

Public Law 769

CHAPTER 1214

September 1, 1954
 [H. R. 9909]

Federal employees.
 Denial of annuities after criminal conviction.

62 Stat. 683.

60 Stat. 766, 773;
 ante, p. 919.

AN ACT

To prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall not be paid to any person convicted prior to, on, or after the date of enactment of this Act of any of the following offenses described in this section, or to the survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government:

(1) Any offense defined in section 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 217, 218, 219, 220, 221, 222, or 223 of chapter 11 (relating to bribery and graft), section 281, 282, 283, 284, 285, 286, or 287 of chapter 15 (relating to claims and services in matters affecting government), section 434, 435, 436, 441, 442, or 443 of chapter 23 (relating to contracts), chapter 37 (relating to espionage and censorship), section 1700, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1711, or 1712 of chapter 83 (relating to offenses involving the postal service), chapter 105 (relating to sabotage), or chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code or in section 10 or 16 of the Atomic Energy Act of 1946 (42 U. S. C., secs. 1810 and 1816);

(2) Any offense (not including any offense within the purview of section 13 of title 18 of the United States Code) which is a felony under the laws of the United States or of the District of Columbia (A) committed in the exercise of his authority, influence, power, or privileges as an officer or employee of the Government, or (B) committed after the termination of his service as an officer or employee of the Government but directly involving, directly resulting from, or directly relating to, the improper exercise of his authority, influence, power, or privileges during any period of his service as such an officer or employee;

(3) Perjury committed under the laws of the United States or of the District of Columbia (A) in falsely denying the commission of an act which constitutes any of the offenses described in paragraph (1) or (2) of this section, (B) in falsely testifying before any Federal grand jury or court of the United States with respect to his service as an officer or employee of the Government, or (C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee; or subornation of perjury committed in connection with the false denial or false testimony of another person as specified in this paragraph;

(4) Any offense defined in section 833, 861, or 862 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1325, 1330; D. C. Code, 1951 edition, secs. 22-1201, 22-701, 22-703); or in the second paragraph under the subheading "FOR EXECUTIVE OFFICE" under the caption "GENERAL EXPENSES" in the first section of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 591; D. C. Code, 1951 edition, sec. 22-702).

Refusal to testify, etc.

SEC. 2. (a) There shall not be paid to any person who has failed or refused, or fails or refuses, prior to, on, or after the date of enactment of this Act, upon the ground of self-incrimination, to appear,

testify, or produce any book, paper, record, or other document, with respect to his service as an officer or employee of the Government or with respect to any relationship which he has had or has with a foreign government, in any proceeding before a Federal grand jury, court of the United States, or congressional committee, or to the survivor or beneficiary of such person, for any period subsequent to the date of such failure or refusal of such person or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

(b) There shall not be paid to any person who, prior to, on, or after the date of enactment of this Act, knowingly and willfully has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, has concealed or conceals any material fact, with respect to his—

(1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof, in or outside the United States, or any other organization, party, or group advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States, (B) the establishment in the United States of a Communist totalitarian dictatorship, or (C) the right to strike against the Government of the United States;

(2) conviction of any offense described in the first section of this Act; or

(3) failure or refusal to appear, testify, or produce any book, paper, record, or other document as specified in subsection (a) of this section,

for any period subsequent to the date of enactment of this Act or the date on which any such statement, representation, or concealment of fact is made or occurs, whichever is later, in connection with his application for an office or position in or under the executive, legislative, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

SEC. 3. Any amounts contributed by any such person toward the annuity the benefits of which are denied under this Act, less any sums previously refunded or paid as annuity benefits, shall be returned to such person, upon appropriate application therefor, with interest to the date of his conviction of any offense described in the first section of this Act or of the commission by him of any violation of section 2 of this Act, as the case may be, or the date of enactment of this Act, whichever is later, at such rates as may be provided in the case of refunds under the law, regulation, or agreement under which the annuity is payable, or if no such rates are so provided at the rate of 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year. Such person shall not be required to repay any annuity properly received by him which is in excess of the amount of his own contributions with interest. In the event a person entitled to a refund under this section dies prior to the making of such refund, the refund shall be made to such person or persons as may be provided in the case of refunds under the law, regulation, or agreement under which the annuity the benefits of which are denied under this Act is payable or, if no such provision is made, in the order of preference prescribed in section 12 (e) of the Civil Service Retirement Act of 1930, as amended.

SEC. 4. The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after the

False statements
or concealment.

Return of con-
tributions.

64 Stat. 214.
5 USC 724(e).

Restoration upon
pardon.

date of enactment of this Act, of an offense which is specified in the first section of this Act or which constitutes a violation of section 2 of this Act, for which he is denied an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after the date of enactment of this Act, and to the survivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 3 of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made for any period prior to the date on which such pardon is granted.

