

Cost variance and limitation. Report of prospective land acquisitions. Contracts.

41 U. S. C. § 5. Appropriation authorized. Post, p. 311.

taken, which projects have been specifically approved by the Secretary of the Navy, with approximate costs as indicated: Fleet facilities, \$4,000,000; aviation facilities, \$50,000,000; storage facilities, \$23,000,000; ordnance facilities, \$92,000,000; personnel training and housing facilities, \$92,260,000; shore radio facilities, \$5,000,000; Naval Research Laboratory, \$800,000; miscellaneous structures, \$14,000,000: *Provided*, That the approximate cost indicated for each of the classes of projects enumerated above may, in the discretion of the Secretary of the Navy, be varied upward or downward, but the total cost shall not exceed \$281,060,000: *Provided further*, That prior to the acquisition, by lease or otherwise, of any land under authority of this Act, the Secretary of the Navy shall report to the Senate and House Naval Affairs Committees all such prospective acquisitions: *And provided further*, That the Secretary of the Navy is hereby authorized to enter into contracts under the appropriation "Public Works, Bureau of Yards and Docks", for public-works equipment, materials, and construction, including collateral public-works items, to the extent of the total cost hereby authorized and without regard to the provisions of section 3709, Revised Statutes.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to effectuate the purpose of this Act.

Approved January 28, 1944.

[CHAPTER 9]

AN ACT

February 3, 1944
[S. 1643]
[Public Law 225]

To provide for mustering-out payments to members of the armed forces, and for other purposes.

Mustering-Out Payment Act of 1944. Eligibility.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) except as provided in subsection (b) of this section, each member of the armed forces who shall have been engaged in active service in the present war, and who is discharged or relieved from active service under honorable conditions on or after December 7, 1941, shall be eligible to receive mustering-out payment.

Exceptions. Recipients of certain base pay.

(b) No mustering-out payment shall be made to—

56 Stat. 359. 37 U. S. C., Supp. III, § 101. Retired status.

(1) any member of the armed forces who, at the time of discharge or relief from active service, is receiving base pay at a higher rate than the base pay of the third period as prescribed in section 1 of the Pay Readjustment Act of 1942, as amended;

(2) any member of the armed forces who, at the time of discharge or relief from active service, is transferred or returned to the retired list with retirement pay or to a status in which he receives retirement pay;

Discharge on own initiative to accept employment.

(3) any member of the armed forces for any active service performed prior to the date of his discharge or relief from active service on his own initiative to accept employment or, in the case of any member so relieved from active service, for any active service performed prior to the date of his discharge while in such inactive status, unless he has served outside the continental limits of the United States or in Alaska;

Air Corps Reserve officers. 10 U. S. C., Supp. III, § 300a. Certain students.

(4) any Air Corps Reserve officer who is entitled to receive a lump-sum payment under section 2, as amended (55 Stat. 240), of the Act of June 16, 1936;

(5) any member of the armed forces whose total period of service has been as a student detailed for training under (A) the

Army specialized training program, (B) the Army Air Forces college training program, or (C) any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

(6) any member of the armed forces for any active service performed prior to the date of his discharge from such forces for the purpose of entering the United States Military Academy, the United States Naval Academy, or the United States Coast Guard Academy;

(7) any member of the armed forces whose sole service has been as a cadet at the United States Military Academy or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of said Academies; and

(8) any commissioned officer unless he is discharged or relieved from active service within three years after the termination of the present war as proclaimed by the President.

SEC. 2. (a) Mustering-out payment for persons eligible under section 1 shall be in sums as follows:

(1) \$300 for persons who, having performed active service for sixty days or more, have served outside the continental limits of the United States or in Alaska.

(2) \$200 for persons who, having performed active service for sixty days or more, have served no part thereof outside the continental limits of the United States or in Alaska.

(3) \$100 for persons who have performed active service for less than sixty days.

