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Appropriation authorized.

SEC. 2. For the purpose of defraying the expenses of such band in attending and giving concerts at such convention, there is authorized to be appropriated the sum of $8,137.40, or so much thereof as may be necessary, to carry out the provisions of this Act: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed $5 per day each for additional living expenses while on duty, and that the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station.

Approved July 13, 1943.

[CHAPTER 233]

AN ACT

July 13, 1943
[H. R. 2703]
[Public Law 144]

To provide more adequate and uniform administrative provisions in veterans' laws pertaining to compensation, pension, and retirement pay payable by the Veterans' Administration, and for other purposes.

Veterans' compensation, pension, and retirement pay.
48 Stat. 8.
38 U. S. C. § 701 *et seq.*; Supp. II, § 701 *et seq.*
Ante, pp. 21, 43; *post*, p. 555 *et seq.*
Infra.
48 Stat. 524, 1281; 49 Stat. 614.
38 U. S. C. notes prec. §§ 700, 701; §§ 503–507a, 368, 369.
Post, p. 556.
Post, p. 555.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the administrative, definitive, and regulatory provisions of Public Law Numbered 2, Seventy-third Congress, March 20, 1933, and Veterans Regulations, as now or hereafter amended, shall be applicable to benefits provided under Public Law Numbered 141, Seventy-third Congress, March 28, 1934, as amended; Public Law Numbered 484, Seventy-third Congress, June 28, 1934, as amended; and under laws reenacted by Public Law Numbered 269, Seventy-fourth Congress, August 13, 1935, as amended: *Provided*, That where solely as a result of the definition of the term "child" in paragraph VI of Veterans Regulation Numbered 10—Series as amended by this Act, the child or children of a deceased veteran of the Spanish-American War, Boxer Rebellion, or Philippine Insurrection would be entitled to benefits under the general pension law or service pension Acts reenacted by Public Law Numbered 269, Seventy-fourth Congress, August 13, 1935, the rates of service pension applicable to such child or children shall be those provided in Public Law Numbered 484, Seventy-third Congress, as now or hereafter amended.

43 Stat. 613.

SEC. 2. Section 21 of the World War Veterans' Act, 1924, as amended (U. S. C., title 38, sec. 450), is further amended by adding a new subsection (4) to read as follows:

Benefits subject to designated provisions.
49 Stat. 607.

"(4) Any benefit payable or paid by the Veterans' Administration shall be subject to the applicable provisions of Public Law Numbered 262, Seventy-fourth Congress (U. S. C., title 38, secs. 556a, 454a), as now or hereafter amended: *Provided*, That in any case of an incompetent veteran having no guardian, payment of compensation, pension, or retirement pay may be made in the discretion of the Administrator to the wife of such veteran for the use of the veteran and his dependents: *And provided further*, That payment of death benefits to a widow for herself and child or children, if any, may be made directly to such widow, notwithstanding she may be a minor. The Act of August 8, 1882 (22 Stat. 373; U. S. C., title 38, sec. 44), is hereby repealed and any other law in conflict herewith is modified accordingly."

Incompetent veteran having no guardian.

Direct payment to widow.

Repeal.
38 U. S. C. §§ 44–47, 49, 75, 192.

38 U. S. C. note foll. § 724.

SEC. 3. Paragraph XXI of Veterans Regulation Numbered 10—Series, is hereby amended to read as follows:

Renouncement of rights.

"XXI. Any person entitled to pension or compensation under any law or Veterans Regulation administered by the Veterans' Administration may renounce his right thereto. The application renouncing the right shall be in writing over the person's signature and upon

filing of such application, payment of such benefits and the right thereto shall be terminated and he shall be denied any and all rights thereto from date of receipt of such application by the Veterans' Administration. The renouncement provided for herein shall not preclude the person from filing a new application for pension or compensation at a future date but such application shall have the attributes of an original application and no payment will be made for any period prior to the date thereof."

