

of serving on tugs and towboats on the seas who is nineteen years of age and upwards and who has had at least eighteen months' of service on deck at sea or on the Great Lakes or on the bays and sounds connected directly with the seas; and

(b) Service and rating at least equal to that of coal passer or wiper in the engine department of tugs and towboats operating on the seas or Great Lakes or on the bays and sounds connected directly with the seas shall be considered as meeting the requirement of subsection (e) of section 1 of said Act which requires that an applicant for rating under that subsection shall produce to the inspector of the Bureau of Marine Inspection and Navigation definite proof of at least six months' service at sea in a rating at least equal to that of coal passer or wiper in the engine department of vessels required by said Act to have such certificated men.

Nothing in this section shall restrict or modify any of the other provisions of section 1 of said Act which must be complied with before the certificates therein authorized can be granted.

SEC. 2. That the provisions of section 4 of the Act aforesaid shall not apply to unrigged vessels except seagoing barges.

SEC. 3. Provisions of section 4551 of the Revised Statutes of the United States, as amended, approved March 24, 1937 (Public, Numbered 25, Seventy-fifth Congress), shall not apply to unrigged vessels except seagoing barges.

SEC. 4. That when used in this Act—

(1) The term "unrigged vessel" means any vessel that is not self-propelled;

(2) The term "seagoing barge" means any barge which from its design and construction may be reasonably expected to encounter and ride out the ordinary perils of the seas and which in fact in the usual course of its operations passes outside the line dividing inland waters from the high seas, as defined in section 2 of the Act of February 19, 1895, as amended (U. S. C., 1934 edition, title 33, sec. 151).

Approved, June 16, 1938.

[CHAPTER 468]

AN ACT

To amend the Veterans' Regulation Numbered 10 pertaining to "line of duty" for peacetime veterans, their widows, and dependents, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraphs VIII and IX of Executive Order Numbered 6098, dated March 31, 1933 (Veterans' Regulation Numbered 10 (39 U. S. C., ch. 12, Appendix)), be amended to read as follows:

"PAR. VIII. An injury or disease will be deemed to have been incurred 'in line of duty' when the person on whose account benefits are claimed was, at the time the injury was suffered or disease contracted, in the active service in the military or naval forces, whether on active duty or on authorized leave, unless it appears that the injury or disease has been caused by misconduct on his part: *Provided, however,* That the requirement will not be met if it appears that at the time the injury was suffered or disease contracted, the person on whose account benefits are claimed (1) was avoiding duty by deserting the service or by absenting himself without leave; (2) was confined under sentence of court martial or civil court or was resisting lawful arrest; (3) was relieved from all active performance of duty by command of his superior officer as a result of the intemperate use of drugs or alcoholic liquor or because of injury

Service and rating; requirements.

Other provisions operative.

Crew quarters, unrigged vessels, etc.

Continuous discharge book requirements; exception.

50 Stat. 49.
46 U. S. C., Supp. III, § 643.

Definitions.

"Unrigged vessel."

"Seagoing barge."

28 Stat. 672.
33 U. S. C. § 151.

June 16, 1938

[H. R. 7880]

[Public, No. 648]

Veterans.
Injury or disease incurred in line of duty.
Veterans' Regulation No. 10, amendment.
38 U. S. C., ch. 12, Appendix.
"In line of duty" construed.

Proviso.
Requirement not considered met in specified cases.

or disease contracted or suffered as a result of his own misconduct; (4) was acting in disobedience of the lawful orders of his superior officer or in violation of the rules and regulations of his organization; or (5) whether at his post or lawfully absent, if the injury or disease was in fact, caused by something not involving misconduct but done in pursuing some private business or avocation.

"Where the injury or disease occurs while on leave, the burden of proof shall be on the claimant to show that it was incurred in the line of duty, but where the injury or disease occurs while at camp or post of duty, the burden shall be upon the Government to show that the disability was not in line of duty.

"PAR. IX. A disability will be held to have resulted from misconduct when it is due to venereal disease, unless it is affirmatively shown that the disease was, in fact, innocently acquired, or when caused by an act of commission or omission, wrong in itself; or by an act contrary to the principles of good morals; or as a result of gross negligence, gross carelessness, alcoholism, drug addiction, or self-infliction of wounds."

Approved, June 16, 1938.

Where injury or disease occurs while on leave.

Disability due to venereal disease.

[CHAPTER 469]

AN ACT

To authorize the Secretary of the Navy to accept on behalf of the United States certain land in the city of Los Angeles, California, with improvements thereon.

June 16, 1938
[H. R. 9258]

[Public, No. 649]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized on behalf of the United States to accept from the city and county of Los Angeles, California, a site free from all encumbrances, the title in fee simple, together with the improvements, rights, privileges, and appurtenances belonging thereto, including an armory building constructed or to be constructed thereon, for use of the United States Naval and Marine Corps Reserve: *Provided*, That the acquisition of said land shall be without cost to the United States, and that the grading and landscaping of said land and the construction and completion of said armory building thereon shall not entail any obligation against appropriations of the Navy Department or relief funds apportioned to it: *Provided further*, That the acceptance by the Secretary of the Navy shall not be made until the grading and landscaping of said land and the construction of said armory building are satisfactorily completed.

Los Angeles, Calif.
Acceptance of certain land and improvements in, authorized.

Use by Naval and Marine Corps Reserve.
Providis.
No Federal cost.

Conditions of acceptance.

Approved, June 16, 1938.

[CHAPTER 470]

AN ACT

To create a commission to procure a design for a flag for the District of Columbia, and for other purposes.

June 16, 1938
[H. R. 9476]

[Public, No. 650]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War, the Secretary of the Navy, and the president of the Board of Commissioners of the District of Columbia be, and they are hereby, created a commission to procure a design for a distinctive flag for the District of Columbia, the seat of the Capital of the Nation: *Provided*, That in the selection of such design the commission hereby created shall have the advice of the Commission of Fine Arts.

District of Columbia, flag.
Commission created to procure design for.

Proriso.
Advice of Commission of Fine Arts.

Approved, June 16, 1938.