

after to be brought by the Menominee Tribe of Indians against the United States.

Certification to Congress.

SEC. 2. Upon the entry of such judgment, which shall not bear interest, a copy or transcript thereof, certified by the clerk of the Court of Claims, and signed by the Chief Justice, or in his absence by the presiding judge of said court, shall be presented, as in other cases, to the Secretary of the Treasury, who shall certify the same to the Congress for appropriation.

Attorneys' fees.

SEC. 3. After the entry of such judgment, the Court of Claims, without awaiting the appropriation by the Congress of money to pay the same, shall, on petition of attorneys for the Menominee Tribe of Indians, determine the amount of fees which the attorneys for the Menominee Tribe of Indians shall be entitled to receive under section 7 of the Act of September 3, 1935, as amended.

49 Stat. 1088.

Payment.

SEC. 4. Upon the making of an appropriation by the Congress for the payment of the judgment rendered there shall be set aside from such appropriation a sum sufficient to pay the attorneys' fees, which shall, however, not be paid until after the completion of the purchase of the swamplands specified in section 1 (b), as hereinafter provided; said appropriation to be disbursed by the Secretary of the Interior as herein provided. The portion of such judgment representing the value of the timber specified in section 1 (a) less the pro rata amount thereof deductible for attorneys' fees, in the same ratio that the total amount of attorneys' fees bears to the amount of the judgment, shall upon the completion of the purchase of the said swamplands be deposited in the Treasury of the United States to the credit of the Menominee Tribe of Indians as provided in the last sentence of section 7 of the Act of September 3, 1935, as amended. The balance of the appropriation shall be available for the purchase from the State of Wisconsin, but not by eminent domain, of the swamplands specified in section 1 (b). The purchase of the said swamplands shall be made by the Secretary of the Interior, who is authorized to accept on behalf of the United States a quitclaim deed or other form of conveyance to such lands satisfactory to the Attorney General of the United States. Title to such lands shall be taken in the name of the United States in trust for the Menominee Tribe of Indians. The United States shall acquire and hold such lands for the sole benefit and use of the said Indians as if they had become part of the Menominee Reservation pursuant to the treaty of May 12, 1854.

Deposit of net amount to credit of tribe.

49 Stat. 1088.

Purchase of swamp-lands from State of Wisconsin.

Title in trust for Menominee Tribe.

10 Stat. 1064.

Time limit for completion of purchase.

Final judgment.

49 Stat. 1085.

SEC. 5. In the event that said purchase is not completed within one year after the entry of judgment by the Court of Claims, then, upon petition of the Attorney General or the attorneys for the Menominee Tribe of Indians, the Court of Claims shall vacate and set aside the said judgment entered pursuant to section 1 hereof. Thereupon the court shall proceed to determine, as provided by the Act of September 3, 1935, as amended, the amount of offsets, if any, deductible from the amounts specified in sections 1 (a) and 1 (b) of this Act, and shall render final judgment pursuant to the terms of the Act of September 3, 1935, as amended. In rendering final judgment under this section, the court may redetermine the amount of the attorneys' fees. Such judgment shall be satisfied from the appropriation made pursuant to sections 2 and 4 hereof; and any balance of moneys appropriated shall thereupon be carried to the general fund of the Treasury of the United States.

Modification of conflicting laws.

SEC. 6. All Acts or parts of Acts in conflict herewith, including the Act of September 3, 1935, are, to the extent of such conflict, modified accordingly.

Approved May 29, 1944.

[CHAPTER 212]

AN ACT

To authorize the Secretary of the Interior to exchange certain lands within the Navajo Indian Reservation, Arizona.

May 29, 1944
[H. R. 2143]
[Public Law 317]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to exchange approximately six acres of Navajo Tribal land located in section 26, township 27 north, range 26 east, Gila and Salt River meridian, Apache County, Arizona, for a tract of Mission land containing approximately four and fourteen-one-hundredths acres in section 27, township 27 north, range 26 east, Gila and Salt River meridian, Apache County, Arizona, being a portion of the land fee patented to the Woman's Board of Home Missions of the Presbyterian Church in the United States of America.

Navajo Indian Res-
ervation, Ariz.
Exchange of lands.

SEC. 2. Title to the land received in the exchange shall be satisfactory to the Secretary of the Interior and shall be taken in the name of the United States of America in trust for the Navajo Indian Tribe.

Title.

Approved May 29, 1944.

[CHAPTER 213]

AN ACT

To provide for emergency flood-control work made necessary by recent floods, and for other purposes.

May 29, 1944
[H. R. 4793]
[Public Law 318]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$12,000,000 is hereby authorized to be appropriated as an emergency fund to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the repair, restoration, and strengthening of levees and other flood-control works which have been threatened or destroyed by the recent floods, or which may be threatened or destroyed by later floods, and for completion of work begun under the Act entitled "An Act to provide for emergency flood-control work made necessary by recent floods, and for other purposes", approved July 12, 1943: *Provided,* That pending the appropriation of said sum the Secretary of War may allot from existing flood-control appropriations such sums as may be necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriation herein authorized when made.

