

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.

SEC. 2. The words "funeral expenses" as used in this Act, and in subsequent Acts appropriating funds as herein authorized, shall be construed to include the expenses of, and incident to, the recovery of bodies; cremation, but only on request of the relatives of the deceased; preparation for burial; transportation to the home of the deceased or to a national or other cemetery designated by proper authority; and interment.

"Funeral expenses" defined.

SEC. 3. Funeral expenses shall be allowed for—

Persons entitled to benefits.  
Post, p. 248.

(a) Officers and enlisted men of the Navy and Marine Corps, including those on the retired lists who die while on active duty;

(b) Members of the Nurse Corps (female) of the Navy, including those on the retired list who die while on active duty;

(c) Members of the Naval Reserve or Marine Corps Reserve who die while on active or training duty, or while performing authorized travel to or from such duty;

(d) Accepted applicants for enlistment;

(e) Civilian employees of the Navy Department or the Naval Establishment who have been ordered away from their homes in the United States to duty outside the continental limits of the United States and who die while on such duty or while performing authorized travel to or from such duty;

(f) Former enlisted men of the Navy and Marine Corps who were discharged while patients in hospitals and who remain as patients in such hospitals to the day of their death; and

(g) Pensioners and destitute patients who die in naval hospitals: *Provided*, That only the expenses of preparation for burial and interment shall be allowed in disposing of the remains of such pensioners and destitute patients.

Pensioners and destitute patients dying in naval hospitals.  
*Proviso.*  
Restriction.

SEC. 4. The provisions of this Act shall apply in the case of personnel temporarily absent with or without leave when death occurred.

Personnel temporarily absent when death occurred.

SEC. 5. In any case where funeral expenses authorized by this Act are incurred prior to receipt of official authority, reimbursement may be made in the amount allowed by the Navy Department for such services.

Reimbursement for expenses incurred; limitation.

SEC. 6. 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 purchase and care of cemetery lots; for the care of graves of deceased personnel of the Navy and Marine Corps outside the continental limits of the United States, with which shall be included those in sites not owned by the United States; and for the removal of remains from abandoned cemeteries to naval or national cemeteries or to the homes of the persons deceased, with which shall be included remains interred in isolated graves in the United States and abroad and remains temporarily interred.

Items included in expenses.  
Post, p. 279.

Approved, April 20, 1940.

[CHAPTER 123]

AN ACT

To authorize an exchange of lands between the city of San Diego, California, and the United States, and acceptance by gift of certain lands from the city of San Diego, California.

April 22, 1940  
[S. 2933]

[Public, No. 466]

*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 be, and he is hereby, authorized to transfer under such conditions as may be approved by the said Secretary, to the city of San Diego, California, without cost to the said city of San Diego, California, all right, title, and interest in and to the following parcels,

San Diego, Calif.  
Exchange of lands authorized.