

[CHAPTER 892]

AN ACT

To authorize the exchange of certain patented lands in the Death Valley National Monument for Government lands in the monument.

October 17, 1940
[H. R. 8646]
[Public, No. 865]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the owner of the east half of the northeast quarter, section 35, township 15 south, range 44 east, of the Mount Diablo meridian, Inyo County, California, within the Death Valley National Monument, is hereby permitted and authorized to convey the fee-simple title thereto to the United States, and select in lieu thereof the west half of the southeast quarter, section 36, township 15 south, range 44 east, of the Mount Diablo meridian; and the Secretary of the Interior is hereby authorized and empowered to accept such conveyance, and thereafter cause a patent for the lands so selected to be issued to such owner, reserving to the United States, however, such rights-of-way as may be needed for the construction and maintenance of roads in the national monument: *Provided*, That the lands so conveyed to the United States shall become and be a part of the said national monument, and also subject to all laws and regulations relating to other lands therein: *And provided further*, That the owner of such privately owned lands within said national monument shall, before any exchange is effective, furnish to the Secretary of the Interior evidence satisfactory to him of title to the patent lands offered in exchange.

Death Valley National Monument, Calif.

Lands in, conveyed to United States.

Selection in lieu thereof.

Provided.
Lands to become part of monument.

Evidence of title.

Approved, October 17, 1940.

[CHAPTER 893]

AN ACT

To amend section 202 (3), World War Veterans' Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes.

October 17, 1940
[H. R. 8930]
[Public, No. 866]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law Numbered 484, Seventy-third Congress, approved June 28, 1934, as amended, is hereby amended by adding a new section thereto numbered 6 to read as follows:

"SEC. 6. There shall be no recovery of payments heretofore or hereafter made under the provisions of this Act from any person who, in the judgment of the Administrator, is without fault on his part and where, in the judgment of the Administrator, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. No disbursing officer and no certifying officer shall be held liable for any amount paid to any person where the recovery of such amount from the payee is waived under the provisions of this section. This section shall be deemed to be in effect as of June 28, 1934."

SEC. 2. (a) That paragraphs II, III, and IV of Veterans Regulation Numbered 9 (a), as amended, be further amended to read as follows:

"II. Where an honorably discharged veteran of any war, a veteran of any war in receipt of pension or compensation, a veteran discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty, or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service-connected disability dies after discharge, the Administrator, in his discretion and with due regard to the circumstances in each case, shall pay, for burial and funeral expenses and transportation

Administrative provisions in veterans' laws.

48 Stat. 1281.
38 U. S. C., §§ 503-507; Supp. V, §§ 503-506.

Veterans' benefits.
No recovery from beneficiary if without fault, etc.

No liability of disbursing officer.

Provision retroactive.

38 U. S. C., 1934 ed., p. 1702; Supp. V, p. 998.

Burial allowances.
Ante, p. 963.

of the body (including preparation of the body) to the place of burial, a sum not exceeding \$100 to cover such items and to be paid to such person or persons as may be prescribed by the Administrator. The Administrator may, in his discretion, make contracts for burial and funeral services within the limits of the amount herein allowed without regard to the laws prescribing advertisement for proposals for supplies and services for the Veterans' Administration. No deduction shall be made from the burial allowance because of any contribution from any source toward the burial and funeral (including transportation) unless the amount of expenses incurred is covered by the amount actually paid for burial and funeral (including transportation) purposes by a State, county, or other political subdivision, workmen's compensation commission, State industrial accident board, employer, burial association, or Federal agency: *Provided*, That no claim shall be allowed for more than the difference between the entire amount of the expenses incurred, and the amount paid by any or all of the foregoing agencies or organizations: *Provided further*, That nothing herein shall be construed to cause the denial of or a reduction in the amount of the burial allowance otherwise payable because of a cash contribution made by a burial association to any person other than the person rendering burial and funeral services: *And provided further*, That nothing herein contained shall be construed so as to cause payment of the burial allowance or any part thereof in any case where specific provision is otherwise made for payment of expenses of funeral, transportation, and interment under any other Act.

Contracts. No deductions because of other contributions; exception.

Provisos. Amount restricted.

Cash contributions to other than person rendering burial services.

