agency concerned" in the last sentence;

(9) In section 5516(a) strike out "Commissioners" wherever it appears and insert "Commissioner" in place thereof;

(10) In section 5521(3) (B) strike out "Board of Commissioners" and insert "Commissioner" in place thereof;

(11) In section 5527(b)—
(A) strike out "and" immediately after "Executive agencies," and

(B) insert "and the District of Columbia Council, with respect to the government of the District of Columbia," immediately after "executive branch,"

(12) In section 5537 insert a comma and "who is entitled to leave under section 6322 of this title," immediately following "District of Columbia";

(13) In section 5546—
(A) strike out "Board of Commissioners of the District of Columbia" in subsection (b) and insert "District of Columbia Council" in place thereof; and

(B) strike out "5442(a)" in subsection (d) and insert "5542 (a)" in place thereof;

- (14) In section 5724(e) strike out “section 5724(a), (b)” and insert “section 5724a(a), (b)” in place thereof; 81 Stat. 204.
- (15) In section 6104— 80 Stat. 516.
- (A) strike out “Board of Commissioners” wherever it appears in paragraphs (1) and (3) and insert “Commissioner” in place thereof; and
- (B) strike out “Board of Commissioners” in paragraph (2) and insert “District of Columbia Council” in place thereof; 80 Stat. 1179.
- (16) In section 6305(c) strike out “two” and “thirty” and insert “2” and “30”, respectively, in place thereof; 80 Stat. 522.
- (17) In section 6323—
- (A) strike out “loss of” wherever it appears and insert “loss in” in place thereof; and
- (B) insert the following at the end:
- “(c) An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, who is a member of the National Guard of the District of Columbia, is entitled to leave without loss in pay or time for each day of a parade or encampment ordered or authorized under title 39, District of Columbia Code. This subsection covers each day of service the National Guard, or a portion thereof, is ordered to perform by the commanding general.”; 25 Stat. 772;
35 Stat. 629.
- (18) In section 6324(b) (1) strike out “Commissioners of the District of Columbia” and insert “District of Columbia Council” in place thereof;
- (19) Strike out section 8143 and insert in place thereof:
- “§ 8143. Job Corps enrollees; volunteers in service to America**
- “(a) Subject to the provisions of this subsection, this subchapter applies to an enrollee in the Job Corps, except that compensation for disability does not begin to accrue until the day after the date on which the injured enrollee is terminated. In administering this subchapter for an enrollee covered by this subsection—
- “(1) the monthly pay of an enrollee is deemed that received at the minimum rate for GS-2; 5 USC 5332
note.
- “(2) section 8113 (a), (b) of this title applies to an enrollee; 80 Stat. 540.
- and
- “(3) ‘performance of duty’ does not include an act of an enrollee while absent from his assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from the post of duty) authorized by or under the direction and supervision of the Job Corps.
- “(b) This subchapter applies to a volunteer in service to America who receives either a living allowance or a stipend under part A of subchapter VIII of chapter 34 of title 42, with respect to that service and training, to the same extent as enrollees of the Job Corps under subsection (a) of this section. However, for the purpose of the computation described in subsection (a) (1) of this section, the monthly pay of a volunteer is deemed that received at the minimum rate for GS-7.”; 81 Stat. 722.
42 USC 2992-
2992b.
- (20) In section 8191 strike out “Act” and insert “subchapter” in place thereof; Ante, p. 98.
- (21) In section 8331(3) (B) (ii) strike out “and 60e-13” and insert “60e-13, and 60e-14” in place thereof; 81 Stat. 213.
- (22) In section 8347(h) strike out “Commissioners” and insert “Commissioner” in place thereof. 80 Stat. 583.
- (23) In section 3502(a), strike out “and” at the end of subparagraph (A); insert a semicolon immediately preceding the word “and” at the end of subparagraph (B); and strike out, in subparagraph (C), “section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))” and “section 10(b) of the Agricultural 80 Stat. 428.
Ante, p. 278.

Adjustment Act of May 12, 1933 (48 Stat. 37)" and insert "section 590h(b) of title 16" and "section 610(b) of title 7", respectively, in place thereof.

Ante, p. 277.

(24) In section 5334(f), strike out "section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))" and insert "section 590h(b) of title 16" in place thereof.

Ante, p. 277.

(25) In section 6312, strike out "section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))" and "section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37)" and insert "section 590h(b) of title 16" and "section 610(b) of title 7", respectively, in place thereof.