Nonliability of officers.

SEC. 5. No accountable officer of the Government of the United States or of the government of the District of Columbia shall be held responsible for payments made in violation of the first section or section 2 of this Act when such payments are made in due course and without negligence.

Definitions.

SEC. 6. As used in this Act—

(1) The term “officer or employee of the Government” includes an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States, a Member of or Delegate to Congress, a Resident Commissioner, an officer or employee of the government of the District of Columbia, and a member or former member of the Armed Forces of the United States, including the Regular and Reserve components thereof, the Fleet Reserve, the Fleet Marine Corps Reserve, the Coast and Geodetic Survey, and the Public Health Service.

(2) The term “annuity” means any retirement benefit (other than any benefit provided under laws administered by the Veterans’ Administration) payable by any department or agency of the Government of the United States or the government of the District of Columbia upon the basis of service as a civilian officer or employee, except that such term does not include salary or compensation which may not be diminished under section 1 of article III of the Constitution or, in the case of a benefit payable under the Social Security Act, as amended, any portion of such benefit not based upon service as an officer or employee of the Government of the United States or the government of the District of Columbia. The term “annuity” does not include any retirement benefit of any person to whom such benefit has been awarded or granted prior to the date of enactment of this Act insofar as concerns the conviction of such person, prior to such date, of any offense specified in the first section of this Act, or the commission by such person, prior to such date, of any violation of section 2 of this Act.

(3) The term “retired pay” means retired pay, retirement pay, retainer pay, or equivalent pay (other than any benefit provided under laws administered by the Veterans’ Administration), payable under any law of the United States to members or former members of the Armed Forces of the United States, including the Regular and Reserve components thereof and the Fleet Reserve and the Fleet Marine Corps Reserve, the Coast and Geodetic Survey, and the Public Health Service. The term “retired pay” does not include the retired pay, retirement pay, retainer pay, or equivalent pay of any person to whom any such pay has been awarded or granted prior to the date of enactment of this Act insofar as concerns the conviction of such person, prior to such date, of any offense specified in the first section of this Act, or the commission by such person, prior to such date, of any violation of section 2 of this Act.

SEC. 7. This Act shall not be construed as restricting authority under any other provision of law to deny or withhold benefits authorized by law.

Authority to deny benefits.

SEC. 8. The President may drop from the rolls any member of the Armed Forces, including the Regular and Reserve components thereof, the Fleet Reserve, and the Fleet Marine Corps Reserve, and any member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this Act.

Armed Forces. Removal from rolls.

SEC. 9. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Separability.

SEC. 10. (a) Section 3282 of title 18 of the United States Code is amended by striking out "three" and inserting in lieu thereof "five".

Statute of limitations.
62 Stat. 828.

(b) The amendment made by subsection (a) shall be effective with respect to offenses (1) committed on or after the date of enactment of this Act, or (2) committed prior to such date, if on such date prosecution therefor is not barred by provisions of law in effect prior to such date.

Approved September 1, 1954.

Public Law 770

CHAPTER 1254

AN ACT

September 3, 1954
[S. 2862]

To provide relief for the sheep-raising industry by making special nonquota immigrant visas available to certain skilled alien sheepherders.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for a period of one year after the effective date of this Act, in any case in which the Attorney General, under the authority of section 204 of the Immigration and Nationality Act, grants permission for the importation of a skilled alien sheepherder into the United States and the investigation of the application for such importation discloses that—

Alien sheep-
herders.
Visas.

(1) the employment offered such skilled alien sheepherder is permanent; and

66 Stat. 179.
8 USC 1154.

(2) no immigration quota number of the quota to which such skilled alien sheepherder is chargeable under section 202 of the Immigration and Nationality Act is then available, a special nonquota immigrant visa may be issued to such skilled alien sheepherder as provided in this Act: *Provided*, That such skilled alien sheepherder is otherwise eligible to receive an immigrant visa under the immigration laws.

66 Stat. 176.
8 USC 1152.

SEC. 2. The Attorney General shall certify to the Secretary of State the name and address of every skilled alien sheepherder for which an application for importation under section 204 has been approved. If a quota number is not then available for such skilled alien sheepherder, the proper consular officer may issue a special nonquota immigrant visa to such skilled alien sheepherder.

8 USC 1154.

SEC. 3. (a) There shall not be issued more than three hundred and eighty-five special nonquota immigrant visas under this Act.

Limitation.

(b) Nothing contained in this Act shall be construed as increasing the immigration quota of any country or of altering the requirements for admission of aliens into the United States.

SEC. 4. Any alien who is excludable because of the conviction of a misdemeanor classifiable as a petty offense under the provisions of

Petty offense
convictions.