Payment of expenses under any other Act.

Transportation of body from a facility to place of burial.

Veteran dying while hospitalized.

Claims for reimbursement.

Proviso. Certain unfilled, etc., claims.

38 U. S. C., 1934 ed., p. 1699.

Payment of travel expenses of indigent patients to a facility, etc.

"III. Where death occurs in a Veterans' Administration facility within the continental limits of the United States, the Veterans' Administration will (a) assume the actual cost (not to exceed \$100) of burial and funeral, and (b) transport the body to the place of burial within the continental limits of the United States or to the place of burial in Alaska if the veteran was a resident of Alaska and had been brought to the United States as beneficiary of the Veterans' Administration for hospital or domiciliary care. Where a veteran dies while hospitalized under authority of the Veterans' Administration in a Territory or possession of the United States the Veterans' Administration will (a) assume the actual cost (not to exceed \$100) of burial and funeral, and (b) transport the body to the place of burial within the Territory or possession.

"IV. Claims for reimbursement must be filed within two years subsequent to the date of burial of the veteran. In the event the claimant's application is not complete at the time of original submission, the Veterans' Administration will notify the claimant of the evidence necessary to complete the application and if such evidence is not received within one year from the date of the request therefor no allowance may be paid: *Provided*, That where the death of a veteran occurred on or after March 20, 1933, and claim for burial allowance was not filed, or was filed after the expiration of the regulatory period, or was filed within the regulatory period and disallowed, the Administrator of Veterans' Affairs is hereby authorized and directed to receive and adjudicate a claim filed within two years after the date of enactment of this Act and to grant burial allowance under the provisions of laws and regulations governing such allowance as amended by this Act."

(b) That paragraph III of Veterans Regulation Numbered 6 (a), as amended, be further amended to read as follows:

"III. To persons unable to defray the cost thereof, transportation and other necessary expenses incidental thereto will be supplied to cover travel to a Veterans' Administration facility for domiciliary

or hospital care; to cover return travel to the place from which the person proceeded to the facility, when he is regularly discharged upon completion of such care; and to cover travel involved in a transfer, deemed necessary, from one Veterans' Administration facility to another. All such travel will be subject to grant of prior authorization therefor. In the event of death of any such person within the continental limits of the United States prior to his discharge from such care, transportation expenses (including preparation of the body) for the return of the body to the place of burial within the continental limits of the United States, or to the place of burial in Alaska if the veteran was a resident of Alaska and had been brought to the United States as a beneficiary of the Veterans' Administration for hospital or domiciliary care, may be paid in the discretion of the Administrator of Veterans' Affairs, when deemed necessary and as an administrative necessity. In the event of death of any such person in a Territory or possession of the United States transportation expenses (including preparation of the body) for the return of the body to place of burial within the Territory or possession may be paid."

Allowance if death occurs within continental limits of U. S.

Territory or U. S. possession.

(c) This section shall be applied to any claim for burial benefits pending in the Veterans' Administration on the date of its enactment.

Application of section.

SEC. 3. Where a disabled person, entitled to pension, compensation, or emergency officers' retirement pay under laws or regulations administered by the Veterans' Administration, and his wife are not living together, or where the child or children are not in the custody of the disabled person; or where, in death cases, the child or children are not in the custody of the widow, the amount of the pension, compensation or emergency officers' retirement pay may be apportioned as may be prescribed by the Administrator of Veterans' Affairs.

Apportionment of veterans' benefits.

The Act of March 3, 1899 (30 Stat. 1379, ch. 460; U. S. C., title 38, secs 45, 46, 47, and 49), with the exception of the last proviso (U. S. C., title 38, sec. 192), paragraph VII of Veterans Regulation Numbered 6 series (U. S. C., title 38, ch. 12, appendix), and all other provisions of law or regulation in conflict with the foregoing are repealed or modified to conform with the provisions of this section.

Designated conflicting laws, etc., repealed or modified.

SEC. 4. That paragraph IV, Veterans Regulation Numbered 6 (a), as amended (U. S. C., title 38, ch. 12, appendix), is hereby amended to read as follows:

38 U. S. C., 1934 ed., p. 1699.

"IV. No person shall be entitled to receive domiciliary, medical, or hospital care, including treatment, who resides outside of the continental limits of the United States or its Territories or possessions: *Provided*, That in the discretion of the Administrator of Veterans' Affairs necessary hospital care, including medical treatment, may be furnished to veterans who are citizens of the United States and who are temporarily sojourning or residing abroad, for disabilities due to war service in the armed forces of the United States."

