

Proviso.

those deceased, who served in Germany or Austria-Hungary during the period of occupation at any time during the inclusive period from November 12, 1918, to July 11, 1923: *Provided*, That such medals and appurtenances shall not be issued in cases where the person has, during or subsequent to such service, been dismissed or discharged other than honorably from the service or deserted.

Approved, November 21, 1941.

[CHAPTER 502]

AN ACT

November 21, 1941
[H. R. 5783]
[Public Law 323]

To authorize the construction or acquisition of certain naval local defense vessels, and for other purposes.

Naval local defense vessels.
Construction, acquisition, etc.

Post, p. 816.

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, with the approval of the President, is hereby authorized to undertake the construction of or to acquire and convert not to exceed four hundred miscellaneous light-draft vessels and small craft of such sizes, types, and designs, suitable for local defense use as patrol vessels, minesweepers, and the like, as he may consider best suited for the purposes of national defense, such vessels to be in addition to those heretofore authorized.

Appropriation authorized.
Post, p. 816.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act, not to exceed \$300,000,000.

Approved, November 21, 1941.

[CHAPTER 543]

AN ACT

November 26, 1941
[H. R. 4226]
[Public Law 324]

To provide for the construction of a Coast Guard cutter designed for ice-breaking and assistance work on the Great Lakes.

Coast Guard.
Construction of cutter for Great Lakes service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the interest of the uninterrupted flow of interstate and foreign commerce through the Straits of Mackinac in winter seasons, and better to provide assistance to marine commerce and industry on the Great Lakes in opening ice-locked channels and ports, the Secretary of the Treasury be, and he is hereby, authorized and directed to construct and equip a Coast Guard cutter of a design especially adapted for heavy ice breaking.

Approved, November 26, 1941.

[CHAPTER 544]

AN ACT

November 26, 1941
[H. R. 4795]
[Public Law 325]

To amend the Hawaiian Homes Commission Act of 1920, as amended, by amending sections 203 (4), 208 (3), 209, 213, 215, 220, and 222 thereof and by adding thereto a new section to be numbered section 225, all relating to the powers, duties, and functions of the Hawaiian Homes Commission.

Hawaiian Homes Commission Act, 1920, amendments.
42 Stat. 109; 50 Stat. 499.
43 U. S. C. § 697 (4).
Available lands, Oahu.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 (4) of the Hawaiian Homes Commission Act, 1920, is hereby amended so that the first course describing "(1) Portion of the government land at Auwaiolimu, Punchbowl Hill, Honolulu, Oahu" of the available lands on the Island of Oahu will read as follows:

"(1) One hundred and sixty-three degrees thirty-one minutes two hundred and thirty-eight and eight-tenths feet along the east side of Punchbowl-Makiki Road;"

SEC. 2. Section 208 (3) of the Hawaiian Homes Commission Act, 1920, is hereby amended to read as follows:

42 Stat. 111.
48 U. S. C. § 702 (3).

"(3) The lessee shall occupy and commence to use or cultivate the tract as his home or farm within one year after the lease is made. The lessee of agricultural lands shall plant and maintain not less than five, ten, fifteen, and twenty trees per acre of land leased, and the lessee of pastoral lands shall plant and maintain not less than two, three, four, and five trees per acre of land leased during the first, second, third, and fourth years, respectively, after the date of lease. Such trees shall be of types approved by the Commission and at locations specified by the Commission's agent. Such planting and maintenance shall be by or under the immediate control and direction of the lessee. Such trees shall be furnished by the Commission free of charge."

Occupancy and use of lands.

