

PUBLIC LAWS OF THE SEVENTY-THIRD CONGRESS

OF THE

UNITED STATES OF AMERICA

Passed at the first session, which was begun and held at the city of Washington, in the District of Columbia, on Thursday, the ninth day of March, 1933, and was adjourned without day on Friday, the sixteenth day of June, 1933.

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN, President of the Senate *pro tempore*; HENRY T. RAINEY, Speaker of the House of Representatives.

[CHAPTER 1.]

AN ACT

To provide relief in the existing national emergency in banking, and for other purposes.

March 9, 1933.
[H. R. 1491.]
[Public, No. 1.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that a serious emergency exists and that it is imperatively necessary speedily to put into effect remedies of uniform national application.

National banking system.
Emergency declared existing.

TITLE I

SECTION 1. The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subdivision (b) of section 5 of the Act of October 6, 1917, as amended, are hereby approved and confirmed.

Proclamations, orders, etc., issued since March 4, 1933; approval.

Post, p. 343.
Trading with the Enemy Act, amended. Vol. 40, pp. 415, 966, amended.

Foreign exchange, export or hoarding of coin, bullion, etc.

Regulatory powers of President during national emergency.

SEC. 2. Subdivision (b) of section 5 of the Act of October 6, 1917 (40 Stat. L. 411), as amended, is hereby amended to read as follows:

“(b) During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President, and export, hoarding, melting, or earmarking of gold or silver coin or bullion or currency, by any person within the United States or any place subject to the jurisdiction thereof; and the President may require any person engaged in any transaction referred to in this subdivision to furnish under oath, complete information relative thereto, including the production of any books of account, contracts, letters or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed. Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned

Compulsory testimony, etc.

Punishment for violation.

for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

"Person" construed.

As used in this subdivision the term 'person' means an individual, partnership, association, or corporation."

Federal Reserve Act, amended.

Vol. 39, p. 752.

Emergency impounding of gold.
Authority of Secretary of Treasury.

SEC. 3. Section 11 of the Federal Reserve Act is amended by adding at the end thereof the following new subsection:

"(n) Whenever in the judgment of the Secretary of the Treasury such action is necessary to protect the currency system of the United States, the Secretary of the Treasury, in his discretion, may require any or all individuals, partnerships, associations and corporations to pay and deliver to the Treasurer of the United States any or all gold coin, gold bullion, and gold certificates owned by such individuals, partnerships, associations and corporations. Upon receipt of such gold coin, gold bullion or gold certificates, the Secretary of the Treasury shall pay therefor an equivalent amount of any other form of coin or currency coined or issued under the laws of the United States. The Secretary of the Treasury shall pay all costs of the transportation of such gold bullion, gold certificates, coin, or currency, including the cost of insurance, protection, and such other incidental costs as may be reasonably necessary. Any individual, partnership, association, or corporation failing to comply with any requirement of the Secretary of the Treasury made under this subsection shall be subject to a penalty equal to twice the value of the gold or gold certificates in respect of which such failure occurred, and such penalty may be collected by the Secretary of the Treasury by suit or otherwise."

Exchange for any other form of currency, etc.

Reimbursing transportation costs.

Hoarding, etc., deemed an offense.

Penalty.

Operations of the National Banking and Federal Reserve Systems.

Emergency suspension, etc., provided for.

SEC. 4. In order to provide for the safer and more effective operation of the National Banking System and the Federal Reserve System, to preserve for the people the full benefits of the currency provided for by the Congress through the National Banking System and the Federal Reserve System, and to relieve interstate commerce of the burdens and obstructions resulting from the receipt on an unsound or unsafe basis of deposits subject to withdrawal by check, during such emergency period as the President of the United States by proclamation may prescribe, no member bank of the Federal Reserve System shall transact any banking business except to such extent and subject to such regulations, limitations and restrictions as may be prescribed by the Secretary of the Treasury, with the approval of the President. Any individual, partnership, corporation, or association, or any director, officer or employee thereof, violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$10,000 or, if a natural person, may, in addition to such fine, be imprisoned for a term not exceeding ten years. Each day that any such violation continues shall be deemed a separate offense.

Proclamation.

Penalty for violation.

Each day a separate offense.

TITLE II

"Bank Conservation Act."

Citation of title.

Terms construed.

Post, p. 72.

SEC. 201. This title may be cited as the "Bank Conservation Act."

SEC. 202. As used in this title, the term "bank" means (1) any national banking association, and (2) any bank or trust company located in the District of Columbia and operating under the supervision of the Comptroller of the Currency; and the term "State" means any State, Territory, or possession of the United States, and the Canal Zone.

Conservators.