New application.

SEC. 4. Any person shown by evidence satisfactory to the Administrator of Veterans' Affairs to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies shall forfeit all accrued or future benefits under laws administered by the Veterans' Administration pertaining to gratuities for veterans and their dependents: *Provided, however*, That the Administrator of Veterans' Affairs, in his discretion, may apportion and pay any part of such benefits to the dependents of such person not exceeding the amount to which each dependent would be entitled if such person were dead.

Mutiny, treason, etc. Forfeiture of benefits.

Payments to dependents.

SEC. 5. When any person not a citizen of the United States entitled to compensation, pension, or other gratuity under laws administered by the Veterans' Administration is located in the territory of or under military control of an enemy of the United States or of any of its allies, any award of such benefits in favor of such person shall be terminated forthwith and such person shall not be entitled to any such benefits except upon the filing of a new claim accompanied by evidence satisfactory to the Administrator of Veterans' Affairs showing that the claimant was not guilty of any of the offenses enumerated in section 4 of this Act: *Provided*, That no compensation, pension, or other gratuity shall be paid for any period prior to the date of such new claim: *Provided further*, That while such person is located in a territory of or under military control of an enemy of the United States or any of its allies, any part of the benefits to which such person would otherwise be entitled may, in the discretion of the Administrator of Veterans' Affairs, be apportioned and paid to the dependents of such person who are in the United States or in a place not occupied or controlled by such enemy, except that the amount so apportioned and paid shall not exceed the amount to which each dependent would be entitled if such person were dead.

Non-citizen in enemy territory. Termination of benefits.

New claim.

Payments to dependents.

SEC. 6. Paragraph V of Veterans Regulation Numbered 10, as amended, is hereby amended by striking out the period at the end thereof and substituting therefor a colon and the following: "of a World War II veteran—who was married to the veteran prior to the expiration of ten years subsequent to the termination of hostilities incident to the present war as determined by proclamation of the President or by concurrent resolution of the Congress."

38 U. S. C. note foll. § 724.

Widow of World War II veteran.

SEC. 7. Paragraph VI of Veterans Regulation Numbered 10—Series is hereby amended to read as follows:

38 U. S. C. note foll. § 724.

"VI. The term 'child' shall mean a person unmarried and under the age of eighteen years, unless prior to reaching the age of eighteen years the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, who is a legitimate child; a child legally adopted; a stepchild if a member of the man's household; an illegitimate child but as to the father only if acknowledged in writing, signed by him, or if he has been judicially ordered or decreed to contribute to the child's support or has been, prior to his death judicially decreed to be the putative father of such child, or if he is otherwise shown by evidence satisfactory to the Administrator of Veterans' Affairs to be the putative father of such child: *Provided*, That the payment of pension shall be continued after

"Child."

Payments after 18th birthday.

the eighteenth birthday and until completion of education or training (but not after such child reaches the age of twenty-one years), to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university, particularly designated by him and approved by the Administrator, which shall have agreed to report to the Administrator the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn."

38 U. S. C. note foll. § 724.

SEC. 8. Paragraph VII of Veterans Regulation Numbered 10 is hereby amended to read as follows:

"Parent," "father," and "mother."

"VII. The terms 'parent', 'father', and 'mother' include a father, mother, father through adoption, mother through adoption, and persons who have stood in loco parentis to a member of the military or naval forces at any time prior to entry into active service for a period of not less than one year: *Provided*, That not more than one father and one mother, as defined, shall be recognized in any case, and preference shall be given to such father or mother who actually exercised parental relationship at the time of or most nearly prior to the date of entry into active service by the person who served."

Extension of benefits.

38 U. S. C. note foll. § 724.

SEC. 9. (a) Paragraph I (a), part I, Veterans Regulation Numbered 1 (a), as amended, is hereby amended, (a) by inserting after "April 1, 1920;" the phrase "or during an enlistment or employment entered into on or after December 7, 1941, and before the termination of hostilities incident to the present war as determined by proclamation of the President or by concurrent resolution of the Congress"; and (b) by inserting after the phrase "or active service in the World War" the phrase "or in World War II".

