

clearly shown by all of the evidence to have been incurred in or aggravated by active service, in fact in line of duty without benefit of any statutory or regulatory presumption of any kind, it will be considered to have directly resulted from performance of duty: *Provided further*, That the Administrator of Veterans' Affairs is hereby authorized and directed to adjudicate claims for emergency officers' retirement in accordance with the provisions of the Act of May 24, 1928 (Public Law Numbered 506, Seventieth Congress), subject to limitations contained in section 10 of the Act of March 20, 1933 (Public Law Numbered 2, Seventy-third Congress), as modified by the provisions of this Act, in any case where the disability resulted from injury or disease incurred in combat with an enemy of the United States, and where entitlement is established based upon such injury or disease the Administrator of Veterans' Affairs is hereby authorized to grant retirement with pay as provided in the said Act of May 24, 1928, notwithstanding the failure of the person to file claim within the period required by said Act of May 24, 1928.

SEC. 2. No beneficiary under this Act shall receive any retirement pay for any period prior to the date of this Act.

SEC. 3. That subsection (b) of section 212 of Public Law Numbered 212, Seventy-second Congress, shall be amended to read as follows:

"(b) This section shall not apply to any person whose retired pay, plus civilian pay, amounts to less than \$3,000: *Provided*, That this section shall not apply to regular or emergency commissioned officers retired for disability incurred in combat with an enemy of the United States or for disabilities resulting from an explosion of an instrumentality of war in line of duty during an enlistment or employment as provided in Veterans Regulation Numbered 1 (a), part I, paragraph I."

Approved, July 15, 1940.

Adjudication of claims.

48 Stat. 10.
38 U. S. C. § 710.

Retirement with pay.

No prior benefits.

47 Stat. 406.
5 U. S. C. § 59a (b).

Combined pay.

Proviso.
Combat, etc., disabilities.

[CHAPTER 629]

AN ACT

To authorize the use of certain facilities of Indian reservations, national parks, and national monuments for elementary school purposes.

July 16, 1940
[S. 29]

[Public, No. 744]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate the providing of educational opportunities for children of Government employees and other residents in Indian reservations, the national parks and national monuments the Secretary of the Interior is hereby authorized in his discretion to make available for elementary school purposes therein, without charge, space in Government-owned buildings, when such space may be available for such purposes without detriment to the official business of such Indian reservations, national parks and national monuments.

Approved, July 16, 1940.

Use of certain facilities of Indian reservations, etc., for elementary school purposes.

[CHAPTER 630]

AN ACT

To withdraw certain portions of land within the Hawaii National Park and to transfer the same to the jurisdiction and control of the Secretary of War for military purposes.

July 16, 1940
[S. 3676]

[Public, No. 745]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within a tract of land containing six thousand four hundred fifty acres, more or less, on the island of Hawaii in the Territory of Hawaii, located

Hawaii National Park.
Transfer of land for military purposes.

16 U. S. C. §§ 391-394; Supp. V, § 391b.
Description.

Transfer provision.

in the Hawaii National Park, created by the Act of August 1, 1916 (39 Stat. 432), as amended, and described as follows, to wit:

Beginning at a place called Na Puu O na Elemakule located at the southeastern corner of the Hawaii National Park, said point being marked by a triangle on a large flat stone, thence by azimuth (measured clockwise from true south) and distances as follows: Eighty-nine degrees twenty-seven minutes thirty seconds, three thousand three hundred feet along the southern boundary of Hawaii National Park; one hundred and seventy-nine degrees twenty-seven minutes thirty seconds, fourteen thousand five hundred and fifty feet over and across Pali to a point on Kau Desert Plateau; two hundred and forty-three degrees fifty-seven minutes no seconds, eighteen thousand four hundred and fifty feet to a point located above Hilima Pali; three hundred and fifty-nine degrees twenty-seven minutes thirty seconds, twelve thousand nine hundred and ninety feet more or less to high-water line; thence in southwesterly direction along the high-water line to the point of beginning; containing an area of six thousand four hundred and fifty acres, more or less; there shall be withdrawn from the control and jurisdiction of the Secretary of the Interior and transferred to the jurisdiction and control of the Secretary of War so much thereof as may be agreed upon between the Secretaries of War and Interior for use as an Air Corps bombing target range, and for such other military purposes and uses as may be prescribed by the Secretary of War.

Approved, July 16, 1940.

[CHAPTER 632]

AN ACT

July 18, 1940
[S. 458]
[Public, No. 746]

Extending the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to provisional, probationary, or temporary officers of the Army, Navy, Marine Corps, and Coast Guard who served during the World War.

Provisional, etc.,
officers of World War.
Disability retire-
ment.
45 Stat. 735.
38 U. S. C. §§ 581,
582.
48 Stat. 10.
38 U. S. C. § 710.

Filing of applica-
tion.

Proviso.
Benefits, date effec-
tive.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the benefits of the Act of May 24, 1928, (Public, Numbered 506, Seventieth Congress), subject to the limitations contained in section 10 of the Act of March 20, 1933 (Public, Numbered 2, Seventy-third Congress) as now or hereafter amended are hereby extended to provisional, probationary, or temporary officers of the military or naval forces or Coast Guard, who served subsequent to April 6, 1917, and who are now in a status of honorable separation from the military, naval, or Coast Guard Service, if application for such benefits is filed with the Administrator of Veterans' Affairs within twelve months after the passage of this Act: *Provided*, That the benefits under this Act shall take effect from the date of application, if approved.

Approved, July 18, 1940.

[CHAPTER 633]

AN ACT

July 18, 1940
[S. 3131]
[Public, No. 747]

To extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who were physically injured in line of duty while performing active duty or engaged in authorized training between dates of February 28, 1925, and July 15, 1939, both inclusive, and for other purposes.

Extension of certain
benefits to members
of Officers' Reserve
Corps, etc.
39 Stat. 742.
5 U. S. C., ch. 15;
Supp. V, ch. 15.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where in time of peace any member of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army was physically injured in line of duty