SEC. 203. Whenever he shall deem it necessary in order to conserve the assets of any bank for the benefit of the depositors and other

creditors thereof, the Comptroller of the Currency may appoint a conservator for such bank and require of him such bond and security as the Comptroller of the Currency deems proper. The conservator, under the direction of the Comptroller, shall take possession of the books, records, and assets of every description of such bank, and take such action as may be necessary to conserve the assets of such bank pending further disposition of its business as provided by law. Such conservator shall have all the rights, powers, and privileges now possessed by or hereafter given receivers of insolvent national banks and shall be subject to the obligations and penalties, not inconsistent with the provisions of this title, to which receivers are now or may hereafter become subject. During the time that such conservator remains in possession of such bank, the rights of all parties with respect thereto shall, subject to the other provisions of this title, be the same as if a receiver had been appointed therefor. All expenses of any such conservatorship shall be paid out of the assets of such bank and shall be a lien thereon which shall be prior to any other lien provided by this Act or otherwise. The conservator shall receive as salary an amount no greater than that paid to employees of the Federal Government for similar services.

SEC. 204. The Comptroller of the Currency shall cause to be made such examinations of the affairs of such bank as shall be necessary to inform him as to the financial condition of such bank, and the examiner shall make a report thereon to the Comptroller of the Currency at the earliest practicable date.

SEC. 205. If the Comptroller of the Currency becomes satisfied that it may safely be done and that it would be in the public interest, he may, in his discretion, terminate the conservatorship and permit such bank to resume the transaction of its business subject to such terms, conditions, restrictions and limitations as he may prescribe.

SEC. 206. While such bank is in the hands of the conservator appointed by the Comptroller of the Currency, the Comptroller may require the conservator to set aside and make available for withdrawal by depositors and payment to other creditors, on a ratable basis, such amounts as in the opinion of the Comptroller may safely be used for this purpose; and the Comptroller may, in his discretion, permit the conservator to receive deposits, but deposits received while the bank is in the hands of the conservator shall not be subject to any limitation as to payment or withdrawal, and such deposits shall be segregated and shall not be used to liquidate any indebtedness of such bank existing at the time that a conservator was appointed for it, or any subsequent indebtedness incurred for the purpose of liquidating any indebtedness of such bank existing at the time such conservator was appointed. Such deposits received while the bank is in the hands of the conservator shall be kept on hand in cash, invested in the direct obligations of the United States, or deposited with a Federal reserve bank. The Federal reserve banks are hereby authorized to open and maintain separate deposit accounts for such purpose, or for the purpose of receiving deposits from State officials in charge of State banks under similar circumstances.

SEC. 207. In any reorganization of any national banking association under a plan of a kind which, under existing law, requires the consent, as the case may be, (a) of depositors and other creditors or (b) of stockholders or (c) of both depositors and other creditors and stockholders, such reorganization shall become effective only (1) when the Comptroller of the Currency shall be satisfied that the plan of reorganization is fair and equitable as to all depositors, other cred-

Appointment.
Bond, etc., required.

To take over all
books, assets, etc.

Powers and obligations of.

Rights under.

Expenses of conservatorship.

Salary.

Bank examination; reports.

Termination of conservatorship and resumption of bank business.

Sums for depositors' withdrawals or payments for creditors set aside by conservator.

Receipt of deposits.

Certain limitations not applicable to.

Segregation; restriction on use, etc.

To be kept on hand in cash.

Separate accounts to be kept.

Bank reorganization.
Post, p. 72.
Requirements, etc.

Approval of Comptroller.

itors and stockholders and is in the public interest and shall have approved the plan subject to such conditions, restrictions and limitations as he may prescribe and (2) when, after reasonable notice of such reorganization, as the case may require, (A) depositors and other creditors of such bank representing at least 75 per cent in amount of its total deposits and other liabilities as shown by the books of the national banking association or (B) stockholders owning at least two-thirds of its outstanding capital stock as shown by the books of the national banking association or (C) both depositors and other creditors representing at least 75 per cent in amount of the total deposits and other liabilities and stockholders owning at least two-thirds of its outstanding capital stock as shown by the books of the national banking association, shall have consented in writing to the plan of reorganization: *Provided, however,* That claims of depositors or other creditors which will be satisfied in full under the provisions of the plan of reorganization shall not be included among the total deposits and other liabilities of the national banking association in determining the 75 per cent thereof as above provided. When such reorganization becomes effective, all books, records, and assets of the national banking association shall be disposed of in accordance with the provisions of the plan and the affairs of the national banking association shall be conducted by its board of directors in the manner provided by the plan and under the conditions, restrictions and limitations which may have been prescribed by the Comptroller of the Currency. In any reorganization which shall have been approved and shall have become effective as provided herein, all depositors and other creditors and stockholders of such national banking association, whether or not they shall have consented to such plan of reorganization, shall be fully and in all respects subject to and bound by its provisions, and claims of all depositors and other creditors shall be treated as if they had consented to such plan of reorganization.

Consent of depositors representing 75 per cent of deposits, etc.
Or stockholders.
Depositors and other creditors.
Proviso. Satisfied claims to be deducted.
Disposition of records, assets, etc., on reorganization.
Plan to apply equally.
Segregation of deposits to cease.
Proviso. Notice before turning back control.
To be furnished each depositor.