81 Stat. 198.

(26) In section 5314, insert the following new paragraph at the end:
 "(53) Urban Mass Transportation Administrator."

SEC. 2. Title 10, United States Code, is amended as follows:

70A Stat. 4;
79 Stat. 830.

(1) In sections 101(8)(D) and 1124(a), (b), and (g) strike out "the Treasury" wherever it appears and insert "Transportation" in place thereof.

81 Stat. 754.

(2) In the analysis of chapter 31 strike out "or national emergency" in item 506;

70A Stat. 17.

(3) In section 510(a) strike out "section 501" and insert "section 502" in place thereof;

76 Stat. 450.

(4) In section 815(e) (article 15(e)), strike out "or a law specialist or lawyer of the Marine Corps, Coast Guard, or Treasury Department" in the last sentence and insert in place thereof "or a law specialist or lawyer of the Coast Guard or Department of Transportation";

70A Stat. 201.

(5) Strike out section 3534 and insert in place thereof:

"§ 3534. Corps of Engineers: detail of officers to assist Commissioner of District of Columbia.

"The President may detail not more than three officers assigned to the Corps of Engineers to assist the Commissioner of the District of Columbia in discharging his duties.";

(6) Strike out the item relating to section 3534 in the analysis of chapter 343 and insert in place thereof:

"3534. Corps of Engineers: detail of officers to assist Commissioner of District of Columbia.";

80 Stat. 1114.

(7) In the analysis of chapter 403 strike out item 4339;

78 Stat. 149.

(8) In sections 4342(a)(5), 6954(a)(5), and 9342(a)(5) strike out "Commissioners" wherever it appears and insert in place thereof "Commissioner";

81 Stat. 546.

(9) In section 5149(c) strike out "4158(b)" and insert in place thereof "5148(b)";

70A Stat. 417.

(10) In section 6483(b) insert "former" before "section 6150".

SEC. 3. Title 37, United States Code, is amended as follows:

76 Stat. 451.

(1) In sections 101(5)(D), 306(d) and (f), 307(d), 308(e) and (g), 417(a) and (b), 703, 1001(c), and 1006(f) strike out "the Treasury" wherever they appear and insert in place thereof "Transportation";

466, 468;

79 Stat. 547;

76 Stat. 478, 484,
489, 490.

81 Stat. 383.

(2) In section 202 redesignate subsection "(k)" (relating to basic pay of the Assistant Judge Advocate General of the Navy) as subsection "(1)";

78 Stat. 1070.

(3) In section 205(e) strike out "the enactment of this subsection" and insert in place thereof "October 13, 1964,";

77 Stat. 218.

(4) In section 305(a)(2) strike out "contiguous 48 States" and insert in place thereof "48 contiguous States";

81 Stat. 651.

(5) In section 311(a) strike out "months" and insert in place thereof "months";

80 Stat. 957.

(6) In section 406(d)(2) strike out "ninety" and insert in place thereof "90";

- (7) In section 554(b) strike out "twenty-nine" in the last sentence and insert in place thereof "29"; 81 Stat. 764.
- (8) In section 904(a) insert "or" at the end of clause (10); 81 Stat. 383.
- (9) In section 1006(a) strike out "permanent change of station" and insert in place thereof "change of permanent station". 76 Stat. 490.

SEC. 4. The analysis of chapter 57 of title 28, United States Code, is amended by striking out the following item: 62 Stat. 925;
80 Stat. 663.

"962. Traveling expenses."

SEC. 5. (a) Section 116 of the Economic Opportunity Act of 1964, as added by section 101 of Public Law 90-222 (81 Stat. 681; 42 U.S.C. 2727), is amended— Provisions of Federal law, application.

(1) by inserting, in subsection (a), "and in section 8143(a) of title 5, United States Code" immediately after "this subsection"; and

(2) by striking out paragraph (2) of subsection (a).

(b) Section 833 of the Economic Opportunity Act of 1964, as added by section 110 of Public Law 90-222 (81 Stat. 726; 42 U.S.C. 2994b), is amended—

(1) by inserting, in subsection (a), "and in section 8143(b) of title 5, United States Code" immediately after "subsection (b)"; and

(2) by striking out subsection (b) and inserting in place thereof:

"(b) Individuals who receive either a living allowance or a stipend under part A shall, with respect to such services or training, (1) be deemed, for the purposes of subchapter III of chapter 73 of title 5 of the United States Code, persons employed in the executive branch of the Federal Government, and (2) be deemed Federal employees to the same extent as enrollees of the Job Corps under section 116(a) (1) and (3) of this Act."