SEC. 3. Section 209 of the Hawaiian Homes Commission Act, 1920, is hereby amended as follows:

50 Stat. 504.
48 U. S. C. § 703.

1. By amending paragraph (1) thereof to read as follows:

"(1) Upon the death of the lessee, his interest in the tract or tracts and the improvements thereon, including growing crops, either on the tract or in any collective contract or program to which the lessee is a party by virtue of his interest in the tract or tracts, shall vest in the relatives of the decedent as provided in this paragraph. From the following relatives of the lessee: Husband and wife, children, widows or widowers of the children, grandchildren, brothers and sisters, widows or widowers of the brothers and sisters, or nieces and nephews, the lessee shall designate the person or persons to whom he directs his interest in the tract or tracts to vest upon his death. Such person or persons must be qualified to be a lessee of Hawaiian home lands: *Provided, however,* That Hawaiian blood requirements shall not apply to the descendants of those who are not native Hawaiians but who were entitled to the leased land under the provisions of section 3, Public Document Numbered 227 in the Seventy-third Congress, approved May 16, 1934: *Provided further,* That such person or persons need not be twenty-one years of age. Such designation must be in writing, must be specified at the time of execution of such lease with a right in such lessee in similar manner to change such beneficiary at any time, and shall be filed with the commission and approved by the commission, in order to be effective to vest such interests in the successor or successors so named.

Successor of lessee;

Provisos.
Hawaiian blood requirements.

48 Stat. 779.
48 U. S. C. § 704a.
Eligibility of minors.
Designation to be in writing, etc.

"In the absence of such a designation as approved by the Commission, the Commission shall select from the relatives of the lessee in the order named above, as limited by the foregoing paragraph, one or more persons who are qualified to be lessees of Hawaiian home lands, except as hereinabove provided, as the successor or successors of the lessee's interest in the tract or tracts, and upon the death of the lessee, his interest shall vest in the person or persons so selected. The Commission may select such a successor or successors after the death of the lessee, and the rights to the use and occupancy of the tract or tracts may be made effective as of the date of the death of such lessee.

Selection of successor by Commission.

"In the case of the death of a lessee leaving no such relative qualified to be a lessee of Hawaiian home lands, the land subject to the lease shall resume its status as unleased Hawaiian home lands and the Commission is authorized to lease such land to a native Hawaiian or Hawaiians as provided in this Act.

Lessee leaving no qualified relative.

"Upon the death of a lessee leaving no such relative qualified to be a lessee of Hawaiian home lands, or the cancelation of a lease by the Commission, or the surrender of a lease by the lessee, the Commission shall appraise the value of all such improvements and growing crops and shall pay to the legal representative of the deceased

Appraisal and payment to legal representative.

lessee, or to the previous lessee, as the case may be, the value thereof, less any indebtedness to the Commission, or for taxes, or for any other indebtedness the payment of which has been assured by the Commission, from the deceased lessee or the previous lessee. Such payment shall be made out of the loan fund and shall be considered an advance therefrom reimbursable out of payments made by the successor or successors to the tract involved.

Appraisers.

"Such appraisal shall be made by three appraisers, one of which shall be named by the Commission, one by the previous lessee or the legal representative of the deceased lessee, as the case may be, and the third shall be selected by the two appraisers hereinbefore mentioned."

Textual changes.

2. By deleting therefrom paragraph (3) thereof.

3. By substituting for the figure "(4)", of paragraph (4) thereof, the figure "(3)".

42 Stat. 112.
48 U. S. C. § 707.

SEC. 4. Section 213 of the Hawaiian Homes Commission Act, 1920, is hereby amended to read as follows:

Hawaiian home-
loan fund.