SEC. 208. After fifteen days after the affairs of a bank shall have been turned back to its board of directors by the conservator, either with or without a reorganization as provided in section 207 hereof, the provisions of section 206 of this title with respect to the segregation of deposits received while it is in the hands of the conservator and with respect to the use of such deposits to liquidate the indebtedness of such bank shall no longer be effective: *Provided,* That before the conservator shall turn back the affairs of the bank to its board of directors he shall cause to be published in a newspaper published in the city, town or county in which such bank is located, and if no newspaper is published in such city, town or county, in a newspaper to be selected by the Comptroller of the Currency published in the State in which the bank is located, a notice in form approved by the Comptroller, stating the date on which the affairs of the bank will be returned to its board of directors and that the said provisions of section 206 will not be effective after fifteen days after such date; and on the date of the publication of such notice the conservator shall immediately send to every person who is a depositor in such bank under section 206 a copy of such notice by registered mail addressed to the last known address of such person as shown by the records of the bank, and the conservator shall send similar notice in like manner to every person making deposit in such bank under section 206 after the date of such newspaper publication and before the time when the affairs of the bank are returned to its directors.

SEC. 209. Conservators appointed pursuant to the provisions of this title shall be subject to the provisions of and to the penalties prescribed by section 5209 of the Revised Statutes (U. S. C., Title 12, sec. 592) ; and sections 112, 113, 114, 115, 116 and 117 of the Criminal Code of the United States (U. S. C., Title 18, secs. 202, 203, 204, 205, 206 and 207), in so far as applicable, are extended to apply to contracts, agreements, proceedings, dealings, claims and controversies by or with any such conservator or the Comptroller of the Currency under the provisions of this title.

Provisions governing conservators.
R. S. sec. 5209, p. 1007;
U. S. C. pp. 291, 475.
Vol. 35, p. 1108.
Vol. 40, p. 972.

SEC. 210. Nothing in this title shall be construed to impair in any manner any powers of the President, the Secretary of the Treasury, the Comptroller of the Currency, or the Federal Reserve Board.

Powers of President, etc., not impaired.

SEC. 211. The Comptroller of the Currency is hereby authorized and empowered, with the approval of the Secretary of the Treasury, to prescribe such rules and regulations as he may deem necessary in order to carry out the provisions of this title. Whoever violates any rule or regulation made pursuant to this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

Rules to be prescribed.

TITLE III

SEC. 301. Notwithstanding any other provision of law, any national banking association may, with the approval of the Comptroller of the Currency and by vote of shareholders owning a majority of the stock of such association, upon not less than five days' notice, given by registered mail pursuant to action taken by its board of directors, issue preferred stock in such amount and with such par value as shall be approved by said Comptroller, and make such amendments to its articles of association as may be necessary for this purpose; but, in the case of any newly organized national banking association which has not yet issued common stock, the requirement of notice to and vote of shareholders shall not apply. No issue of preferred stock shall be valid until the par value of all stock so issued shall be paid in.

National banks.
Preferred stock.
Post, p. 147.
Issue of, by vote of shareholders.

SEC. 302. (a) The holders of such preferred stock shall be entitled to cumulative dividends at a rate not exceeding 6 per centum per annum, but shall not be held individually responsible as such holders for any debts, contracts, or engagements of such association and shall not be liable for assessments to restore impairments in the capital of such association as now provided by law with reference to holders of common stock. Notwithstanding any other provision of law, the holders of such preferred stock shall have such voting rights, and such stock shall be subject to retirement in such manner and on such terms and conditions, as may be provided in the articles of association with the approval of the Comptroller of the Currency.

Amount, par value, etc.

Payment.

Dividends.
Post, p. 148.

Liability of shareholders.

Voting rights.

Retirement provisions.

Priority.

(b) No dividends shall be declared or paid on common stock until the cumulative dividends on the preferred stock shall have been paid in full; and, if the association is placed in voluntary liquidation or a conservator or a receiver is appointed therefor, no payments shall be made to the holders of the common stock until the holders of the preferred stock shall have been paid in full the par value of such stock plus all accumulated dividends.

Definitions.
"Common stock."

"Capital."

SEC. 303. The term "common stock" as used in this title means stock of national banking associations other than preferred stock issued under the provisions of this title. The term "capital" as used in provisions of law relating to the capital of national banking associations shall mean the amount of unimpaired common stock plus

the amount of preferred stock outstanding and unimpaired; and the term "capital stock", as used in section 12 of the Act of March 14, 1900, shall mean only the amount of common stock outstanding.

“Capital stock.”

Reconstruction Finance Corporation. Subscription for preferred stock. *Post*, p. 21.

Sale of, permitted.

Increase of outstanding obligations authorized.

SEC. 304. If in the opinion of the Secretary of the Treasury any national banking association or any State bank or trust company is in need of funds for capital purposes either in connection with the organization or reorganization of such association, State bank or trust company or otherwise, he may, with the approval of the President, request the Reconstruction Finance Corporation to subscribe for preferred stock in such association, State bank or trust company, or to make loans secured by such stock as collateral, and the Reconstruction Finance Corporation may comply with such request. The Reconstruction Finance Corporation may, with the approval of the Secretary of the Treasury, and under such rules and regulations as he may prescribe, sell in the open market or otherwise the whole or any part of the preferred stock of any national banking association, State bank or trust company acquired by the Corporation pursuant to this section. The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this section.