38 U. S. C. note foll. § 724.

(b) Paragraph I (b), part I, Veterans Regulation Numbered 1 (a), as amended, is hereby amended to read as follows:

Presumption of sound condition.

"(b) For the purposes of paragraph I (a) hereof every person employed in the active military or naval service shall be taken to have been in sound condition when examined, accepted, and enrolled for service except as to defects, infirmities, or disorders noted at time of the examination, acceptance, and enrollment, or where clear and unmistakable evidence demonstrates that the injury or disease existed prior to acceptance and enrollment and was not aggravated by such active military or naval service."

Service as cadet or midshipman.

SEC. 10. Service as a cadet at the United States Military Academy or as a midshipman at the United States Naval Academy or as a cadet at the United States Coast Guard Academy on or after December 7, 1941, and before termination of hostilities incident to the present war as determined by proclamation of the President or by concurrent resolution of the Congress shall be considered active military or naval service in World War II for the purposes of laws administered by the Veterans' Administration.

53 Stat. 1069.

SEC. 11. Section 1 (c) of the Act of June 28, 1934, as amended by section 1 of the Act of July 19, 1939 (Public Law Numbered 198, Seventy-sixth Congress, U. S. C., title 38, sec. 503 (c)), is hereby amended to read as follows:

Restriction on payment of compensation.

"(c) Payment of compensation under the provisions of this Act shall not be made to any widow without child, or a child, whose annual income exceeds $1,000, or to a widow with a child or children whose annual income exceeds $2,500. In determining annual income any payments by the United States Government because of disability or death under laws administered by the Veterans' Administration shall not be considered: *Provided*, That where payments to a widow are disallowed or discontinued hereunder, payment to a child or children of the deceased veteran may be made as though there is no widow."

Payment to child where disallowed to widow.

SEC. 12. Paragraph V, part I, Veterans Regulation Numbered 2 (a), is amended to read as follows:

38 U. S. C. note foll. § 724.

"V. (1) Pension, compensation, or retirement pay authorized under laws administered by the Veterans' Administration, to which a person was entitled prior to the date of his death, and not paid during his lifetime, and due and unpaid for a period not to exceed one year prior to death under existing ratings or decisions, or those based on evidence in the file at date of death, shall, upon the death of such person, be paid as hereinafter set forth:

Benefits due and unpaid at death.

"(a) Upon the death of a person receiving an apportioned share of the veteran's pension, compensation, or retirement pay, all or any part of such unpaid amount, to the veteran or to any other dependent or dependents as may be determined by the Administrator of Veterans' Affairs;

"(b) Upon the death of a veteran, to the surviving spouse; or if there be no surviving spouse, to the child or children, dependent mother or father in the order named;

"(c) Upon the death of a widow or remarried widow, to the veteran's child or children;

"(d) Upon the death of a child, to the surviving child or children of the veteran, entitled to death compensation or pension;

"(e) In all other cases, only so much of the unpaid pension, compensation, or retirement pay may be paid as may be necessary to reimburse a person who bore the expense of last sickness and burial: *Provided, however*, That no part of any of the accrued pension, compensation, or retirement pay shall be used to reimburse any political subdivision of the United States for expense incurred in the last sickness or burial of such person;

Last sickness and burial expenses.

"(f) Payment of the benefits authorized by this paragraph will not be made unless claim therefor be received in the Veterans' Administration within one year from the date of death of the beneficiary or one year after date of this enactment, whichever is later, and such claim is perfected by the submission of the necessary evidence within one year from the date of the request therefor by the Veterans' Administration: *Provided, however*, That a claim for compensation or pension by an apportionee, widow, child, or dependent parent shall be deemed to include claim for any accrued benefits.