"SEC. 213. HAWAIIAN HOME-LOAN FUND; HAWAIIAN HOME-DEVELOPMENT FUND; HAWAIIAN HOME-ADMINISTRATION ACCOUNT; HOW CONSTITUTED.—There is hereby established in the treasury of the Territory a revolving fund to be known as the Hawaiian home-loan fund and special funds to be known as the Hawaiian home-development fund and the Hawaiian home-administration account. Thirty per centum of the Territorial receipts derived from the leasing of cultivated sugarcane lands under any other provisions of law, or from water licenses, shall be deposited into the Hawaiian home-loan fund until the aggregate amount of moneys deposited therein from such two sources, together with moneys received and deposited therein from any other sources, not including, however, installment payments upon loans made to lessees or payments by a successor or successors to the tract representing reimbursements on account of the advance made pursuant to section 209 (1), shall equal \$2,000,000. In addition to these moneys and the moneys covered into the loan fund as installments paid by lessees upon loans made to them as provided in paragraph 2 of section 215, there shall be deposited into said revolving fund all other moneys, except moneys received for the Hawaiian home-administration account, received by the Commission from any source whatsoever. The moneys in said fund shall be available only for loans to lessees as provided for in this Act, for interest and sinking fund charges upon bonds issued for Hawaiian homes purposes and for the payments provided for in section 209 (1), and shall not be expended for any other purpose whatsoever, except that 25 per centum of the amount of moneys so covered into the said revolving fund annually shall be transferred into the Hawaiian home-development fund until the aggregate amount of such annual transfers shall equal \$400,000. The moneys in said development fund shall be available, with the prior written approval of the Governor, for the construction of necessary improvements for domestic use and consumption of water, including the construction of pipe lines and reservoirs, for the construction of sanitary sewerage facilities and for the construction of roads through and over Hawaiian home lands. The Commission is authorized and empowered to use moneys in said fund, with the prior written approval of the Governor, to match Federal, Territorial, or county funds available for the above purposes and to that end is authorized to enter into such undertaking, agree to such conditions, transfer funds herein available for such expenditure and do and perform such other acts and things, as may be necessary or required, as a condition to securing match funds for such projects or works.

Ante, p. 783.

42 Stat. 112.
48 U. S. C. § 709 (2).
Post, p. 786.

Availability.

Hawaiian home-de-
velopment fund.

Use of moneys.

Matching Federal,
etc., funds.

“The entire receipts derived from any leasing of the ‘available lands’ defined in section 204 shall be deposited into the Hawaiian home-administration account. The moneys in said account shall be expended by the Commission for salaries and all other administration expenses of the Commission, not including structures and other permanent improvements, subject, however, to the following conditions and requirements:

Hawaiian home-administration account.
42 Stat. 110.
48 U. S. C. § 698.
Expenditures.

“(1) The Commission shall, at such time as the Governor may prescribe, but not later than November 15 preceding each biennial session of the legislature, submit to the territorial director of the bureau of the budget its budget estimates of expenditures for the next ensuing biennium in the manner and form and as required by territorial law of territorial departments and establishments.

Budget estimates.

“(2) The Commission’s budget, if it meets with the approval of the Governor, shall be included in the Governor’s budget report and shall be transmitted to the legislature for its approval. The total amount of the Commission’s budget shall in no event exceed the amount of \$140,000 for the biennium.

Inclusion in Governor’s budget report.
Limitation.

“(3) Upon approval by the legislature of the Commission’s budget estimate of expenditures for the ensuing biennium or if no action hereon is taken by the legislature prior to adjournment, the amount thereof shall be available to the Commission for said biennium and shall be expendable by the Commission for the expenses hereinabove provided; any amount of money in said account in excess of the amount approved by the legislature for the biennium shall be transferred to the general fund of the treasury of the Territory, such transfer to be made immediately after the amount of moneys deposited in said administration account shall equal the amount approved by the legislature.

Availability of funds.

Transfer of excess amount.

“(4) The moneys in said administration account shall be expended by the Commission in accordance with Territorial laws, rules, and regulations and practices:

Territorial laws, rules, etc.

“*Provided, however,* That the receipts from the leasing of available lands as defined in section 204 shall not be covered into said account until July 1, 1943: *Provided further,* That for the biennium commencing July 1, 1941, and ending June 30, 1943, the amount of money appropriated by the Territorial legislature for the Commission, whether or not in excess of \$140,000, shall be deposited in said account and shall be expended as herein provided.”

