

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

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the point of beginning; containing an area of six thousand four hundred and fifty acres, more or less; there shall be withdrawn from the control and jurisdiction of the Secretary of the Interior and transferred to the jurisdiction and control of the Secretary of War so much thereof as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.

Transfer provision.

Approved, July 16, 1940.

[CHAPTER 632]

AN ACT

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.

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

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

Filing of application.

Proviso.  
Benefits, date effective.

*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

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.

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

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

(1) while on active duty, or (2) while engaged in authorized travel to and from such duty, or (3) while engaged in authorized training without pay, or dies or has died as the result of such physical injury, where such injury or death occurred between the dates of February 28, 1925, and July 15, 1939, both inclusive, when such injury or death results from an accident involving a military hazard such as flying in military aircraft, participation in military drills, target practice and tactical exercises, and in injury cases where such injury has resulted in permanent partial or permanent total disability, he or his beneficiary shall be entitled to all the benefits prescribed by law for civil employees of the United States who are physically injured in line of duty or who die as a result thereof, and the United States Employees' Compensation Commission shall have jurisdiction in such cases and shall perform the same duties with reference thereto as in the cases of civil employees of the United States so injured: *Provided*, That the benefits shall accrue to any such member, or his beneficiary, whether the disability or death is the result of sickness or disease contracted in line of duty while on active duty when such sickness or disease is proximately caused by service on active duty: *Provided further*, That employees' compensation under this Act shall not be paid concurrently with active-duty pay or pension based upon military service, and in the event a person becomes eligible for the benefits of the United States Employees' Compensation Act and is also eligible for, or is in receipt of, a pension based upon military service, he shall elect which benefit to receive: *Provided further*, That authorized training without pay is defined as inactive-status training under written authorization by competent military authority covering a specific training assignment and prescribing a time limit: *Provided further*, That for the purpose of determining benefits to which entitled under the provisions of this Act members of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army physically injured when engaged in authorized training without pay will be held and considered as receiving the pay and allowances they would have received if in a pay status: *And provided further*, That nothing herein shall be construed to authorize compensation benefits which may have accrued for any period prior to the approval of this Act, but eligibility for compensation benefits shall be determined as of the date of approval of this Act and any benefits payable shall date only from such approval and the eight-year period of limitation in section 10-G of the Federal Employees' Compensation Act of September 7, 1916, shall be computed for purposes of this Act, from the date of approval thereof.

Where injury or death has been sustained by any member of the Officers' Reserve Corps or Enlisted Reserve Corps while performing authorized training without pay upon inactive status it shall be presumed that such training was being performed under written authorization of competent military authority covering a specific training assignment and prescribing a time limit and thus subject to the provision of this Act unless a duly appointed Examining Board, appointed at the time of said accident, has found and reported to the contrary.

All claims for disability or death benefits allowed under the provisions of this Act shall be made within one year from its approval by the President.

Approved, July 18, 1940.

Designated period.

Jurisdiction.

*Provisos.*  
Accrual of benefits.

Person eligible for military pension, etc.; election of benefit.

Authorized training without pay, definition.

Determination of benefits when under nonpay status.

No prior benefits.

39 Stat. 745.  
5 U. S. C. § 760 (c).

Presumption of written authority to train; exception.

Filing of claims, time limitation.