TITLE IV

Federal Reserve Act, amendments. Vol. 38, p. 269, amended. U.S.C., p. 236. Delivery of circulating notes on deposit of U.S. bonds, etc. *Post*, p. 21.

SEC. 401. The sixth paragraph of Section 18 of the Federal Reserve Act is amended to read as follows:

“Upon the deposit with the Treasurer of the United States, (a) of any direct obligations of the United States or (b) of any notes, drafts, bills of exchange, or bankers’ acceptances acquired under the provisions of this Act, any Federal reserve bank making such deposit in the manner prescribed by the Secretary of the Treasury shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, duly registered and countersigned. When such circulating notes are issued against the security of obligations of the United States, the amount of such circulating notes shall be equal to the face value of the direct obligations of the United States so deposited as security; and, when issued against the security of notes, drafts, bills of exchange and bankers’ acceptances acquired under the provisions of this Act, the amount thereof shall be equal to not more than 90 per cent of the estimated value of such notes, drafts, bills of exchange and bankers’ acceptances so deposited as security. Such notes shall be the obligations of the Federal reserve bank procuring the same, shall be in form prescribed by the Secretary of the Treasury, shall be receivable at par in all parts of the United States for the same purposes as are national bank notes, and shall be redeemable in lawful money of the United States on presentation at the United States Treasury or at the bank of issue. The Secretary of the Treasury is authorized and empowered to prescribe regulations governing the issuance, redemption, replacement, retirement and destruction of such circulating notes and the release and substitution of security therefor. Such circulating notes shall be subject to the same tax as is provided by law for the circulating notes of national banks secured by 2 per cent bonds of the United States. No such circulating notes shall be issued under this paragraph after the President has declared by proclamation that the

Amount of issue.

Value, use, etc.

Redemption.

Regulations.

Tax.

Issue to cease when emergency terminates; exception.

emergency recognized by the President by proclamation of March 6, 1933, has terminated, unless such circulating notes are secured by deposits of bonds of the United States bearing the circulation privilege. When required to do so by the Secretary of the Treasury, each Federal reserve agent shall act as agent of the Treasurer of the United States or of the Comptroller of the Currency, or both, for the performance of any of the functions which the Treasurer or the Comptroller may be called upon to perform in carrying out the provisions of this paragraph. Appropriations available for distinctive paper and printing United States currency or national bank currency are hereby made available for the production of the circulating notes of Federal reserve banks herein provided; but the United States shall be reimbursed by the Federal reserve bank to which such notes are issued for all expenses necessarily incurred in connection with the procuring of such notes and all other expenses incidental to their issue, redemption, replacement, retirement and destruction."

SEC. 402. Section 10(b) of the Federal Reserve Act, as amended, is further amended to read as follows:

"SEC. 10(b). In exceptional and exigent circumstances, and when any member bank has no further eligible and acceptable assets available to enable it to obtain adequate credit accommodations through rediscounting at the Federal reserve bank or any other method provided by this Act other than that provided by section 10 (a), any Federal reserve bank, under rules and regulations prescribed by the Federal Reserve Board, may make advances to such member bank on its time or demand notes secured to the satisfaction of such Federal reserve bank. Each such note shall bear interest at a rate not less than 1 per centum per annum higher than the highest discount rate in effect at such Federal reserve bank on the date of such note. No advance shall be made under this section after March 3, 1934, or after the expiration of such additional period not exceeding one year as the President may prescribe."

SEC. 403. Section 13 of the Federal Reserve Act, as amended, is amended by adding at the end thereof the following new paragraph:

"Subject to such limitations, restrictions and regulations as the Federal Reserve Board may prescribe, any Federal reserve bank may make advances to any individual, partnership or corporation on the promissory notes of such individual, partnership or corporation secured by direct obligations of the United States. Such advances shall be made for periods not exceeding 90 days and shall bear interest at rates fixed from time to time by the Federal reserve bank, subject to the review and determination of the Federal Reserve Board."

TITLE V

SEC. 501. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000,000, which shall be available for expenditure, under the direction of the President and in his discretion, for any purpose in connection with the carrying out of this Act.

SEC. 502. The right to alter, amend, or repeal this Act is hereby expressly reserved. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Approved, March 9, 1933, 8.30 p. m.

Agent of Treasurer
or Comptroller of the
Currency.

Sums available for
expenses.

Reimbursement.

Vol. 47, p. 56,
amended.
U.S.C., Supp. VI,
p. 136.

Advances to member
banks when acceptable
assets not available for
rediscount.
Post, p. 21.

Security.

Interest.

Expiration.

Advances to indi-
viduals, etc.

Security, interest,
etc.

Post, p. 20.

Appropriation.

Amendment, etc.

Saving provision.

[CHAPTER 2.]

JOINT RESOLUTION

March 17, 1933.
[H. J. Res. 75.]

[Pub. Res., No. 1.]

To provide for certain expenses incident to the first session of the Seventy-third Congress.

Appropriations for certain expenses, first session, Seventy-third Congress.
Mileage.
Sums available.
Vol. 47, pp. 1351, 1354.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the appropriations for mileage of Senators, Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from Hawaii, and for expenses of the Delegate from Alaska and the Resident Commissioners from the Philippine Islands, contained in the Legislative Appropriation Act for the fiscal year 1934, are hereby made immediately available and authorized to be paid to Senators, Representatives, Delegates, and Resident Commissioners, for attendance on the first session of the Seventy-third Congress.

