

SEC. 2. That all the construction and use provided for herein shall be under such regulations and rentals as the Commissioners of the District of Columbia may make and establish in connection therewith and all plans and specifications for such construction shall be subject to their approval. The Commissioners of the District of Columbia shall have full authority to designate the location and to cause such repairs or relocation of said pipe lines as the public necessity may require, any such repairs or relocation to be at the expense of Lansburgh and Brother, its successors or assigns.

Any repairs to streets, highways, or other public property necessitated by construction or alterations of said pipe lines shall be made in a manner satisfactory to the Commissioners of the District of Columbia, at the expense of Lansburgh and Brother.

SEC. 3. That no permission granted or enjoyed hereunder shall vest any title or interest in or to the land within Eighth Street Northwest.

SEC. 4. The right to alter, amend, or repeal this Act is expressly reserved.

Approved October 26, 1943.

[CHAPTER 281]

AN ACT

To amend the Servicemen's Dependents Allowance Act of 1942, as amended, so as to liberalize family allowances, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of the Servicemen's Dependents Allowance Act of 1942 (56 Stat. 381; 37 U. S. C. Supp. 201), is amended by striking out in the first and second lines the words "of the fourth, fifth, sixth, or seventh grades".

SEC. 2. That section 102 of such Act is amended by changing the period at the end thereof to a comma and adding the words "except as to the initial family allowance provided by section 107 (a) hereof."

SEC. 3. That section 103 of such Act is amended to read as follows:

"SEC. 103. The dependents of any such enlisted man to whom a family allowance is payable under the provisions of this title shall be divided into three classes to be known as 'class A', 'class B', and 'class B-1' dependents. The class A dependents of any such enlisted man shall include any person who is the wife, the child, or the former wife divorced of any such enlisted man. The class B dependents of any such enlisted man shall include any person who is the parent, brother, or sister of such enlisted man and who is found by the Secretary of the department concerned to be dependent upon such enlisted man for a substantial portion of his support. The class B-1 dependents of any such enlisted man shall include any person who is the parent, brother, or sister of such enlisted man and who is found by the Secretary of the department concerned to be dependent upon such enlisted man for the chief portion of his support."

SEC. 4. That section 104 of such Act is amended by inserting after the words "class B" in the sixth and thirteenth lines, respectively, thereof the words "or class B-1".

SEC. 5. That section 105 of such Act is amended to read as follows:

"SEC. 105. The amount of the monthly family allowance payable to the dependent or dependents of any such enlisted man shall be—

"To class A dependent or dependents: A wife but no child, \$50; a wife and one child, \$80, with an additional \$20 for each additional child; a child but no wife, \$42, with an additional \$20 for each additional child; a former wife divorced but no child, \$42; a former wife

Regulations and rentals.

Approval of plans and specifications.

Road repairs, etc.

Property rights.

October 26, 1943

[S. 1279]

[Public Law 174]

Servicemen's Dependents Allowance Act of 1942, amendments.

37 U. S. C., Supp. II, § 202.

Post, p. 578.

37 U. S. C., Supp. II, § 203.

Classes of dependents.

Class A.

Class B.

Class B-1.

56 Stat. 381.
37 U. S. C., Supp. II, § 204.

56 Stat. 382.
37 U. S. C., Supp. II, § 205.
Amount of family allowance.
Class A dependents.

divorced and one child, \$72, with an additional \$20 for each additional child.

Class B dependents.

"To class B dependent or dependents, payable only while there is no allowance payable to any class B-1 dependent, \$37.

Class B-1 dependents.

"To class B-1 dependent or dependents: One parent but no brother or sister, \$50; two parents but no brother or sister, \$68; one parent and one brother or sister, \$68, with an additional \$11 for each additional brother or sister; two parents and one brother or sister, \$79, with an additional \$11 for each additional brother or sister; a brother or sister but no parent, \$42, with an additional \$11 for each additional brother or sister."

56 Stat. 382.
37 U. S. C., Supp.
II, § 206 (a).
Enlisted man's contribution.

SEC. 6. (a) That section 106 (a) of such Act is amended by striking out in the sixth and seventh lines thereof the words "both class A and class B" and inserting in lieu thereof the words "more than one class of" and by striking out the last sentence thereof.

56 Stat. 382.
37 U. S. C., Supp.
II, § 206 (b).
Division of payments.

(b) That section 106 (b) of such Act is amended to read as follows:

Ante, p. 577.

"(b) Whenever a division is made of payments of monthly family allowance among dependents of a class, the total amount payable under the provisions of section 105 of this title to or for the benefit, respectively, of two or more children, of two parents, of a former wife divorced and one or more children, or of two or more brothers and sisters, shall be equally divided among the respective children, parents, former divorced wife, or brothers and sisters, or shall be otherwise apportioned and paid within the respective groups as the Secretary of the department concerned may direct. The monthly family allowance to class B dependents shall be payable to only one designated dependent unless the Secretary of the department concerned shall direct that the prescribed amount be apportioned among and paid to two or more of such dependents."

Class B dependents.

56 Stat. 383.
37 U. S. C., Supp.
II, § 206 (c).
Separation or divorce.

(c) That section 106 (c) of such Act is amended by striking out the entire subsection and inserting in lieu thereof the following:

"(c) Notwithstanding any other provisions of this title, in any case in which a family allowance is granted under this title—

"(1) to a wife living separate and apart from the enlisted man under a permanent or temporary court order or decree or written agreement, the amount of the family allowance payable to such wife shall not exceed the amount provided in such order, decree, or written agreement to be paid to such wife, and if such order, decree, or written agreement provides no amount to be paid to such wife, no family allowance shall be payable to her; or

"(2) to a former wife divorced, the amount of the family allowance payable to such former wife divorced shall not exceed the amount fixed in the court order or decree as the amount to be paid to such former wife divorced.

Where payment is less than \$22.

"In any case in which the application of the provisions of this subsection results in payment to a dependent or dependents of an enlisted man in an amount less than \$22, the amount by which the pay of such enlisted man is reduced or with which it is charged shall be the amount of such payment. In every other case in which application of this subsection alone or in conjunction with other provisions of this title results in a payment or payments of \$22 or more the amount of such reduction or charge shall be as provided in subsection 106 (a)."

Where \$22 or more.

Supra.

56 Stat. 383.
37 U. S. C., Supp.
II, § 207.

SEC. 7. (a) That section 107 of such Act is amended by striking out all before the first proviso, including the word "Provided", and inserting in lieu thereof the following:

Initial family allowance.

"SEC. 107. (a) An initial family allowance shall be paid for the month in which an enlisted man enters a pay status in the active

military or naval service of the United States, in the amounts and to the dependents hereinafter set forth.

"Such initial family allowance shall be paid to the designated dependent only when a written application therefor is filed by such enlisted man within fifteen days after the date of his entry into active service in a pay status and shall be paid as soon as practicable after the filing of such application.

"No monthly family allowance shall be paid to any dependent of an enlisted man for the month for which any initial family allowance is paid to any dependent of such enlisted man.

"Notwithstanding the provisions of any other section of this title, the full amount of such initial family allowance shall be paid by the Government, and no reduction in or charge to the pay of the enlisted man shall be made for such payment.

"The amount of the initial family allowance payable to the dependent or dependents shall be—

"(1) \$50, if such enlisted man has a wife but no child;

"(2) \$80, if such enlisted man has a wife and one child, and an additional \$20 for each additional child;

"(3) \$42, if such enlisted man has no wife but has one child, and an additional \$20 for each additional child;

"(4) \$50, if such enlisted man has one parent dependent upon him for chief support; \$68 if such enlisted man has one parent and one brother or sister dependent upon him for chief support, and an additional \$11 for each additional brother or sister dependent upon him for chief support;

"(5) \$68, if such enlisted man has two parents dependent upon him for chief support, and an additional \$11 for each additional brother or sister dependent upon him for chief support;

"(6) \$42, if such enlisted man has no parent but has a brother or sister dependent upon him for chief support, and an additional \$11 for each additional brother or sister dependent upon him for chief support;

Payment of the initial family allowance shall be made to one payee for each class of dependents, as defined in section 103, for whom an allowance is requested.

"(b) The monthly family allowance provided for by this title shall be paid for the period beginning with the first day of the month in which application therefor is filed, or the first day of the month in which the dependent or dependents first become entitled thereto, whichever is later, subject to the provisions of subsection (a) of this section, and shall be terminated or reduced, as may be required, on the last day of the month in which the disbursing officer paying the allowance receives notice of a change in status of the enlisted man or a dependent which terminated or limited the right of his dependent or dependents to receive such allowance: *Provided*, That the entitlement to family allowance shall terminate or be modified at the end of the month in which such change in status of the enlisted man or a dependent occurs: *Provided further*."

SEC. 8. That section 108 of such Act is amended by inserting in the first line thereof after "Sec. 108", the subparagraph designation "(a)", and adding at the end of the section a new subsection to read as follows:

"(b) Except as otherwise herein provided, monetary allowances in lieu of quarters for dependents as authorized by section 10 of the Pay Readjustment Act of 1942 shall not be payable for the period during which family allowances to dependents of enlisted men of the first, second, or third grades are authorized by this title. An enlisted man who, on the effective date of this Act, is receiving, or, being entitled to a monetary allowance in lieu of quarters for de-

Application.

Nonduplication of payments.

Full payment by Government.

Initial rates.

One payee for each class.
Ante, p. 577.

Period of family allowance.

56 Stat. 383.
37 U. S. C., Supp.
II, § 208.

Allowances in lieu of quarters.

56 Stat. 363.
37 U. S. C., Supp.
II, § 110.
Ante, p. 219.
Election permitted.

Payment restriction.

Nonduplication of payments.

Time of election; irrevocability.

56 Stat. 381.
37 U. S. C., Supp.
II, § 201.
Ante, p. 577.
Election by Secretary of department.

Discontinuance of payments.

Charge against enlisted man's pay.

56 Stat. 384.
37 U. S. C., Supp.
II, § 209.

Payment on death of dependent.

56 Stat. 384.
37 U. S. C., Supp.
II, § 210 (a).
Allowance not contingent upon accrual of pay, etc.

56 Stat. 385.
37 U. S. C., Supp.
II, § 219.
Soliciting or receiving fees, penalty.

56 Stat. 385.
37 U. S. C., Supp.
II, § 220 (c) (4).
37 U. S. C., Supp.
II, § 220 (d).

"Child."

56 Stat. 386.
37 U. S. C., Supp.
II, § 220 (g).

pendents, has applied therefor, may, at his option, receive or continue to receive such monetary allowance or elect not to receive such monetary allowance and to have his dependents become entitled to receive family allowance: *Provided*, That payment of such monetary allowance shall be made only for such periods, from the effective date of this Act, as the enlisted man has in effect an allotment of pay, in an amount not less than the amount of such monetary allowance, for the support of the dependents on whose account the allowance is claimed. No dependent of any enlisted man shall be entitled to family allowance for any period for which such monetary allowance is paid to the enlisted man. An enlisted man's election to have his dependents receive family allowance may be made at any time and when made shall be irrevocable during the period of entitlement to family allowance as set out in section 101: *Provided*, That the Secretary of the department concerned is authorized to make the election on behalf of the enlisted man in any case in which he deems it desirable and finds it impracticable for the enlisted man to so elect, subject to termination at a later date upon specific request of the enlisted man. If an election is made the monetary allowance payments shall be discontinued at a date to be prescribed by the Secretary of the department concerned. The monthly pay of any enlisted man of the first, second, or third grades who is provided with public quarters for his dependents and any of whose dependents is receiving a family allowance shall be reduced by, or charged with, 90 cents per day."

SEC. 9. That section 109 of such Act is amended by inserting after "SEC. 109" the subsection designation "(a)" and adding at the end of the section a new subsection to read as follows:

"(b) In the event of the death of a dependent, any amount of the family allowance to which his entitlement ceases with the last day of the calendar month in which death occurs, and which is uncollected at the time of death, shall be paid to such person or persons as the Secretary of the department concerned directs."

SEC. 10. That section 110 (a) of such Act is amended to read as follows:

"SEC. 110. (a) Entitlement to and payment of any family allowance authorized under provisions of this title to the dependent or dependents of any enlisted man shall not be contingent upon pay accruing to such enlisted man or upon the monthly pay of such man being reduced by or charged with any amount."

SEC. 11. That section 119 of such Act is amended to read as follows:

"SEC. 119. Any person who shall, directly or indirectly, solicit, contract for, charge, or receive or shall attempt to solicit, contract for, charge, or receive any fee or compensation for assisting in any manner an enlisted man or dependent in obtaining a family allowance payable under this title, shall, upon conviction thereof, be guilty of a misdemeanor and for each and every offense shall be punishable by a fine of not less than \$100 nor more than \$1,000 or by imprisonment at hard labor for not more than two years, or by both such fine and imprisonment."

SEC. 12. (a) That section 120 (c) (4) of such Act is amended by striking out the words "under oath" in the fourth line thereof.

(b) That section 120 (d) is amended by striking out the entire subsection and inserting in lieu thereof the following:

"(d) The term 'child' also includes a person to whom the man stands in loco parentis and has so stood for not less than twelve months prior to the date of application on behalf of such child."

(c) That section 120 (g) be amended by striking out the word "grandchild" in the first line thereof.

SEC. 13. That section 120 (i) of such Act is amended to read as follows:

"(i) The terms 'man' and 'enlisted man' mean any enlisted individual, male or female, of the first to seventh grades, both inclusive, and any aviation cadet, in any of the services mentioned in section 101 of this Act, and any member, except the leader and second leader, of the band of the United States Marine Corps, but do not include any member of the Philippine Army, the Philippine Scouts, the insular force of the Navy, the Samoan native guard or band of the Navy, or the Samoan reserve force of the Marine Corps."

SEC. 14. That such Act be amended by adding a new section to title I thereof to be numbered 121 and to read as follows:

"SEC. 121. The dependents of an enlisted female shall be as prescribed by this title except that husband and children shall be included as dependents only when found by the Secretary of the department concerned to be dependent upon her for chief support. The amount of the family allowance payable to the dependents of an enlisted female shall be as prescribed by this title except that the amount for a husband or husband and children shall be that prescribed for a wife or wife and children. The provisions of this section shall be applicable to dependents of any enlisted female only insofar as such provisions are not inconsistent with the provisions of any law pertaining to the service of which she is a member."

SEC. 15. This Act shall be effective from the first day of the calendar month following the month of enactment: *Provided*, That, for the purpose of adjusting to the provisions of this Act, any family allowance in force when the Act takes effect, which is subject to change by the provisions of the Act, may be paid without change for such period, not exceeding four calendar months, as the Secretary of the department concerned may determine: *Provided further*, That whenever such a family allowance is found to be subject to decrease or termination such change shall be effective at the expiration of the period of payment determined under the preceding proviso: *Provided further*, That whenever such a family allowance is found to be subject to increase the effective date of increase shall be the effective date of this Act.

Approved October 26, 1943.

[CHAPTER 286]

AN ACT

To revive and reenact section 9 of an Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 26, 1937.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Act approved August 26, 1937 (heretofore extended by Acts of Congress approved July 2, 1940, and September 22, 1941), authorizing the State of Oregon, acting through its highway department, the North Slough Drainage District, and the North Slough Diking District, to construct, maintain, and operate a dam and dike for preventing the flow of tidal waters into North Slough in Coos County, Oregon, in township 24 south, range 13 west, Willamette meridian, be, and is hereby, revived and reenacted: *Provided*, That this authority shall be null and void unless the actual construction of the dam and dike herein referred to be commenced within five years and completed within eight years from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved October 27, 1943.

56 Stat. 386.
37 U. S. C., Supp.
II, § 220 (i).
"Man" and "en-
listed man."

56 Stat. 381.
37 U. S. C., Supp.
II, § 201.
Ante, p. 577.

56 Stat. 381.
37 U. S. C., Supp.
II, §§ 201-220.
Dependents of en-
listed female.

Family allowance.

Limitations.

Effective date.
Existing allowances
subject to change.

October 27, 1943
[H. R. 3145]
[Public Law 175]

North Slough, Oreg.
Construction of dam
and dike.
50 Stat. 856; 54 Stat.
715; 55 Stat. 728.