Provisos.
42 Stat. 110.
48 U. S. C. § 698.

SEC. 5. Section 215 of the Hawaiian Homes Commission Act, 1920, is hereby amended as follows:

42 Stat. 112.
48 U. S. C. § 709 (1).

1. By amending paragraph (1) thereof to read as follows:

“(1) Each contract of loan with the lessee or any successor or successors to his interest in the tract shall be held subject to the following conditions, whether or not stipulated in the contract of loan: The amount of loans at any one time to any lessee, or successor or successors in interest, of a tract of agricultural or pastoral land shall not exceed \$3,000 and to any lessee, or successor or successors in interest, of a residence lot shall not exceed \$1,000: *Provided,* That where, upon the death of a lessee leaving no relative qualified to be a lessee of Hawaiian home lands, or the cancelation of a lease by the Commission, or the surrender of a lease by the lessee, the Commission shall make the payment provided for by section 209 (1), the amount of any such payment made to the legal representative of the deceased lessee, or to the previous lessee, as the case may be, shall be considered as part or all, as the case may be, of any such loan to the successor or successors, without limitation as to the above maximum amounts: *Provided further,* That in case of the death of a lessee, or the cancelation of a lease by the Commission, or the surrender of a lease by the

Conditions in loan contracts.

Amount of loans.

Provisos.
Payment to legal representative, etc.

Ante, p. 788.

Successor to assume outstanding loans.

lessee, the successor or successors to the tract shall assume any outstanding loan or loans thereon, if any, without limitation as to the above maximum amounts but subject to the provisions of paragraph (3) of this section."

42 Stat. 112.
48 U. S. C. § 709 (2).
Amortization.

2. By amending the first sentence of paragraph (2) thereof to read as follows: "The loans shall be repaid upon an amortization plan by means of a fixed number of installments, such installments to be monthly, quarterly, semiannual, or annual as may be determined by the Commission in each case, sufficient to cover (a) interest on the unpaid principal at the rate of 3 per centum per annum, and (b) such amount of the principal as will extinguish the debt within an agreed period not exceeding thirty years."

Deletion.

Amend last sentence of paragraph (2) by deleting the words "and interest".

42 Stat. 113.
48 U. S. C. § 709 (3).
Provisions in case of
lessee's death.

3. By amending paragraph (3) thereof to read as follows:

"(3) In case of the death of a lessee the Commission shall, in any case, permit the successor or successors to the tract to assume the contract of loan subject to the provisions of paragraph (1) of this section. In case of the cancelation of a lease by the Commission, or the surrender of a lease by the lessee, the Commission may, at its option, declare all installments upon the loan immediately due and payable, or permit the successor or successors to the tract to assume the contract of loan subject to the provisions of paragraph (1) of this section. The Commission may, with the concurrence therein of at least three of the five members, in such cases where the successor or successors to the tract assume the contract of loan, waive the payment, wholly or in part, of interest already due and delinquent upon said loan, or postpone the payment of any installment thereon, wholly or in part, until such later date as it deems advisable. Such postponed payments shall, however, continue to bear interest at the rate of 3 per centum on the unpaid principal. Further, the Commission may, with the concurrence therein of at least three of the five members, if it deems it advisable and for the best interests of the lessees, write off and cancel, wholly or in part, the contract of loan of the deceased lessee, or previous lessee, as the case may be, where such loans are delinquent and deemed uncollectible. Such write-off and cancelation shall be made only after an appraisal of all improvements and growing crops on the tract involved, such appraisal to be made in the manner and as provided for by section 209 (1). In every such case, the amount of such appraisal, or any part thereof, shall be considered as part or all, as the case may be, of any loan to such successor or successors, subject to the provisions of paragraph (1) of this section."

Cancelation or sur-
render of lease.

Interest payments.

Write-off and can-
celation of contract.

Ante, p. 783.