Presentation of claim.

"(2) A check received by a payee in payment of pension, compensation, or retirement pay shall, in the event of the death of the payee on or after the last day of the period covered by such check, become an asset of the estate of the deceased payee.

Check as asset of estate.

"(3) All Acts and parts of Acts in conflict with or inconsistent with the provisions of this section are hereby repealed."

Repeal of inconsistent laws.

SEC. 13. Paragraph VI of Veterans Regulation Numbered 6 (a), as amended, is hereby amended to read as follows:

38 U. S. C. note foll. § 724.

"VI. (A) Where any disabled veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the United States, or any political subdivision thereof, any pension, compensation, or retirement pay shall not exceed $20 per month: *Provided*, That the amount payable for any such disabled veteran, entitled to pension for non-service-connected disability under the provisions of part III of Veterans Regulation Numbered 1 (a), as amended, shall not exceed $8 per month. Where any disabled veteran who is being furnished hospital treatment, institutional or domiciliary care by the United States, or any political subdivision thereof, has a wife, child, or dependent parent, the pension, compensation, or retirement pay may, in the discretion of the Administrator, be apportioned on behalf of such wife, child, or dependent parent, in accordance with instructions issued by the Administrator.

Payment while receiving hospital, etc., care.

38 U. S. C. note foll. § 724; Supp. II, note foll. § 726.

Insane veteran. Pension, compensation, or retirement pay.

"(B) Where any disabled veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the United States, or any political subdivision thereof, and shall be deemed by the Administrator of Veterans' Affairs to be insane, the pension, compensation, or retirement pay for such veteran shall be in the amounts specified in (A) above: *Provided*, That in any case where the estate of such disabled insane veteran derived from any source equals or exceeds $1,500, further payments of such benefits will not be made until the estate is reduced to $500. Any such veteran without such dependent or dependents, when maintained at his own expense in an institution, shall be subject to the foregoing limitations but shall be paid such amount otherwise payable as equals the amount charged for his care and maintenance in such institution not exceeding the amount the Administrator of Veterans' Affairs determines to be the charge as fixed by any applicable statute or valid administrative regulation: *Provided further*, That all or any part of the pension, compensation, or retirement pay payable on account of any such veteran may, in the discretion of the Administrator, and in accordance with instructions issued by the Administrator, be paid to the chief officer of the institution wherein the disabled veteran is maintained, to be properly accounted for by said chief officer and to be used for the benefit of the disabled veteran; or may be paid to the guardian of the disabled veteran in accordance with the provisions of paragraph 1 of section 21 of the World War Veterans' Act, 1924, as amended; or, in the event the disabled veteran has a wife, child, or dependent parent, may, in the discretion of the Administrator, be paid to his wife or apportioned on behalf of such wife, child, or dependent parent; or otherwise be disposed of in accordance with the provisions of paragraph 3 of section 21 of the World War Veterans' Act, 1924, as amended.

Where estate equals or exceeds $1,500.

Payment to institution, guardian, etc.

44 Stat. 791. 38 U. S. C. § 450 (1).

46 Stat. 993. 38 U. S. C. § 450 (3).

"(C) Any veteran subject to the provisions of subparagraph (A) or (B) shall be deemed to be single and without dependents in the absence of satisfactory evidence to the contrary: *Provided*, That in no event shall increased compensation, pension, or retirement pay of such veteran be granted for any period more than six months prior to receipt of satisfactory evidence showing such veteran has a wife, child, or dependent parent.

Veteran deemed single and without dependents.

"(D) The pension of any disabled veteran who is an inmate of the United States Soldiers' Home or of any National or State soldiers' home on the date of this enactment, shall not be reduced or discontinued by reason of the provisions of (A), (B), or (C) above.

Inmates of soldiers' homes.

