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

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. Issue of orders and

Proviso. Limitation.

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 deter-

mination of the matters in controversy. 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.

Appearance of At-torney General direct-

Approved, May 24, 1924.

[Public, No. 135.]

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

Service to known as.

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

Official designation of officers.

be known as the Foreign Service of the United States. 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

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: Details for inspection. Provided, That as many Foreign Service officers above class 6 as may be required for the purpose of inspection may be detailed by

Percentage of allot-ments and salaries.

the Secretary of State for that purpose. Sec. 4. That Foreign Service officers may be appointed as secretaries in the Diplomatic Service or as consular officers or both:

Appointments, diplo-matic, consular, or both.

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

Sec. 5. That hereafter appointments to the position of Foreign Appointments sub-Service officer shall be made after examination and a suitable period Department service. 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 American citizenship Foreign Service officer who is not an American citizen: Provided Reinstatement by further, That reinstatement of Foreign Service officers separated Executive Order perfrom the classified service by reason of appointment to some other mitted. position in the Government service may be made by Executive order of the President under such rules and regulations as he may prescribe.

All appointments of Foreign Service officers shall be by com-by appointments to be mission to a class and not by commission to any particular post, class. 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 imposition of the distribution of t the present commissions of secretaries and consular officers.

Sec. 6. That section 5 of the Act of February 5, 1915 (Public, transfers. Vol. 38, p. 806, amend-242), is hereby amended to read as follows:

"Sec. 5. That the Secretary of State is directed to report from dent of recommendations time to the President, along with his recommendations, the etc. 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 be kept 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 pre-lower grades. scribed examination to have fitness for appointment to the lower grades of the service."

Promotions and ed. Report to the Presi-

grades of the service."

Sec. 7. That on the date on which this Act becomes effective the present officers to be Secretary of State shall certify to the President, with his recommendation in each case, the record of efficiency of the several sec-dations. retaries 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, out examination, out examination, of those then in office as follows:

Efficiency record to

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

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

Recommissions with-

officers of class three. Secretaries of class two, consuls general of class five, consuls of classes one, two, and three, and Chinese, Japanese, and Turkish

Class one.

secretaries as Foreign Service officers of class four. Consuls of class four as Foreign Service officers of class five. Class two.

Class three.

Class four.

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. Class eight.

Consuls of class six as Foreign Service officers of class seven. Secretaries of class four and consule 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 Proviso. Limited to incum- 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.

That the grade of consular assistant is hereby abolished, and that all consular assistants now in the service shall be recommis-

Consular assistants made unclassified offi-

sioned as Foreign Service officers, unclassified. Sec. 9. That sections 1697 and 1698 of the Revised Statutes are

R. S., secs. 1697, 1698, p. 303, amended.

Bonds required of Foreign Service officers.

hereby amended to read as follows:

"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 Amount and condi- 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 Provises.
Existing bonds not 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

impaired.

All official acts covered.

secretary in the Diplomatic Service, consul general, consul, or vice consul of career. The bonds herein mentioned shall be deposited consul of career. The bonds herein mentioned shall be deposited with the Secretary of the Treasury."

Sec. 10. That the provisions of section 4 of the Act of April 5,

- Deposit with Secretary of the Treasury.

Intes. Vol.34,p.100,amended.

Duties applicable to general at large are hereby made applicable to Foreign Service inspection officers.

Outline applicable to officers detailed for the purpose of inspection, who shall, under the 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.

Inspectors of consu-

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

Fees, etc. Application of provisions. Vol. 34, pp. 101, 102.

therefor shall include both branches of the Foreign Service.

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.

Representation al-lowance where no dip-lomatic mission.

Accounting.

Sec. 13. Appropriations are authorized for the salary of a private Ambassadors allowed private secretaries. secretary to each ambassador who shall be appointed by the

ambassador and hold office at his pleasure.

SEC. 14. That any foreign Service officer may be assigned for duty in the Department of State without loss of class or salary, such ited periods. assignment to be for a period of not more than three years, unless the public interests demand further service, when such assignment where, 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 allowance. 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.

SEC. 15. That the Secretary of State is authorized, whenever he be ordered after three deems it to be in the public interest, to order to the United States on years' service abroad. 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 transportation such officers and their immediate families, in traveling from their amilies. 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 Dutlee Secretary of State when not on leave: Provided further, That while scribed. 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.

SEC. 16. That the part of the Act of July 1, 1916 (Public, bassies or legations.