Restriction on domiciliary, etc., care.

Proviso.
Exception.

SEC. 5. That section 3 of Public Law Numbered 262, Seventy-fourth Congress, approved August 12, 1935, is hereby amended by adding at the end thereof the following sentence: "From and after the date of approval of this amendatory Act this section shall be construed to prohibit the collection by set-off or otherwise out of any benefits payable pursuant to any law administered by the Veterans' Administration and relating to veterans, their estates, or their dependents, of any claim of the United States or any agency thereof against (a) any person other than the indebted beneficiary or his estate; or (b) any beneficiary or his estate except amounts due the United States by such beneficiary or his estate by reason of overpayments or illegal payments made under such laws relating to veterans, to such bene-

49 Stat. 609.
38 U. S. C., Supp. V, §§ 454 (note), 454a.
Exemption of veterans' benefits from set-off under certain claims.

Provisos.
Inapplicability in designated cases.

fiary or his estate or to his dependents as such: *Provided, however,* That if the benefits be insurance payable by reason of yearly renewable term or of United States Government life (converted) insurance issued by the United States, the exemption herein provided shall be inapplicable to indebtedness existing against the particular insurance contract upon the maturity of which the claim is based, whether such indebtedness be in the form of liens to secure unpaid premiums, or loans, or interest on such premiums or loans, or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits: *Provided further,* That nothing in this amendatory Act shall be construed to modify or repeal section 7 of Public Law Numbered 425, Seventy-fourth Congress, enacted January 27, 1936 (38 U. S. C. 687-b; 49 Stat. 1101)."

No deductions.

38 U. S. C., Supp. V, § 687b.

Disability compensation.

43 Stat. 618.
38 U. S. C. § 474.

53 Stat. 1067.
38 U. S. C., Supp. V, § 703b.

Death compensation to dependents of certain World War veterans.

48 Stat. 1281.
38 U. S. C. §§ 503-507; Supp. V, §§ 503-506.
50 Stat. 661.
38 U. S. C., Supp. V, § 472d.
Effective date of award.

Service-connected disability compensation.

Payment of forfeited benefits to dependents.

Proviso.
No payment to accomplice.

Reimbursement on account of other expenses authorized by law.

48 Stat. 1281.
38 U. S. C. §§ 503-507; Supp. V, §§ 503-506.

Payment not retroactive.

SEC. 6. That on and after the date of enactment of this Act, World War veterans otherwise entitled to the statutory award under the provisions of the last paragraph of section 202 (3), World War Veterans' Act, 1924, as amended, for the loss of the use of one or more feet or hands, shall be paid \$35 per month additional compensation in lieu of \$25 per month previously authorized.

SEC. 7. Section 1 of Public Law Numbered 196, Seventy-Sixth Congress, July 19, 1939, is hereby amended by striking therefrom the words "and who was in receipt of compensation therefor on March 19, 1933" and by substituting for the second proviso thereof the following: "*Provided further,* That where a World War veteran dies or has died, and service connection for any of the foregoing conditions is or would have been established under the provisions of this amendment, the surviving widow, child, or children, if otherwise eligible thereto, shall be awarded death compensation under Public Law Numbered 484, Seventy-third Congress, as amended".

SEC. 8. Except as provided in section 6 of Public Law Numbered 304, Seventy-fifth Congress, approved August 16, 1937 (U. S. C., title 38, sec. 472d), compensation authorized by section 7 of this Act shall not be payable effective prior to the receipt of application therefor in the Veterans' Administration, and in no event shall compensation therein authorized be effective prior to the date of enactment of this Act.