Emergency flood-
control work.
Appropriation au-
thorized.
Post, p. 613.

57 Stat. 521.
Allotments; reim-
bursement.

SEC. 2. The provisions of section 1 shall be deemed to be additional and supplemental to, and not in lieu of existing general legislation authorizing allocation of flood-control funds for restoration of flood-control works threatened or destroyed by flood.

Approved May 29, 1944.

[CHAPTER 214]

AN ACT

To provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal.

May 29, 1944
[S. 683]
[Public Law 319]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the distinguished services rendered in and about the construction, maintenance, operation, sanitation, and government of the Panama

Panama Canal, con-
struction.
Recognition of civil-
ian services.

34 U. S. C. §§ 399a,
399b.
Annuity payments;
requirements.

Rates.

"Basic salary, pay,
or compensation."

Payments in month-
ly installments.

Administration of
Act.

Application for an-
nuity.

Adjudication of
claim.

Commencement
and continuance of
annuities.
Surviving wife.

Canal, and the Canal Zone, during the construction period of the Panama Canal, from May 4, 1904, to March 31, 1914, inclusive, by civilian officials and employees, citizens of the United States, the thanks of Congress are hereby extended to all and each of them so engaged or employed, who were not included in the recognition and benefits accorded by the Act of March 4, 1915 (38 Stat. 1190).

SEC. 2. That in further recognition of the exceptional character of the services described in section 1, each civilian official and each civilian employee entitled to receive the thanks of Congress agreeably to the provisions of section 1, who has not been heretofore specially rewarded by gratuity, annuity, or other benefit under any provision of law; and who was engaged with, or employed by, the Isthmian Canal Commission or the Panama Railroad Company on the Isthmus of Panama during the aforesaid construction period of the Panama Canal, for three years or more; and who, during such service, was a citizen of the United States; and who, on the date whereon this Act becomes effective, shall be living, shall be entitled to receive, and there shall be paid to him by the Government of the United States, for and during the remainder of his life, an annuity, based on the salary, pay, or compensation received by, and paid to him, for his aforesaid service, as follows:

Forty per centum of his average annual basic salary, pay, or compensation if such service was for as much as three years and not more than four years;

Fifty per centum of his average annual basic salary, pay, or compensation if such service was for more than four years and not exceeding six years; and

Sixty per centum of his average annual basic salary, pay, or compensation if such service was for more than six years.

The term "basic salary, pay, or compensation", as used in this Act, shall be so construed as to exclude from the operation of the Act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulations.

SEC. 3. Annuities granted under the provisions of this Act shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued; and payment of all annuities and allowances granted hereunder shall be made by checks drawn by the disbursing clerk for the payment of pensions, in such form and manner, and with such safeguards as shall be prescribed by the Civil Service Commission, in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments; and the administration of this Act shall be under the Civil Service Commission.

Each application for annuity hereunder shall be in such form as the Civil Service Commission may prescribe and shall be supported by such certificate from the head of the department, branch, or independent office of the Government, or the Panama Canal, or the Panama Railroad Company, which may have in possession the record of any service described or referred to in this Act, as may be necessary to determine the rights of the applicant. Upon receipt of satisfactory evidence, the Civil Service Commission shall forthwith adjudicate the claim of the applicant, and, if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Civil Service Commission.

SEC. 4. Annuities granted under the provisions of this Act shall commence from the date whereon the Act takes effect and shall continue during the life of the annuitant: *Provided, however,* That in

such case as where a deceased person, had he been alive on the date whereon the Act takes effect, would have been entitled to receive an annuity hereunder, and shall have been survived by a wife undivorced from him, who was his wife living with him at least one year of his service on the Isthmus of Panama during said construction, and has not since remarried, such survivor shall be entitled to receive such annuity from the effective date of the Act until her death: *And provided further*, That in any case where an annuitant hereunder shall die after he has received any annuity payment, or payments hereunder, and shall leave surviving him a wife undivorced from him, who was his wife living with him at least one year of his service on the Isthmus of Panama during said construction, such survivor shall be entitled to receive the annuity from the date to which same was paid to such deceased annuitant until her death.

Any surviving person as described in this section, shall become an annuitant hereunder and shall be subject to all the provisions of this Act regarding applications for, and payment of, annuities, and she shall furnish such proof of her marriage and marital relationships to establish her right to become such annuitant as may be required by the Civil Service Commission.