"(E) The provisos of section 3 of the Act of May 1, 1926 (44 Stat. 383; U. S. C., title 38, sec. 364b), and of sections 2 and 4 of the Act of June 2, 1930 (46 Stat. 492, 493; U. S. C., title 38, secs. 365a, 365c); that part of the proviso of section 5 of the Act of July 3, 1926, extending to and ending with a semicolon (44 Stat. 807; U. S. C., title 38, sec. 321a); the second proviso of section 5 of the Act of June 9, 1930 (44 Stat. 530; U. S. C., title 38, sec. 321c); the third proviso of section 1 of the Act of August 25, 1937 (50 Stat. 786; U. S. C., title 38, sec. 381–1); the first proviso of section 4 of the Act of May 24, 1938 (52 Stat. 440; U. S. C., title 38, sec. 370c); and all other provisions of law or regulation in conflict with the foregoing provisions are hereby repealed or modified accordingly."

Repeal or modification of conflicting provisions.

46 Stat. 530.

SEC. 14. (a) The surviving widow, child, or children of any deceased person, entitled to wartime service-connected death compensation or pension at the rates provided in paragraph two of section 5 of Public Law Numbered 198, Seventy-sixth Congress, approved July 19, 1939, as amended (U. S. C., title 38, secs. 472b, 472b–1, 357b), shall be entitled to receive compensation or pension at the monthly rates specified below:

Wartime service-connected death compensation, etc. Monthly rates.

53 Stat. 1070. 38 U. S. C., Supp. II, §§ 472b, 472b–1, 357b.

Widow but no child, $50; widow with one child, $65, with $13 for each additional child (subject to apportionment regulations); no widow but one child, $25; no widow but two children, $38 (equally divided) with $10 for each additional child (total amount to be equally divided). As to the widow, child, or children, the total amount payable under this paragraph shall not exceed $100.

Peacetime service-connected death pension.
Monthly rates.

(b) The surviving widow, child, or children of any deceased person, entitled to peacetime service-connected death pension at the rates provided in paragraph two of section 1 of Public Law Numbered 690, Seventy-seventh Congress, approved July 30, 1942 (56 Stat. 731), shall be entitled to receive pension at the monthly rates specified below:

38 U. S. C., Supp. II, note foll. § 726.

Widow but no child, $38; widow with one child, $49 with $10 for each additional child (subject to apportionment regulations); no widow but one child, $19; no widow but two children, $28 (equally divided) with $8 for each additional child (total amount to be equally divided). As to the widow, child, or children, the total pension payable under this paragraph shall not exceed $75.

Commencement of new rates.

(c) As to such persons who now are on the compensation or pension rolls or are applicants for compensation or pension and are found entitled, at said rates, the compensation or pension or increase thereof at the rates authorized in (a) or (b) of this section shall commence on the first day of the month following the month in which this Act is enacted, and as to those filing claims hereafter and found entitled to said rates, compensation or pension payable under this section shall begin as authorized in existing law and regulations: *Provided*, That the rates of compensation or pension authorized by this section shall not be awarded for any period prior to the first day of the month following the month of enactment of this Act.

38 U. S. C. note foll. § 724.

SEC. 15. Paragraph XIII of Veterans Regulation Numbered 10 is hereby amended to read as follows:

Concurrent payments.

"XIII. Not more than one award of pension, compensation, or emergency officers' or regular retirement pay, shall be made concurrently to any person based on his own service. The receipt of pension or compensation by a widow, child, or parent on account of the death of any person, or receipt by any person of pension or compensation on account of his own service, shall not bar the payment of pension or compensation on account of the death or disability of any other person. This paragraph is hereby made applicable to all laws administered by the Veterans' Administration. Section 4715 of the Revised Statutes (U. S. C., title 38, sec. 25) and any other laws in conflict herewith are hereby repealed or modified accordingly.

Repeal or modification of conflicting laws.

"Pension, compensation, or retirement pay on account of his own service shall not be paid while the person is in receipt of active service pay.

Persons receiving active service pay.