SEC. 9. That when disability compensation or pension based upon service-connected disability has been forfeited by a veteran under section 504 of the World War Veterans' Act, 1924, as amended (43 Stat. 1312; U. S. C., title 38, sec. 555), or section 15 of Public Law Numbered 2, Seventy-third Congress (48 Stat. 11; U. S. C., title 38, sec. 715), compensation or pension payable except for the forfeiture, from and after the date of suspension of payments to the veteran, shall be paid to his wife, child or children, and/or dependent parents, such payments not to exceed the amount payable in case such veteran had died from such service-connected disability: *Provided,* That no compensation or pension shall be paid to any dependent who has participated in the fraud for which the forfeiture was imposed.

Forfeiture of benefits by a veteran under the provisions of section 504, World War Veterans' Act, 1924, as amended, or section 15 of Public Law Numbered 2, Seventy-third Congress, shall not be construed to prohibit reimbursement on account of expenses incurred in the burial of such veteran otherwise authorized by law, or to prohibit payments of death compensation benefits for service-connected death or under Public Law Numbered 484, Seventy-third Congress, as amended.

Benefits authorized by this section shall not be paid for any period prior to the date of this enactment.

SEC. 10. Veterans Regulation Numbered 11 (U. S. C., title 38, ch. 12, appendix), promulgated under the Act of March 20, 1933 (Public, Numbered 2, Seventy-third Congress), is hereby amended by adding a new paragraph thereto numbered "III", to read as follows:

"III. The provisions of Veterans Regulation Numbered 11 shall apply to all claims under any of the laws administered by the Veterans' Administration: *Provided*, That the Administrator of Veterans' Affairs may release information, statistics, or reports, to individuals or organizations when in his judgment such release would serve a useful purpose."

SEC. 11. Notwithstanding any other provisions of law, except as provided in section 19 of the World War Veterans' Act, 1924, as amended, and in section 817 of the National Service Life Insurance Act of 1940, the decisions of the Administrator of Veterans' Affairs on any question of law or fact concerning a claim for benefits or payments under this or any other Act administered by the Veterans' Administration shall be final and conclusive and no other official or any court of the United States shall have power or jurisdiction to review any such decisions.

SEC. 12. Where any veteran suffers or has suffered an injury, or an aggravation of any existing injury, as the result of having submitted to an examination under authority of any of the laws granting monetary or other benefits to World War veterans, and not the result of his misconduct, and such injury or aggravation results in additional disability to or the death of such veteran, the veteran or his dependents shall be entitled to the same benefits as are provided for those who suffer an injury or an aggravation of any existing injury as a result of training, hospitalization, or medical or surgical treatment under the provisions of section 31 of Public Law Numbered 141, Seventy-third Congress, March 28, 1934. No benefits under this section shall be awarded unless application be made therefor within two years after such injury or aggravation was suffered, or such death occurred, or after the date of enactment of this Act, whichever is the later date.

Approved, October 17, 1940.

[CHAPTER 894]

AN ACT

For the protection of the water supply of the town of Petersburg, Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tract of land hereinafter described, situated in the Tongass National Forest in the Territory of Alaska, is hereby reserved from all forms of location, entry, or appropriation, whether under the mineral or nonmineral land laws of the United States, and set aside as a municipal water-supply reserve for the use and benefit of the people of the town of Petersburg, a municipal corporation of the Territory of Alaska as follows, to wit: Beginning at corner numbered 1, from which the quarter section corner between sections 2 and 3, township 59 south, range 79 east, Copper River meridian, bears west forty chains; thence along the top of a divide south fourteen degrees west one hundred and twenty-three and twenty one-hundredths chains to corner numbered 2, at the place where a side ridge intersects the main divide; thence along the top of the main divide south fifty-two degrees east ninety-three and sixty one-hundredths chains to corner numbered 3, located on top of a prominent unnamed peak from which the south-east corner of section 14 township 59 south, range 79 east, bears

48 Stat. 8.
38 U. S. C. §§ 701-721; Supp. V, §§ 701-718.

Disclosure of information.

Proviso.
Release, if serving useful purpose.

Finality of decisions; exceptions.
43 Stat. 612.
38 U. S. C. § 445; Supp. V, § 445.
Ante, p. 1014, § 617.

Uniformity in payment of benefits for specified injuries.

48 Stat. 526.
38 U. S. C. § 501a.
Time for application limited.

October 17, 1940
[H. R. 9173]
[Public, No. 867]

Petersburg, Alaska.
Designated land set aside as municipal water-supply reserve.

Description of tract.