Stationery.
Vol. 47, p. 1358.

The appropriation for stationery for Representatives, Delegates, and Resident Commissioners, and for the committees and officers of the House, contained in the Legislative Appropriation Act for the fiscal year 1934, is hereby made immediately available for expenditure on account of the first session of the Seventy-third Congress notwithstanding the provisions of section 304 of the Act of June 30, 1932 (47 Stat. 408): *Provided*, That from such sum each Representative, Delegate, and Resident Commissioner shall be allowed \$90 for stationery allowance or commutation therefor.

Limitations waived.
Vol. 47, p. 408.

Proviso.
Stationery allowance.

Approved, March 17, 1933.

[CHAPTER 3.]

AN ACT

To maintain the credit of the United States Government.

March 20, 1933.
[H. R. 2820.]

[Public, No. 2.]

Maintenance of credit of United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

Veterans.

VETERANS

Pensions.
Regulations of the President.
Post, pp. 524, 1282.
Executive orders, Nos. 6089-6100, March 31, 1933; 6156-6160, June 6, 1933; 6231-6234, July 28, 1933.
Classes entitled.
Disease, etc., in line of duty.

SECTION 1. That subject to such requirements and limitations as shall be contained in regulations to be issued by the President, and within the limits of appropriations made by Congress, the following classes of persons may be paid a pension:

(a) Any person who served in the active military or naval service and who is disabled as a result of disease or injury or aggravation of a preexisting disease or injury incurred in line of duty in such service.

Certain war-time services.

(b) Any person who served in the active military or naval service during the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, or the World War, and who is permanently disabled as a result of injury or disease: *Provided*, That nothing contained in this title shall deny a pension to a Spanish-American War veteran past the age of sixty-two years entitled to a pension under existing law, but the President may reduce the rate of pension as he may deem proper.

Proviso.
Spanish - American War veteran over 62.

Widows, dependent parents, etc.

(c) The widow, child, or children, dependent mother or father, of any person who dies as a result of disease or injury incurred or aggravated in line of duty in the active military or naval service.

Designated war service.

(d) The widow and/or child of any deceased person who served in the active military or naval service during the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection.

(e) For the purpose of subparagraph (b) of this section, the World War shall be deemed to have ended November 11, 1918.

SEC. 2. The minimum and maximum monthly rate of pension which may be paid for disability or death shall be as follows: For disability, from \$6 to \$275; for death, from \$12 to \$75.

SEC. 3. For each class of persons specified in subparagraphs (a) and (b) of section 1 of this title the President is hereby authorized to prescribe by regulation the minimum degrees of disability and such higher degrees of disability, if any, as in his judgment should be recognized and prescribe the rate of pension payable for each such degree of disability. In fixing rates of pensions for disability or death the President shall prescribe by regulation such differentiation as he may deem just and equitable, in the rates to be paid to veterans of different wars and/or their dependents and to be paid for

(a) Disabilities and deaths resulting from disease or injury incurred or aggravated in line of duty in war-time service;

(b) Disabilities and deaths resulting from disease or injury incurred or aggravated in line of duty in peace-time service;

(c) Disabilities and deaths not incurred in service.

SEC. 4. The President shall prescribe by regulation (subject to the provisions of section 1 (e) of this title) the date of the beginning and of the termination of the period in each war subsequent to the Civil War, including the Boxer Rebellion and the Philippine Insurrection, service within which shall for the purposes of this Act be deemed war-time service. The President shall further prescribe by regulation the required number of days of war or peace time service for each class of veterans, the time limit on filing of claims for each class of veterans and their dependents, the nature and extent of proofs and presumptions for such different classes, and any other requirements as to entitlement as he shall deem equitable and just. The President in establishing conditions precedent may prescribe different requirements or conditions for the veterans of different wars and their dependents and may further subdivide the classes of persons as outlined in section 1 of this title and apply different requirements or conditions to such subdivisions.

SEC. 5. All decisions rendered by the Administrator of Veterans' Affairs under the provisions of this title, or the regulations issued pursuant thereto, shall be final and conclusive on all questions of law and fact, and no other official or court of the United States shall have jurisdiction to review by mandamus or otherwise any such decision.

SEC. 6. In addition to the pensions provided in this title, the Administrator of Veterans' Affairs is hereby authorized under such limitations as may be prescribed by the President, and within the limits of existing Veterans' Administration facilities, to furnish to veterans of any war, including the Boxer Rebellion and the Philippine Insurrection, domiciliary care where they are suffering with permanent disabilities, tuberculosis or neuropsychiatric ailments and medical and hospital treatment for diseases or injuries.

SEC. 7. The Administrator of Veterans' Affairs subject to the general direction of the President and in accordance with regulations to be issued by the President shall administer, execute, and enforce the provisions of this title and for such purpose shall have the same authority and powers as are provided in sections 425, 430, 431, 432, 433, 434, 440, 442, 443, 444, 447, 450, 451, 453, 455, 457, 458, 459, 459a, 459c, 459d, 459e, 459f, title 38, U. S. C., and such other sections of title 38, U. S. C., as relate to the administration of the laws granting pensions.

