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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 35—RESTORATION OF FEDERAL EMPLOYEES AFTER SERVICE IN THE ARMED FORCES

Part 35 is revised and amended to read as set out below. Substantive changes have been made to conform with recent amendments to the Universal Military Training and Service Act of 1950. These changes will require that restoration rights be given to permanent employees who serve not more than four years on active duty in the armed forces, (under the former act the length of service was three years and restoration rights were limited to one enlistment) and that a leave of absence be granted to employees for the purpose of entering or determining physical condition to enter the armed forces and for training duty.

In addition, certain changes have been made as a result of new policy. These changes will require that restoration rights be granted to indefinite employees serving in defense establishments with reemployment rights back to their original agency under Part 8 of the Commission's Regulations, so that these employees may regain their Federal employment and preserve their reemployment rights back to their original agency; that a permanent employee who has received promotion of more than one grade be offered restoration to the next best available position for which qualified, if he cannot be restored to his former position (present policy provides that if the employee cannot be restored to the position he left, he will be restored to the next lower position in which he served under indefinite promotion), that the agency positively identify the position the employee leaves (agencies formerly were required to review the job description which the employee held on a permanent basis and to furnish him with a copy of that description at the time he entered the armed forces) and that agencies give consideration for promotion to employees serving in the armed forces to the same extent as they would have received had they not been absent (present policy permits this consideration but does not require it)

These amendments are effective upon publication in the FEDERAL REGISTER.

Sec.

- 35.1 Coverage.
- 35.2 Agency action at time employee leaves.
- 35.3 Agency action while employee is absent.
- 35.4 Requirements for restoration.
- 35.5 Agency action at time employee returns.
- 35.6 Appeals to the Commission.
- 35.7 Commission action on appeal.

AUTHORITY: §§ 35.1 to 35.7 issued under sec. 9, 62 Stat. 614; 50 U. S. C. App. Sup. 459. E. O. 10180, Nov. 13, 1950, 15 F. R. 7745; 3 CFR 1950 Supp.

§ 35.1 *Coverage.* The regulations in this part apply to any person who, subsequent to June 24, 1948, leaves other than a temporary position in the executive branch of the Federal or the District of Columbia Government and enters on active duty for service in the armed forces of the United States. The regulations in this part also apply to any permanent employee who has been indefinitely promoted or reassigned to the position he leaves to enter such service, and to any employee who has been given an indefinite appointment with reemployment rights under Part 8 of this chapter.

§ 35.2 *Agency action at time employee leaves—(a) Military furlough or separation—(1) Recording of action.* Each employee entering the armed forces for active service shall be furloughed or separated for military service at the option of the agency. At the time he returns to duty the employee shall be considered as having been on military furlough and shall be entitled to all the benefits provided by law or the regulations in this part.

(2) *Job identity requirements.* The agency concerned shall positively identify the position the employee is leaving.

(b) *Leave of absence.* Agencies shall grant a leave of absence to an employee for the purpose of entering, determining physical fitness to enter, or performing training duty in the armed forces of the United States. Upon application within 30 days after release from training duty or after rejection the employee shall be returned to his position without reduction in seniority, status, or pay, except as

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TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter S—Moneys: Tribal and Individual

PART 221—INDIAN MONEY ACCOUNTS

Sections 221.1 to 221.40 inclusive, of Part 221 are repealed and §§ 221.1 to 221.12 as hereinafter set forth are substituted therefor. The title of this part is changed to "Indian Money Accounts"

Sec.	Definitions.
221.1	Definitions.
221.2	Osage Agency.
221.3	Individual accounts.
221.4	Minors.
221.5	Adults under legal disability.
221.6	Voluntary deposits.
221.7	Payments by other Federal agencies.
221.8	Purchase orders.
221.9	Restrictions.
221.10	Funds of deceased Indians.
221.11	Funds of deceased Indians of the Five Civilized Tribes.
221.12	Supervision; appeal.

AUTHORITY: §§ 221.1 to 221.12 issued under E. S. 161; 5 U. S. C. 22.

§ 221.1 *Definitions.* Whenever used in this part the terms defined in this section shall have the meaning herein stated:

(a) "Commissioner" means the Commissioner of Indian Affairs.

(b) "Area Director" means the officer in charge of an area office for the Bureau of Indian Affairs.

(c) "Superintendent" means the superintendent or other officer in charge of an Indian reservation, agency or establishment.

(d) "Minor" means an individual who has not reached his majority as defined by the laws of the state of his domicile.

(e) "Indian Money Accounts" are those accounts under the control of superintendents or disbursing agents containing funds, regardless of derivation, belonging to individuals.

§ 221.2 *Osage Agency.* The provisions of this part do not apply to funds the deposit or expenditure of which is subject to the provisions of Part 222.

§ 221.3 *Individual accounts.* Individuals shall have the right to withdraw funds in their Indian money accounts and upon their request the superintendent shall disburse the funds to them at such convenient times and places as the superintendent may designate, except as otherwise provided in this part.

