

[CHAPTER 117]

AN ACT

To extend original jurisdiction to district courts in civil suits between citizens of the District of Columbia, the Territories of Hawaii or Alaska, and any State or Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (b) of paragraph (1), section 24, of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, sec. 41; Supp. IV, title 28, sec. 41), be, and the same is hereby, amended to read as follows:

“(b) Is between citizens of different States, or citizens of the District of Columbia, the Territory of Hawaii, or Alaska, and any State or Territory.”

Approved, April 20, 1940.

April 20, 1940
[H. R. 8822]
[Public, No. 463]

Judicial Code,
amendment.

36 Stat. 1091.

U. S. district courts.
Original jurisdiction
in civil suits extended.

[CHAPTER 118]

AN ACT

To amend the Act entitled “An Act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor”, approved February 23, 1931, as amended.

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 for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor”, approved February 23, 1931, as amended, be, and the same is hereby, amended as follows: Section 26 (e) of said Act, as amended by the Act of April 24, 1939, is amended to read as follows:

“(e) The annuity of a retired Foreign Service officer shall be equal to 2 per centum of his average annual basic salary for the ten years next preceding the date of retirement, multiplied by the number of years of service not exceeding thirty years and in determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated: *Provided*, That at the time of his retirement a Foreign Service officer, if the husband of a wife to whom he has been married for at least five years, may elect to receive a reduced annuity and designate his wife as his beneficiary, to whom will be paid any portion up to two-thirds of his reduced annuity, at the option of the officer, as long as she may live after his death: *Provided, however*, That the annuity payable to the widow shall in no case exceed 25 per centum of the officer's average annual basic salary for the ten years next preceding the date of retirement. If the age of the officer is less than the age of the wife or exceeds her age by not more than eight years, the annuity of the officer will be reduced by an amount equal to one-half the annuity which he elects to have paid to his widow. If the age of the officer exceeds the age of the wife by more than eight years, the annuity of the officer will be reduced by an amount equal to one-half the annuity which he elects to have paid to his widow plus an additional reduction equal to 2 per centum of such widow's annuity for each year, or fraction thereof, that the difference in age exceeds eight: *Provided further*, That the officer may at his option also elect to have his annuity reduced by an additional 5 per centum of the amount which he elects to have paid to his widow, with a provision that, from and after the death of his wife, if the officer shall survive her, the annuity payable to the officer shall be that amount which would

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[Public, No. 464]

Foreign Service retirement and disability system.

46 Stat. 1211,
22 U. S. C. § 21 (e);
Supp. V, § 21 (e).
53 Stat. 585.
Post, p. 184.

Annuities; amount.

Provisos.
Wife as beneficiary.

Annuity payable to widow, limitation.

Computation of amounts.

Survivorship provision.

Retired officers receiving annuities on effective date of Act.

Increases not to operate retroactively; no reductions.

Exception.

Effective date of section 1.

53 Stat. 583.

Retired officer electing reduced annuity and life annuity to widow, amendment of election.

46 Stat. 1211; 53 Stat. 585. 22 U. S. C. § 21 (e); Supp. V, § 21 (e).

Proviso. Effective date of amended election.

Extension of time for making election.

Proviso. Effective date of election.

Effective date of Act.

have been payable if no option had been elected: *Provided further*, That a retired officer who is receiving an annuity on the effective date of this Act, if the husband of a wife to whom he was married at the time of his retirement and for a total period of at least five years, shall be entitled under the same terms and conditions set forth above, to elect to receive a reduced annuity, a portion of which will be continued on his death throughout the life of his surviving widow, but all such elections by retired officers shall be made within six months following the effective date of this Act, and they shall all be effective on the same date, to be prescribed by the President: *And provided further*, That no increases in annuities under this Act shall operate retroactively and nothing in this Act shall be interpreted as reducing the rate of the annuity received by any retired officer on the effective date of this Act, unless the officer voluntarily elects to receive a reduced annuity as provided herein."

SEC. 2. The provisions of section 1 of this Act shall be construed and interpreted in every respect as having been in effect on and after July 1, 1939 (the effective date of the Act of April 24, 1939, which it amends), and, accordingly, any retired officer is hereby authorized to avail himself of the benefits of these provisions, as follows:

(a) A retired officer who elected to receive a reduced annuity and a life annuity payable to his surviving widow as provided in section 26 (e) of the Act of February 23, 1931, as amended by the Act of April 24, 1939, is hereby authorized, within six months of the effective date of this Act, to amend such election in accordance with the additional provisions of the aforesaid section 26 (e) as established by section 1 of this Act and to change the amount thereof within the limitations established by these provisions: *Provided*, That such an amended election shall be effective on the first day of the calendar month in which the application is filed, except where the wife of such an officer has died since September 1, 1939, the date heretofore fixed in accordance with law as the effective date for such elections, such amended election shall be considered effective as of the latter date.

(b) A retired officer who did not elect to receive a reduced annuity and a life annuity payable to his surviving widow, as provided in section 26 (e) of the Act of February 23, 1931, as amended by the Act of April 24, 1939, is hereby authorized, within six months of the effective date of this Act to make such an election, but only in accordance with the additional provisions of the aforesaid section 26 (e) as provided in section 2 of this Act: *Provided*, That such an election shall be effective on the first day of the calendar month in which the application is filed.

SEC. 3. This Act shall take effect on the 1st day of the calendar month following the date of its approval by the President.

Approved, April 20, 1940.

[CHAPTER 119]

AN ACT

Authorizing appropriations to be made for the disposition of the remains of personnel of the Navy and Marine Corps and certain civilian employees of the Navy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds to be expended under such regulations as the Secretary of the Navy may prescribe are hereby authorized to be appropriated as may be necessary from time to time for the funeral expenses of the deceased persons hereinafter specified.

April 20, 1940
[S. 3067]

[Public, No. 465]

Navy and Marine Corps.

Disposition of remains of personnel and certain civilian employees; funds authorized.

Post, p. 248.