(b) Each person eligible to receive mustering-out payment under subsection (a) (1) shall receive one-third of the stipulated amount at the time of final discharge or ultimate relief from active service; and the remaining amount of such payment shall be paid in two equal installments—one month and two months, respectively, from the date of the original payment. Each person eligible to receive mustering-out payment under subsection (a) (2) shall receive one-half of the stipulated amount at the time of final discharge or ultimate relief from active service; and the remaining amount of such payment shall be paid one month from the date of the original payment. Each person eligible to receive mustering-out payment under subsection (a) (3) shall receive the stipulated amount at the time of such discharge or relief from active service.

SEC. 3. Any member of the armed forces entitled to mustering-out payment who shall have been discharged or relieved from active service under honorable conditions before the effective date of this Act shall, if application therefor is made within two years after the date of enactment of this Act, be paid such mustering-out payment by the War Department or the Navy Department, as the case may be, beginning within one month after application has been received and approved by such department: *Provided*, That no member of the armed forces shall receive mustering-out payment under this Act more than once, and such payment shall accrue and the amount thereof shall be computed as of the time of discharge for the purpose of effecting a permanent separation from the service or of ultimate relief from active service.

SEC. 4. If any member of the armed forces, after his discharge or relief from active service, shall die before receiving any portion of or the full amount of his mustering-out payment, the balance of the amount due him shall be payable, on appropriate application therefor, to his surviving spouse, if any; and if he shall leave no surviv-

Discharge for purpose of entering U. S. Academies.

Cadets, midshipmen, etc.

Certain commissioned officers.

Rates.

Payment.

Discharge before effective date of Act.

Nonduplication of payment.

Payment in event of death.

ing spouse, then in equal shares to his child or children, if any; and if he shall leave no surviving spouse or child or children, then in equal shares to his surviving parents, if any: *Provided*, That no payments under this Act shall be made to any other person.

Payments non-assignable, tax-exempt, etc.
Post, p. 812.

SEC. 5. (a) Mustering-out payments due or to become due under this Act shall not be assignable and any payments made to or on account of a veteran hereunder shall be exempt from taxation, shall be exempt from the claims of creditors, including any claim of the United States, and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever either before or after receipt by the payee.

Regulations.

(b) The Secretary of War and the Secretary of the Navy shall make such regulations not inconsistent with this Act as may be necessary effectively to carry out the provisions thereof, and the decisions of the Secretary of War and the Secretary of the Navy shall be final and not subject to review by any court or other Government official.

SEC. 6. As used in this Act—

"Member of the armed forces."

(a) The term "member of the armed forces" means any member of the Army or Navy of the United States, the United States Marine Corps, the United States Coast Guard, or any of their respective components, and any member of the Women's Army Auxiliary Corps who was discharged under honorable conditions on account of disability.

"Spouse."

(b) The term "spouse" means a lawful wife or husband.

"Child."

(c) The term "child" includes (1) a legitimate child; (2) a child legally adopted; and (3) a stepchild, if, at the time of death of the member of the armed forces, such stepchild was a member of the deceased's household.

"Parent."

(d) The term "parent" includes father and mother, stepfather and stepmother, and father and mother through adoption.

Funds available.

SEC. 7. Appropriations for the Army and Navy, and the several components thereof, respectively, shall be available for the payments provided by this Act and necessary administrative expenses. There are hereby authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this Act. Amounts expended hereunder shall be included in the annual reports to the Congress by the Departments concerned.

Reports to Congress.

Short title.

SEC. 8. This Act may be cited as the "Mustering-Out Payment Act of 1944".

Approved February 3, 1944.

[CHAPTER 13]

JOINT RESOLUTION

February 9, 1944
[S. J. Res. 63]
[Public Law 226]

Requesting the President to proclaim February 11, 1944, as Edison Day in commemoration of the birthday of Thomas Alva Edison.

Thomas Alva Edison Day.
9 F. R. 1641.
Post, p. 1126.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation designating February 11, 1944, as Thomas Alva Edison Day and calling upon officials of the Government to display the flag of the United States on all Government buildings on said date and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies.

Approved February 9, 1944.