Fixing World War service.

Minimum and maximum rates.
Post, p. 524.

Degrees of disability.

Death.

War-time service.

Peace-time service.

Not in service.

Prescribing duration of certain wars.

Regulations as to service, claims, etc.

Classification, conditions, etc.

Finality of decisions.

Domiciliary care.
Post, pp. 301, 525.

Administrator of Veterans' Affairs.
Authority, etc.

U. S. C., p. 1215.

Delegation of authority.

SEC. 8. The Administrator of Veterans' Affairs is hereby authorized in carrying out the provisions of Title 1 of this Act or any other pension Act to delegate authority to render decisions to such person or persons as he may find necessary. Within the limitations of such delegations, any decisions rendered by such person or persons shall have the same force and effect as though rendered by the Administrator of Veterans' Affairs. The President shall personally approve all regulations issued under the provisions of this title.

Approval of regulations.

SEC. 9. Claims for benefits under this title shall be filed with the Veterans' Administration under such regulations, including provisions for hearing, determination, and administrative review, as the President may approve, and payments shall not be made for any period prior to date of application. When a claim shall be finally disallowed under this title and the regulations issued thereunder, it may not thereafter be reopened or allowed. No person who is entitled to any benefits under this title shall participate in any determination or decision with respect to any claim for benefits under this title.

Claims for benefits. Filing, hearings, review, etc.

Payments, reopening, etc.

Participation by beneficiary in decision. Post, p. 526.

Retired emergency officers. Continuance of pay, if retirement due to service injury, etc. Post, p. 112.

SEC. 10. Notwithstanding the provisions of section 2 of this title, any person who served as an officer of the Army, Navy, or Marine Corps of the United States during the World War, other than as an officer of the Regular Army, Navy, or Marine Corps during the World War, who made valid application for retirement under the provisions of Public No. 506, Seventieth Congress, enacted May 24, 1928, sections 581 and 582, title 38, United States Code, and who prior to the passage of this Act has been granted retirement with pay, shall be entitled to continue to receive retirement pay at the monthly rate now being paid him if the disability for which he has been retired resulted from disease or injury or aggravation of a preexisting disease or injury incurred in line of duty during such service: *Provided*, That such person entered active service between April 6, 1917, and November 11, 1918: *Provided*, That the disease or injury or aggravation of the disease or injury directly resulted from the performance of military or naval duty, and that such person otherwise meets the requirements of the regulations which may be issued under the provisions of this Act.

Vol. 45, p. 735, amended. U.S.C., Supp. VI, p. 727.

Prorisos. World War service. Disability in line of duty, etc.

Offenses under repealed acts. Post, p. 11. Incurred penalties, etc., prosecuted.

SEC. 11. All offenses committed and all penalties or forfeiture incurred under the acts repealed by section 17 of this title may be prosecuted and punished in the same manner and with the same effect as if said repeal had not been made and any person who forfeited rights to benefits under any such acts shall not be entitled to any benefits under this title.

Perjury.

SEC. 12. That whoever in any claim for benefits under this title or by regulations issued pursuant to this title, makes any sworn statement of a material fact knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both.

Punishment for.

Fraudulently accepting pension.

SEC. 13. That if any person entitled to payment of pension under this title, whose right to such payment under this title or under any regulation issued under this title, ceases upon the happening of any contingency, thereafter fraudulently accepts any such payment, he shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year, or both.

Punishment for.

Fraudulently obtaining money, etc.

SEC. 14. That whoever shall obtain or receive any money, check, or pension under this title, or regulations issued under this title, without being entitled to the same, and with intent to defraud the United States or any beneficiary of the United States, shall be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or both.

SEC. 15. Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in any wise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, or writing purporting to be such, concerning any claim for benefits under this title, shall forfeit all rights, claims, and benefits under this title, and, in addition to any and all other penalties imposed by law, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

False affidavits, etc.

Punishment for.

SEC. 16. Every guardian, curator, conservator, committee, or person legally vested with the responsibility or care of a claimant or his estate, having charge and custody in a fiduciary capacity of money paid, under the provisions of this title, for the benefit of any minor or incompetent claimant, who shall embezzle the same in violation of his trust, or convert the same to his own use, shall be punished by a fine not exceeding \$2,000 or imprisonment at hard labor for a term not exceeding five years, or both.

Embezzlement by guardian, etc.