Numbered 131), which authorizes the President to designate and ed. (O.139, p. 252, amended). assign any secretary of class one as counselor of embassy or legation, is hereby amended to read as follows:

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

Sec. 17. That within the discretion of the President, any Foreign Temporary appointments for specified act as commissioner, charge duties. 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.

That section 1685 of the Revised Statutes as amended by the Act interim. entitled "An Act for the improvement of the Foreign Service, R.S. sec., 1685, p. 295.

approved February 5, 1915," is hereby amended to read as follows: ed. "Sec. 1685. That for such time as any Foreign Service officer is 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 are half that 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."

Assignments to Destruent duty for lim-

For special duty else-

Travel and subsist-ence expenses.

Details limited.

Duties may be pre-

Proviso. Salary restriction.

Chargé d'affaires ad

Vol.38, p. 805, amend-

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 disburse-ments 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 Appropriations for, Provided, That in no event shall the aggregate total appropriations limited to contribute exceed the aggregate total of the contributions of the Foreign Service officers theretofore made, and accumulated interest thereon.

Proviso.

(b) There is hereby created a special fund to be known as the

Special fund created.

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.

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

Maximum salary

five years as he may deem for the interest of the United States. (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

Retirement age.

centum. officers not contributing for each year of service, to have that 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

Classification of annuities based on service and salary. Percentages.

retiring.

did not contribute bears to the total length of service.

(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.

Fund to be invested in Federal securities.

(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.

Moneys not assignable, subject to attachment, etc.

(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-

Annultant dying be-fore receiving total of contributions, etc., ex-cess payable to legal representative.

lated contributions over the said annuity payments shall be paid to the officer discontribution of her legal representatives; and in case a Foreign Service butions to be paid to officer shall die without having reached the retirement age the total legal representative. 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 before reaching retireof retirement becomes totally disabled for useful and efficient ment age. 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 tions of disability not annually in order to determine the degree of disability, and the payment of annuity shall coase from 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 Fees payable from 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 annuity discontinued before total continued before total contributions with accrued interest the difference shall be reid to ference to be paid. 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, Credit of year and a by Executive order, a list of places in tropical countries which by half for each year of service at. reason of climatic or other extreme conditions are to be classed as unhealthful 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.

(I) 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 officer accepts employment, accepts a position of employment the emoluments of ment at greater than amount thereof. 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 be made received. 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 until report received.

State to order the payment of the annuity to be suspended until such report is received. such report is received.

(n) The Secretary of State is authorized to expend from surplus Amount authorized from fund for expenses, 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 retirement benefits. 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 for retire-computed from the date of original oath of office as secretary in the ment.

Provisos.
Medical examination required.

Officer separated behave 75 per cent of contribution returned.

Proviso. Yearly notification to made of amount

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 Proviso.

Special contributions from officers having prior department as a Foreign Service officer may be included in the period of service in which case the officer of the period of service in which case the officer of the officer 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.

Full pay to retired of-ficers 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 dip-lomatic 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 Inconsistent laws re- for service as diplomatic or as consular officers, and that all Acts or parts of Acts inconsistent with this Act are hereby repealed.

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 Retirement annuities herein provided for, except that no part of such appropriations shall be available for the payment of annuities to retired Foreign Service officers.

State Department appropriation for 1925, made applicable.

Post, pp. 205, 891.

Department of State. Service officers.

Second and Third Assistant Secretaries "Second Assistant Secretary of State" and Assistant Secretaries "Third Assistant Secretary of State" shall hereafter be known as made Assistant Secretary of State" without numerical distinction of taries. Commissions, etc., rank; but the change of title shall in no way impair the commis-

sions, salaries, and duties of the present incumbents. 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,

made Assistant Secre-

and shall be entitled to compensation at the rate of \$7,500 per annum.

Director of Consular Service abolished.

Salary available for additional Assistant and the salary provided for that office is hereby made available for additional Assistant and the salary provided for that office is hereby made available for the salary provided for the for the salary of the additional Assistant Secretary of State herein authorized.

Additional Assistant ecretary to be ap-Secretary pointed.

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

Compensation.

Act effective July 1, 1924. Approved, May 24, 1924.

Secretary. Post, p. 205.

May 24, 1924. [H. R. 8262.]

[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

Legislative officers and employees.

Positions and pay established.

Legislative officers of America in Congress assembled,
Section 1. The following positions and annual (except where specified otherwise) rates of compensation are hereby established: