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by the United States to respond for the value of such property without the necessity for either an appraisement or the deposit of the value of the prize with the Treasurer of the United States or any other public depository".

Amendment of title.

SEC. 3. That the title of such Act is amended by striking out the words "the present" therein so that the title, as amended, shall read "An Act to facilitate the disposition of prizes captured by the United States during war, and for other purposes".

Approved July 1, 1944.

[CHAPTER 371]

AN ACT

July 1, 1944
[H. R. 4405]
[Public Law 408]

To amend the Act approved March 7, 1942 (56 Stat. 143), as amended (56 Stat. 1092; 50 App. U. S. C., Supp. III, 1001–1017 inclusive), so as to more specifically provide for pay, allotments, and administration pertaining to war casualties, and for other purposes.

Missing Persons Act, amendments.

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 provide for continuing payment of pay and allowances of personnel of the Army, Navy, Marine Corps, and Coast Guard, including the retired and Reserve components thereof; the Coast and Geodetic Survey and the Public Health Service, and civilian employees of the executive departments, independent establishments, and agencies, during periods of absence from post of duty, and for other purposes", approved March 7, 1942 (56 Stat. 143), as amended December 24, 1942 (56 Stat. 1092; 50 App. U. S. C., Supp. III, 1001–1017, inclusive) is amended by changing subsection (a) (3) of section 1, thereof to read as follows: "(3) civilian officers and employees of departments during such time as they may be assigned for duty or serving outside the continental limits of the United States or in Alaska, exclusive of part-time or intermittent employees or native labor casually hired on an hourly or per diem basis;" and by changing subsection (c) of section 1 thereof to read as follows:

50 U. S. C., Supp. III, app. §§ 1001–1017.

Civilian officers and employees outside U. S.

"(c) the term 'dependent' as used in this Act includes a lawful wife, unmarried child under twenty-one years of age. It includes also a dependent mother, father, or unmarried dependent stepchild or adopted child under twenty-one years of age, or such dependent as has been designated in official records, or an individual determined to be dependent by the head of the department concerned, or subordinate designated by him;".

"Dependent."

SEC. 2. That section 2 of such Act is amended to read as follows:

56 Stat. 144.

"SEC. 2. Any person who is in active service and who is officially determined to be absent in a status of missing, missing in action, interned in a neutral country, captured by an enemy, beleaguered or besieged shall, for the period he is officially carried or determined to be in any such status, be entitled to receive or to have credited to his account the same pay and allowances to which he was entitled at the beginning of such period of absence or may become entitled thereafter, and entitlement to pay and allowances shall terminate upon the date of receipt by the department concerned of evidence that the person is dead or upon the date of death prescribed or determined under provisions of section 5 of this Act: *Provided*, That such entitlement to pay and allowances shall not terminate upon expiration of term of service during absence and in case of death during absence shall not terminate earlier than the dates herein prescribed: *Provided further*, That there shall be no entitlement to pay and allowances for any period during which such person may

Persons determined missing, captured, etc. Pay and allowances.

56 Stat. 145.

Expiration of term of service; death.

Absence without authority.

be officially determined absent from his post of duty without authority and he shall be indebted to the Government for any payments from amounts credited to his account for such period."

56 Stat. 144.

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

Continuance of allotments.
Ante, p. 679.

"SEC. 3. For the period that any person is entitled under section 2 of this Act to receive or be credited with pay and allowances, such allotments as may have been executed prior to the beginning of his absence, including allotments for the purchase of United States savings bonds, may be continued, except as otherwise herein provided, and notwithstanding any expiration of a period for which an allotment had been executed. In the absence of an allotment or when an allotment is insufficient for any purpose authorized by the head of the department concerned, such new allotments or increases as circumstances are deemed to warrant may be authorized by the head of the department concerned, or such subordinate as he may designate, payable during any period of the absent person's entitlement to pay and allowances under section 2 of this Act: *Provided*, That the aggregate of all allotments in effect, from pay and allowances of an absent person, does not exceed the amount of pay and allowances such absent person would be permitted to allot under regulations of the department concerned: *Provided further*, That any premium paid by the Government on insurance issued on the life of a person, which is unearned by reason of being for a period subsequent to the date of death of such person, shall revert to the appropriation of the department concerned."

New allotments or increases.

Limitation.

Reversion of unearned premiums.

56 Stat. 144.

SEC. 4. That section 4 of such Act is amended to read as follows:

Initiation, discontinuance, etc., of payments.
Ante, p. 679.

"SEC. 4. When circumstances are deemed to justify such action in the interests of a person entitled to receive or be credited with pay and allowances under section 2 of this Act, in the interests of the dependents of such person, or in the interests of the Government, the head of the department concerned, or such subordinates as he may designate, may direct the initiation, continuance, discontinuance, increase, decrease, suspension, or resumption of payments of allotments from the pay and allowances of such person, subject to the provisions of section 6 of this Act."

56 Stat. 145.

56 Stat. 145.

SEC. 5. That section 9 of such Act is amended to read as follows:

Determinations of status, dates, etc.

"SEC. 9. The head of the department concerned, or such subordinate as he may designate, shall have authority to make all determinations necessary in the administration of this Act, and for the purposes of this Act determinations so made shall be conclusive as to death or finding of death, as to any other status dealt with by this Act, and as to any essential date including that upon which evidence or information is received in such department or by the head thereof. The determination of the head of the department concerned, or of such subordinate as he may designate, shall be conclusive as to whether information received concerning any person is to be construed and acted upon as an official report of death. When any information deemed to establish conclusively the death of any person is received in the department concerned, action shall be taken thereon as an official report of death, notwithstanding any prior action relating to death or other status of such person. If the twelve months' absence prescribed in section 5 of this Act has expired, a finding of death shall be made whenever information received, or a lapse of time without information, shall be deemed to establish a reasonable presumption that any person in a missing or other status is no longer alive. Payment or settlement of an account made pursuant to a report, determination, or finding of death shall not be recovered or reopened by reason of a subsequent report or determination which fixes a date of death except that an account shall be reopened and

Finding of death.

56 Stat. 145.
50 U. S. C., Supp. III, app. § 1005.

Payment, etc., not recoverable.

Exception.

settled upon the basis of any date of death so fixed which is later than that used as a basis for prior settlement. Determinations are authorized to be made by the head of the department concerned, or by such subordinate as he may designate, of entitlement of any person, under provisions of this Act, to pay and allowances, including credits and charges in his account, and all such determinations shall be conclusive: *Provided*, That no such account shall be charged or debited with any amount that any person in the lands of an enemy may receive or be entitled to receive from, or have placed to his credit by, such enemy as pay, wages, allowances, or other compensation: *Provided further*, That where the account of any person has been charged or debited with allotments paid pursuant to this Act any amount so charged or debited shall be recredited to such person's account in any case in which it is determined by the head of the department concerned, or such subordinate as he may designate, that payment of such amount was induced by fraud or misrepresentation to which such person was not a party. When circumstances warrant reconsideration of any determination authorized to be made by this Act the head of the department concerned, or such subordinate as he may designate, may change or modify a previous determination. Excepting allotments for unearned insurance premiums, any allotments paid from pay and allowances of any person for the period of the person's entitlement under the provisions of section 2 of this Act to receive or have credited such pay and allowances shall not be subject to collection from the allottee as overpayments when payment thereof has been occasioned by delay in receipt of evidence of death, and any allotment payments for periods subsequent to the termination, under this Act or otherwise, of entitlement to pay and allowances, the payment of which has been occasioned by delay in receipt of evidence of death, shall not be subject to collection from the allottee or charged against the pay of the deceased person. The head of the department concerned, or such subordinate as he may designate, may waive the recovery of erroneous payments or overpayments of allotments to dependents when recovery is deemed to be against equity and good conscience. In the settlement of the accounts of any disbursing officer credit shall be allowed for any erroneous payment or overpayment made by him in carrying out the provisions of this Act, except sections 13, 16, 17, and 18, in the absence of fraud or criminality on the part of the disbursing officer involved, and no recovery shall be made from any officer or employee authorizing any payment under such provisions in the absence of fraud or criminality on his part."