SEC. 17. All public laws granting medical or hospital treatment, domiciliary care, compensation and other allowances, pension, disability allowance, or retirement pay to veterans and the dependents of veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, and the World War, or to former members of the military or naval service for injury or disease incurred or aggravated in the line of duty in the military or naval service (except so far as they relate to persons who served prior to the Spanish-American War and to the dependents of such persons, and the retirement of officers and enlisted men of the Regular Army, Navy, Marine Corps, or Coast Guard) are hereby repealed, and all laws granting or pertaining to yearly renewable term insurance are hereby repealed, but payments in accordance with such laws shall continue to the last day of the third calendar month following the month during which this Act is enacted. The Administrator of Veterans' Affairs under the general direction of the President shall immediately cause to be reviewed all allowed claims under the above referred to laws and where a person is found entitled under this Act, authorize payment or allowance of benefits in accordance with the provisions of this Act commencing with the first day of the fourth calendar month following the month during which this Act is enacted and notwithstanding the provisions of section 9 of this Act, no further claim in such cases shall be required: *Provided*, That nothing contained in this section shall interfere with payments heretofore made or hereafter to be made under contracts of yearly renewable term insurance which have matured prior to the date of enactment of this Act and under which payments have been commenced, or on any judgment heretofore rendered in a court of competent jurisdiction in any suit on a contract of yearly renewable term insurance, or which may hereafter be rendered in any such suit now pending: *Provided further*, That, subject to such regulations as the President may prescribe, allowances may be granted for burial and funeral expenses and transportation of the bodies (including preparation of the bodies) of deceased veterans of any war to the places of burial thereof in a sum not to exceed \$107 in any one case.

Veterans of designated wars.
Public laws granting certain allowances, etc., repealed.
U.S.C., p. 1191.
Post, p. 526.

Term insurance.
U.S.C., p. 1225.

Review of allowed claims.

Ante, p. 10.

Provisos.
Matured insurance.

Funeral, etc., expenses.
Post, p. 310.

Disabled veterans, pensions, etc.

The provisions of this title shall not apply to compensation or pension (except as to rates, time of entry into active service and special statutory allowances), being paid to veterans disabled, or dependents of veterans who died, as the result of disease or injury directly connected with active military or naval service (without benefit of statutory or regulatory presumption of service connection)

Emergency officers' retired pay not included.

Ante, p. 10.

Payments for fiscal year 1934 reduced. *Post*, p. 521.

Effect of Executive orders.

Transmittal to Congress.

pursuant to the provisions of the laws in effect on the date of enactment of this Act. The term "compensation or pension" as used in this paragraph shall not be construed to include emergency officers' retired pay referred to in section 10 of this title.

SEC. 18. For the fiscal year ending June 30, 1934, any pension, and/or any other monetary gratuity, payable to former members of the military or naval service in wars prior to the Spanish-American War, and their dependents, for service, age, disease, or injury, except retired pay of officers and enlisted men of the Regular Army, Navy, Marine Corps, or Coast Guard, shall be reduced by 10 per centum of the amount payable.

SEC. 19. The regulations issued by the President under this title which are in effect at the expiration of two years after the date of enactment of this Act shall continue in effect without further change or modification until the Congress by law shall otherwise provide.

SEC. 20. The President shall transmit to the Congress, as soon as practicable after the date of their issue, copies of all regulations issued pursuant to this title.

TITLE II

OFFICERS AND EMPLOYEES

Officers and employees.

Post, p. 521. Terms construed. Persons included.

Exempted.

SEC. 1. When used in this title—
(a) The terms "officer" and "employee" mean any person rendering services in or under any branch or service of the United States Government or the government of the District of Columbia, but do not include (1) officers whose compensation may not, under the Constitution, be diminished during their continuance in office; (2) the Vice President, the Speaker of the House of Representatives, Senators, Representatives in Congress, Delegates, and Resident Commissioners; (3) officers and employees on the rolls of the Senate and House of Representatives; (4) any person in respect of any office, position, or employment the amount of compensation of which is expressly fixed by international agreement; and (5) any person in respect of any office, position, or employment the compensation of which is paid under the terms of any contract in effect on the date of the enactment of this title, if such compensation may not lawfully be reduced.

"Compensation" defined.

(b) The term "compensation" means any salary, pay, wage, allowance (except allowances for travel), or other emolument paid for services rendered in any civilian or noncivilian office, position, or employment; and includes the retired pay of judges (except judges whose compensation, prior to retirement or resignation, could not, under the Constitution, have been diminished), and the retired pay of all commissioned and other personnel of the Coast and Geodetic Survey, the Lighthouse Service, and the Public Health Service, and the retired pay of all commissioned and other personnel of the Army, Navy, Marine Corps, and Coast Guard; but does not include payments out of any retirement, disability, or relief fund made up wholly or in part of contributions of employees.

Payments excluded.

Determination of salaries, part of fiscal year 1933 and all of 1934. *Post*, p. 521.

SEC. 2. For that portion of the fiscal year 1933 beginning with the first day of the calendar month following the month during which this Act is enacted, and for the fiscal year ending June 30, 1934, the compensation of every officer or employee shall be determined as follows:—

Basis for computing.

(a) The compensation which such officer or employee would receive under the provisions of any existing law, schedule, regulation, Executive order, or departmental order shall first be determined as though this title (except section 4) had not been enacted.

(b) The compensation as determined under subparagraph (a) of this section shall be reduced by the percentage, if any, determined in accordance with section 3 of this title.

SEC. 3. (a) The President is authorized to investigate through established agencies of the Government the facts relating to the cost of living in the United States during the six months period ending June 30, 1928, to be known as the base period, and upon the basis of such facts and the application thereto of such principles as he may find proper, determine an index figure of the cost of living during such period. The President is further authorized to make a similar investigation and determination of an index figure of the cost of living during the six months period ending December 31, 1932, and each six months period thereafter.