80 Stat. 525.
5 USC 7321-7327.

SEC. 6. (a) Sections 1-5 of this Act restate, without substantive change, the laws replaced by those sections on the effective date of this Act. Laws effective after June 30, 1968, that are inconsistent with this Act supersede it to the extent of the inconsistency.

(b) References made by other laws, regulations, and orders to the laws restated by this Act are deemed to refer to the corresponding provisions of this Act.

(c) Actions taken under the laws restated by this Act are deemed to have been taken under the corresponding provisions of this Act.

(d) Sections 1(2) and 1(14) of this Act are effective as of September 11, 1967, for all purposes. Effective dates.

(e) Sections 1(13)(B) and 1(17) of this Act are effective as of September 6, 1966, for all purposes.

SEC. 7. (a) The following laws are repealed except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Act: Repeals.

(1) The proviso on page 615 of the Act of July 1, 1902 (ch. 1352, 32 Stat. 615);

(2) The Act of August 28, 1958 (Public Law 85-847, 72 Stat. 1086);

(3) Section 205 of the Act of August 19, 1964 (Public Law 88-448, 78 Stat. 488);

(4) Section 214(d) of the Act of December 16, 1967 (Public Law 90-206, 81 Stat. 636). 5 USC 8339 note.

(b) Paragraphs (115), (427), (428), and (429) of section 402 of Reorganization Plan No. 3 of 1967 have no further effect. 81 Stat. 958, 976.
5 USC app.

Post, p. 1368. (c) That part of the last sentence of section 3(a) of Reorganization Plan No. 1 of 1968 which relates to the rate of compensation of the Director of the Bureau of Narcotics and Dangerous Drugs has no further effect.

Post, p. 1369. (d) That part of the first sentence of section 3(b) of Reorganization Plan No. 2 of 1968 which relates to the compensation of the Urban Mass Transportation Administrator has no further effect.

Approved October 22, 1968.

Public Law 90-624

AN ACT

October 22, 1968
[H. R. 7567]

To amend the Internal Revenue Code of 1954 with respect to the definition of compensation for purposes of tax under the Railroad Retirement Tax Act, and for other purposes.

Taxes.
Definition of
compensation.
68A Stat. 434.
26 USC 3231.

66 Stat. 168;
75 Stat. 534.
8 USC 1101.

50 Stat. 309;
79 Stat. 860.
45 USC 228a.

52 Stat. 1095.
45 USC 351.

Applicability.

26 USC 3201-
3233.

73 Stat. 28;
79 Stat. 861.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3231 (e) (1) of the Internal Revenue Code of 1954 (relating to definition of compensation) is amended by inserting after the second sentence the following new sentence: "Such term does not include remuneration for service which is performed by a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, and which is performed to carry out the purpose specified in subparagraph (F) or (J), as the case may be."

SEC. 2. Section 1(h)(1) of the Railroad Retirement Act of 1937 is amended by inserting after the second sentence the following new sentence: "Such term does not include remuneration for service which is performed by a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, and which is performed to carry out the purpose specified in subparagraph (F) or (J), as the case may be."

SEC. 3. Section 1(i) of the Railroad Unemployment Insurance Act is amended by inserting after the first sentence the following new sentence: "Such term does not include remuneration for service which is performed by a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, and which is performed to carry out the purpose specified in subparagraph (F) or (J), as the case may be."

SEC. 4. (a) (1) The amendments made by the first two sections of this Act shall apply with respect to service performed after December 31, 1961.

(2) Notwithstanding the expiration before the date of the enactment of this Act or within 6 months after such date of the period for filing claim for credit or refund, claim for credit or refund of any overpayment of any tax imposed by chapter 22 of the Internal Revenue Code of 1954 attributable to the amendment made by the first section of this Act may be filed at any time within one year after such date of enactment.

(3) Any credit or refund of an overpayment of the tax imposed by section 3201 or 3211 of the Internal Revenue Code of 1954 which is attributable to the amendment made by the first section of this Act shall be appropriately adjusted for any lump-sum payment which has been made under section 5(f)(2) of the Railroad Retirement Act