"The third proviso of paragraph 2 of section 1 of the Act of March 3, 1891 (U. S. C., title 38, sec. 26); the last proviso of paragraph 2 of section 3 of the Act of January 28, 1915 (U. S. C., title 38, sec. 27), and any other provision of law or veterans regulation contrary hereto is hereby repealed or modified accordingly."

26 Stat. 1082; 38 Stat. 802.

Effective date.

SEC. 16. This Act shall be effective from the date it is approved and necessary adjustments in awards shall be made effective unless otherwise provided herein, the first of the calendar month following adjudicative action, or the first of the calendar month following date of receipt of claim, whichever is the earlier. In all other cases benefits authorized by virtue of this Act shall be effective from date of receipt of claim therefor under this Act and subject to the provisions that death compensation or death pension shall be effective as of the day following the date of death of the veteran if claim is filed within one year after the death of the veteran: *Provided*, That in no event shall

payments authorized by this Act be made for any period prior to the date of enactment of this Act.

Disability pensions.

SEC. 17. Notwithstanding any other provision of law, pension payable for disability shall be payable from date of discharge if claim therefor is filed within one year from discharge.

Approved July 13, 1943.

[CHAPTER 234]

AN ACT

July 13, 1943
[H. R. 2988]
[Public Law 145]

To amend the Act entitled "An Act to authorize black-outs in the District of Columbia, and for other purposes", approved December 26, 1941, as amended.

District of Columbia.
Black-outs.
55 Stat. 858.
D. C. Code, Supp. II, §§ 6-1001 to 6-1013.
Coordination of nonprotective volunteer civilian services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize black-outs in the District of Columbia, and for other purposes", approved December 26, 1941, as amended, be further amended by adding thereto the following new section:

"SEC. 14. During the existence of a state of war between the United States and any foreign country or nation, the Commissioners of the District of Columbia are authorized to expend, in their discretion, from the money authorized by section 9 of this Act to be borrowed, for personal services, supplies, and other expenses in connection with the coordination of nonprotective volunteer civilian services, not exceeding $25,000 per year."

Approved July 13, 1943.

[CHAPTER 236]

AN ACT

July 13, 1943
[H. R. 2798]
[Public Law 146]

To amend the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, as amended and supplemented, and for other purposes.

Federal Highway Act, amendment.

23 U. S. C. § 2.
"Construction."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the definition of the term "construction" in section 2 of the Federal Highway Act approved November 9, 1921 (42 Stat. 212), is hereby amended to read as follows: "The term 'construction' means the supervising, inspecting, actual building, and all expenses, including the costs of rights-of-way, incidental to the construction of a highway, except locating, surveying, and mapping."

Defense Highway Act of 1941, amendments.
23 U. S. C., Supp. II, § 105.

SEC. 2. Section 5 of the Defense Highway Act of 1941 (55 Stat. 765) is hereby amended to read as follows:

"SEC. 5. REAPPORTIONMENT OF FEDERAL HIGHWAY FUNDS.—Federal funds apportioned to the States prior to January 1, 1942, for expenditure on the system of Federal-aid highways, on secondary or feeder roads, and for the elimination of hazards to life at railroad grade crossings in accordance with the provisions of the Federal Highway Act, as amended and supplemented, which were not on that date obligated by the States and which shall not be so obligated on or before June 30, 1943, shall not be reapportioned among the States in accordance with the provisions of said Act, as amended and supplemented, but shall remain available for obligation by the States during continuance of the emergency declared by the President on May 27, 1941, and for a period of one year thereafter."

55 Stat. 1647.
50 U. S. C., Supp. II, app., note prec. § 1.
Future and post-war construction.

SEC. 3. The Commissioner of Public Roads is hereby authorized to expend in cooperation with the highway department of any State for engineering and economic investigations of projects for future construction and for surveys, plans, specifications, and estimates for post-war highway improvements so much of the unobligated funds