SEC. 5. If, after becoming an annuitant under the provisions of this Act, any person, on account of any service rendered by him as hereinbefore indicated, or rendered by him as an official or employee of the permanent organization of the Panama Canal, or of the Panama Railroad Company, subsequent to March 31, 1914, shall elect to receive, and shall receive, any special reward or annuity, under any provision of law other than that provided for by this Act, then and in that event all his further right to receive the annuity hereunder authorized shall thenceforth cease.

Election of special reward or annuity.

In any case where a citizen of the United States is receiving, or becomes entitled to receive, an annuity under the provisions of any law providing for the retirement of civilian officers and employees of the United States Government or any of its agencies, and had three years or more of service on the Isthmus of Panama of the character described in section 2, he may elect to have that annuity canceled, and thenceforth to become and be an annuitant under the provisions of this Act, but he shall not receive both. The annuity which may thus be paid to him under this Act shall begin with the date whereon his other annuity, hereinbefore referred to, shall cease because of his election to cancel same; and the substituted annuity, thus to be paid him, under the provisions of this Act, shall thenceforth continue until his death. As an annuitant under this Act, all its provisions shall be applicable to him.

Retired U. S. Government employees.

SEC. 6. For the purposes of administration, the Civil Service Commission is hereby authorized and directed to perform, or cause to be performed, any and all acts, and to make such rules and regulations as may be necessary and proper for carrying into full force and effect the provisions of this Act.

Administration.

The Civil Service Commission shall make a detailed comparative report annually, showing all the receipts and disbursements on account of annuities paid under this Act, together with the total number of persons receiving such annuities and the total amounts paid them.

Annual report.

SEC. 7. None of the annuities or moneys mentioned in this Act shall be assignable, either in law or equity, or be subject to execution, levy, lien, attachment, garnishment, or other legal process.

Nonassignability, etc.

SEC. 8. The Civil Service Commission shall submit annually to the Bureau of the Budget estimates of the appropriations necessary to pay the annuities hereunder authorized.

Annual estimates.

Appropriations authorized.
Post, p. 692.

SEC. 9. There are hereby authorized to be appropriated annually such sums as may be necessary to pay such annuities and to carry out the provisions of this Act.

Approved May 29, 1944.

[CHAPTER 216]

AN ACT

May 31, 1944
[H. R. 3403]
[Public Law 320]

To withdraw and restore to their previous status under the control of the Territory of Hawaii certain Hawaiian home lands required for use for airplane landing fields, and to amend sections 202, 203, and 207 of title 2 of the Hawaiian Homes Commission Act, 1920, and for other purposes.

Hawaiian Homes Commission Act, 1920, amendments.
48 U. S. C. § 693 (c).

Chairman of Commission; executive officer, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 (c) of title 2 of the Act entitled "Hawaiian Homes Commission Act, 1920", approved July 9, 1921 (42 Stat. 108), as amended, be further amended to read as follows:

"(c) One of the members shall be designated by the Governor as chairman. An executive officer and such clerical assistants as may be necessary shall be appointed by the Commission to serve at its pleasure. The executive officer shall reside habitually at the major Hawaiian Homes Settlement. He shall receive an annual salary in such amount as shall be set by the Commission, from time to time, not to exceed \$6,000: *Provided*, That if the compensation for like positions in the Territorial service is fixed by classification thereof, pursuant to any schedule established by legislative or executive authority, such compensation may equal but shall not exceed the amount certified for the position by the Board, Commission, officer, or other agency determining such classifications for the Territorial service, in accordance with established Territorial procedure. Clerical assistants shall be paid in accordance with Territorial practice for such services. The members of the Commission shall serve without pay, but shall receive actual expenses incurred by them in the discharge of their duties as such members. Of the originally appointed members one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years. Their successors shall hold office for terms of five years except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. A member may also be removed by the Governor for cause after due notice and public hearing."

Clerical assistants.

Members.

Terms of office.

Removal for cause.

Designated lands restored to previous status.
42 Stat. 109.
48 U. S. C. § 697; Supp. III, § 697.

On island of Molokai.

SEC. 2. So much of section 203 of title 2 of the Hawaiian Homes Commission Act, 1920, as amended, as designates the land herein-after described as available lands within the meaning of that Act, is hereby repealed and the land restored to its previous status under the control of the Territory of Hawaii.

On the island of Molokai: That portion of Palaa, Apana 2, being an addition to the Molokai airplane landing field, as follows:

Parcel 1. As returned to the Commissioner of Public Lands of the Territory of Hawaii by resolution numbered 68 of the Hawaiian Homes Commission, dated March 3, 1941, and consisting of thirteen and five hundred and twenty-seven one-thousandths acres, more or less, more particularly described as follows:

Beginning at the southeast corner of this piece of land, on the west boundary of the present Molokai airport, the true azimuth and distance from the northwest corner of the Molokai airport (Executive Order Numbered 809) being no degrees fifty-six minutes thirty seconds two hundred and forty-two feet, and the coordinates of said point of beginning referred to Government Survey Triangulation