4. By adding a new paragraph thereto, to be designated and numbered (7) and to read as follows:

"(7) Whenever the Commission shall determine that a lessee is delinquent in the payment of his indebtedness to the Commission it may require such lessee to execute an assignment to it, not to exceed, however, the amount of the total indebtedness of such lessee, including the indebtedness to others the payment of which has been assured by the Commission, of all moneys due or to become due to such lessee by reason of any agreement or contract, collective or otherwise, to which the lessee is a party by virtue of his interest in the tract. Failure to execute such an assignment when requested by the Commission shall be sufficient ground for cancelation of the lessee's lease or interest therein."

Assignment to Com-
mission when lessee
delinquent.

42 Stat. 114.
48 U. S. C. § 714.

SEC. 6. Section 220 of the Hawaiian Homes Commission Act, 1920, is hereby amended to read as follows:

"SEC. 220. DEVELOPMENT PROJECTS; APPROPRIATIONS BY TERRITORIAL LEGISLATURE; BONDS ISSUED BY LEGISLATURE.—The Commission is

authorized directly to undertake and carry on general water and other development projects in respect to Hawaiian home lands and to undertake other activities having to do with the economic and social welfare of the homesteaders: *Provided, however,* That roads through or over Hawaiian home lands, other than Federal-aid highways and roads, shall be maintained by the county or city and county in which said particular road or roads to be maintained are located. The legislature of the Territory is authorized to appropriate out of the treasury of the Territory such sums as it deems necessary to augment the Hawaiian home-loan fund, the Hawaiian home-development fund, and the Hawaiian home-administration account, and to provide the Commission with funds sufficient to execute and carry on such projects and activities. The legislature is further authorized to issue bonds to the extent required to yield the amount of any sum so appropriated. The Commission shall pay from the Hawaiian home-loan fund into the treasury of the Territory—

Proviso.
Road maintenance.

Legislature authorized to appropriate funds.

Bonds.
Payments from home-loan fund.

- “(1) upon the date when any interest payment becomes due upon any bond so issued, the amount of the interest then due; and
- “(2) commencing with the first such date more than one year subsequent to the issuance of any bond and at each interest date thereafter, an amount such that the aggregate of all such amounts which become payable during the term of the bond, compounded annually at the rate of interest specified therein, shall equal the par value of the bond at the expiration of its term.”

SEC. 7. Section 222 of the Hawaiian Homes Commission Act, 1920, is hereby amended by amending the second sentence thereof to read as follows: “All expenditures of the Commission, as herein provided out of the Hawaiian home-administration account, the Hawaiian home-development fund, and all moneys necessary for loans made by the Commission, in accordance with the provisions of this chapter, from the Hawaiian home-loan fund, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the Commission.”

42 Stat. 115.
48 U. S. C. §§ 694-696.

Presentation of vouchers.

SEC. 8. The Hawaiian Homes Commission Act, 1920, is hereby amended by adding thereto a new section to be numbered section 225 and to read as follows:

49 Stat. 505.

“SEC. 225. INVESTMENT OF LOAN FUNDS; DISPOSITION.—The Commission shall have the power and authority to invest and reinvest any of the moneys in the loan fund, not otherwise immediately needed for the purposes of the fund, in such bonds and securities as authorized by territorial law for the investment of territorial sinking fund moneys. Any interest or other earnings arising out of such investments shall be credited to and deposited in said fund and shall be included in and considered as a deposit from other sources, as provided for in section 213.”

SEC. 9. This Act shall take effect on and after the date of its approval.

Effective date.

Approved, November 26, 1941.

[CHAPTER 552]

AN ACT

To make provision for the construction activities of the Army.

December 1, 1941
[S. 1884]
[Public Law 326]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Engineers, under the authority of the Secretary of War, is hereby charged, in addition to other duties imposed upon him by law, with

Chief of Engineers, Army.
Direction of construction activities.