Pay and allowances.

Recredits.

Reconsideration.

Allotments from pay and allowances.

Ante, p. 679.

Waiver of recovery of erroneous payments.

56 Stat. 146-148.
50 U. S. C., Supp. III, app. §§ 1013, 1016-1018.

SEC. 6. That section 10 of such Act is amended to read as follows:

56 Stat. 145.

"SEC. 10. The determination of the fact of dependency under the provisions of this Act, the determination of the fact of dependency for the purpose of payment of all six months' death gratuities as authorized by law, and the determination of the fact of dependency under the provisions of any and all other laws providing for the payment of pay, allowances, or other emoluments to enlisted personnel in the Army, Navy, Marine Corps, and Coast Guard of the United States where such payments are contingent upon dependency, shall be made by the head of the department concerned, or by such subordinate as he may designate, and any such determination so made shall be final and conclusive."

Determination of dependency.

SEC. 7. That such Act is amended by adding at the end thereof a new section to read as follows:

"SEC. 19. This Act may be cited as the 'Missing Persons Act'."

Short title.

SEC. 8. The foregoing amendments to such Act shall be effective in all respects as provided in section 15 of the Act of March 7, 1942

Effective date and duration.

(56 Stat. 147), as amended (56 Stat. 1093; 50 App., U. S. C., Supp. III, 1015), and payments under the retroactive provisions of such amendments are authorized to be paid from appropriations currently available.

Approved July 1, 1944.

[CHAPTER 372]

AN ACT

July 1, 1944
[H. R. 4466]
[Public Law 409]

To amend section 18 of the Pay Readjustment Act of 1942 to provide additional pay for personnel who are required to participate in regular and frequent glider flights.

56 Stat. 368.
37 U. S. C., Supp. III, § 118.
Post, p. 730.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 18 of the Pay Readjustment Act of 1942, as amended, is hereby amended by adding a new paragraph at the end thereof to read as follows:

Personnel making glider flights.
Additional pay.

"Any officer, warrant officer, nurse, or enlisted man of any of the services mentioned in the title of this Act, not in flying-pay or parachute-jumping-pay status, who is required by orders of competent authority to participate in regular and frequent glider flights as an essential part of his military or naval duty and training, as defined under such regulations as may be prescribed by the President, shall receive an increase of 50 per centum of their pay when in consequence of such orders they do participate in such flights:

Limitation.

Provided, That such increase shall not exceed $100 per month in the case of any such officer, warrant officer or nurse, nor $50 per month in the case of any such enlisted man."

Approved July 1, 1944.

[CHAPTER 373]

AN ACT

July 1, 1944
[H. R. 4624]
[Public Law 410]

To consolidate and revise the laws relating to the Public Health Service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE AND DEFINITIONS

SHORT TITLE

Public Health Service Act.

SECTION 1. Titles I to V, inclusive, of this Act may be cited as the "Public Health Service Act".

DEFINITIONS

SEC. 2. When used in this Act—

"Service."

(a) The term "Service" means the Public Health Service;

"Surgeon General."

(b) The term "Surgeon General" means the Surgeon General of the Public Health Service;

"Administrator."

(c) The term "Administrator" means the Federal Security Administrator;

"Regulations."

(d) The term "regulations", except when otherwise specified, means rules and regulations made by the Surgeon General with the approval of the Administrator;

"Executive department."

(e) The term "executive department" means any executive department, agency, or independent establishment of the United States or any corporation wholly owned by the United States;

"State."

(f) The term "State" means a State or the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands, except that as