§ 221.4 *Minors.* Funds of a minor may be disbursed for the minor's support, health, education, or welfare to parents, state-appointed guardians, fiduciaries, or to persons having the control and custody of the minor under plans approved by the superintendent, or directly to the minor upon such conditions as the superintendent may prescribe, in such amounts as he may deem necessary in the best interests of the minor. Superintendents are authorized to require modification of an approved plan whenever deemed in the best interest of the minor.

§ 221.5 *Adults under legal disability.* The funds of an adult who is non compos mentis or under other legal disability

may be disbursed for his benefit for such purposes deemed to be for his best interest and welfare in the discretion of the superintendent, or the funds may be disbursed to a state-appointed guardian or curator under such conditions as the superintendent may prescribe.

§ 221.6 *Voluntary deposits.* Voluntary deposits shall not be accepted, but Indians who require banking service shall be encouraged to utilize commercial facilities. If in any case it is the judgment of the superintendent that an exception to this prohibition should be made to avoid a substantial hardship, he shall submit the facts in the case to the Area Director who is authorized to allow or deny an exception.

§ 221.7 *Payments by other Federal Agencies.* Superintendents are authorized to accept and administer moneys that may be received from the Veterans Administration or other government agency pursuant to the act of February 25, 1933 (47 Stat. 907; 25 U. S. C. 14) for the benefit of adult Indians under legal disability or minors for whom no legal guardian or fiduciary has been appointed.

§ 221.8 *Purchase orders.* Purchase orders shall not be issued except upon the request of the individual and only to meet emergencies.

§ 221.9 *Restrictions.* Funds obligated under assignments made pursuant to Part 30 of this chapter shall be disbursed only in accordance with the terms thereof. Funds derived from the sale of capital assets which by agreement approved prior to such sale by the Commissioner or his authorized representative are to be expended for specific purposes, and funds obligated under contractual arrangements approved in advance by the superintendent or subject to deductions specifically authorized or directed by acts of Congress, shall be disbursed only in accordance with the agreements (including any subsequently approved modifications thereof) or acts of Congress.

§ 221.10 *Funds of deceased Indians.* Funds of a deceased Indian may be disbursed (a) for support of dependent members of the families of decedent in such amounts deemed necessary to avoid hardship and consistent with the value of the estate and the interest of probable heirs; (b) for the payment of obligations previously authorized; (c) for the last illness and funeral expenses of the decedent; and (d) for probate fees and claims allowed pursuant to Parts 81 and 82 of this title.

§ 221.11 *Funds of deceased Indians of the Five Civilized Tribes.* Funds of a deceased Indian of the Five Civilized Tribes may be disbursed to pay ad valorem and personal property taxes, Federal and state estate and income taxes, obligations approved by the superintendent prior to death of decedent, expenses of last sickness and burial and claims found to be just and reasonable which are not barred by the statute of limitations, and costs of determining heirs to restricted property by the state courts.

§ 221.12 *Supervision, appeal.* Exercise of authority by superintendents under this part shall be subject to the supervision and control of the Commissioner and his designated representatives. Appeal from an action taken by the superintendent may be taken within 30 days to the Area Director and thence to the Commissioner within a like period.

OSCAR L. CHAPMAN,
Secretary of the Interior

JUNE 19, 1951.

[F. R. Doc. 51-7316; Filed, June 20, 1951;
8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 572—CONTRACT SURGEONS AND CIVILIAN VETERINARIANS

CONTRACT SURGEONS

Sections 572.1 through 572.5 are rescinded and the following substituted therefor:

CONTRACT SURGEONS

Sec.	Definitions.
572.1	Authority to employ.
572.2	Duties and privileges.
572.3	Pay and allowances.
572.4	Qualifications.
572.5	Contracts.

AUTHORITY: §§ 572.1 to 572.5 issued under E. S. 161; 5 U. S. C. 22. Interpret or apply sec. 18, 31 Stat. 752, sec. 504, 63 Stat. 827; 10 U. S. C. 107, 37 U. S. C. 304.

§ 572.1 *Authority to employ.* When authorized by the Secretary of the Army, and to the extent deemed necessary by him, full-time or part-time contract surgeons may be employed by The Surgeon General. The commanding generals of the continental Army areas may act for The Surgeon General within their respective Army areas in contracting for the services of such full-time or part-time contract surgeons. Employment of all other contract surgeons will be accomplished by The Surgeon General.

§ 572.2 *Duties and privileges.* The professional and administrative duties of contract surgeons are identical to those of a Medical Corps officer, except so far as they are limited by the fact that contract surgeons do not perform their functions by virtue of military rank or commission. Contract surgeons are not eligible for detail on courts martial, but may be detailed to serve on medical boards convened pursuant to AR 40-610 (Army regulation pertaining to administration of medical treatment facilities) and on other administrative boards when authorized by law or regulation.

§ 572.3 *Pay and allowances.*—(a) *Full-time contract surgeons.* Contract surgeons serving full time with any of the uniformed services are entitled to be paid the minimum basic pay, the basic allowances, and such other allowances as are authorized by the act of October 12, 1949 (Pub. Law 351, 81st Cong.), to be paid to commissioned officers in pay grade O-2.

(b) *Part-time contract surgeons.* (1) Contract surgeons who are serving part