(b) The President shall announce by Executive order the index figure for the base period and for each subsequent period determined by him under paragraph (a) of this section. The percentage, if any, by which the cost of living index for any six months' period, as provided in paragraph (a) of this section, is lower than such index for the base period, shall be the percentage of reduction applicable under section 2 (b) of this title in determining compensation to be paid during the following six months' period, or such portion thereof during which this title is in effect: *Provided*, That such percentage of reduction (including reductions made under any existing law, regulation, or Executive order, in the case of subsistence and rental allowances for the services mentioned in the Pay Act of June 10, 1922) shall not exceed 15 per centum.

SEC. 4. (a) Section 4 of An Act Making Appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes, approved March 3, 1933, is hereby amended to read as follows:

"SEC. 4. (a) The provisions of the following sections of Part II of the Legislative Appropriation Act, fiscal year 1933, are hereby continued in full force and effect during the fiscal year ending June 30, 1934, namely sections 105 (except subsections (d) and (e) thereof), 107 (except paragraph (5) of subsection (a) thereof and subsection (b) thereof), 201, 203, 206 (except subsection (a) thereof), 214, 216, 304, 315, 317, 318, and 323, and for the purpose of continuing such sections, in the application of such sections with respect to the fiscal year ending June 30, 1934, the figures '1933' shall be read as '1934'; the figures '1934' as '1935'; and the figures '1935' as '1936'; and, in the case of section 203, the figures '1932' shall be read as '1933'; except that in the application of such sections with respect to the fiscal year ending June 30, 1934 (but not with respect to the fiscal year ending June 30, 1933), the following amendments shall apply:

"(1) Section 216 is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: '*Provided further*, That no employee under the classified civil service shall be furloughed under the provisions of this section for a total of more than 90 days during the fiscal year 1934, except after full and complete compliance with all the provisions of the civil-service laws and regulations relating to reductions in personnel.'

"(2) Section 317 is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: '*Provided further*, That no part of any appropriation for "public works", nor any part of any allotment or portion available for "public works" under any appropriation, shall be transferred pursuant to the authority of this section to any appropriation for expenditure for personnel unless such personnel is required upon or in connection

Percentage reduction.

Index figure of cost of living.
Determination of, for base periods.

Other periods.

Announcement by Executive order.
Pay readjustments.
Executive Orders, Nos. 6085, March 28, 1933; 6188, July 3, 1933; 6553, January 9, 1934; 6791, July 6, 1934.
Post, p. 522.

Provisos.
Maximum pay reduction.

Vol. 42, p. 628.

Vol. 47, p. 1513, amended.

Designated provisions of Economy Act continued effective.
Vol. 47, p. 401.
Post, p. 522.

Stationery for Members of Congress.
Post, p. 318.

Modifications.

Furloughs.

Maximum period, fiscal year 1934.
Vol. 47, p. 1514, amended.

Transfer of appropriations.
Limitation "public works" personnel.
Vol. 47, p. 1514, amended.

"Public works" construed.

with "public works." "Public works" as used in this section shall comprise all projects falling in the general classes enumerated in Budget Statement No. 9, pages A177 to A182, inclusive, of the Budget for the fiscal year 1934, and shall also include the procurement of new airplanes and the construction of vessels under appropriations for "Increase of the Navy." The interpretation by the Director of the Bureau of the Budget, or by the President in the cases of the War Department and the Navy Department, of "public works" as defined and designated herein shall be conclusive.

Official interpretation conclusive.

Inconsistent acts, etc., suspended.

"(b) All Acts or parts of Acts inconsistent or in conflict with the provisions of such sections as amended, are hereby suspended during the period in which such sections, as amended, are in effect.

Suits respecting pay, etc., restricted.

"(c) No court of the United States shall have jurisdiction of any suit against the United States or (unless brought by the United States) against any officer, agency, or instrumentality of the United States arising out of the application as provided in this section, of such sections 105 or 107, as amended, unless such suit involves the Constitution of the United States.

Vol. 47, pp. 401, 402.

Unexpended sums impounded.

"(d) The appropriations or portions of appropriations unexpended by reason of the operation of the amendments made in subsection (a) of this section shall not be used for any purpose, but shall be impounded and returned to the Treasury.

Reduction in permanent, etc., appropriations.

"(e) Each permanent specific annual appropriation available during the fiscal year ending June 30, 1934, is hereby reduced for that fiscal year by such estimated amount as the Director of the Bureau of the Budget may determine will be equivalent to the savings that will be effected in such appropriation by reason of the application of this section and section 7."

Post, p. 15.

Vol. 47, p. 1515, repealed.

(b) Sections 5 and 6 of the Treasury and Post Office Appropriation Act, fiscal year 1934, are hereby repealed.

Annual leave limitation. Vol. 47, p. 407, amended.

(c) Section 215 of the Legislative Appropriation Act, fiscal year 1933 (relating to the limitation on annual leave), is amended by striking out "Provided further, That nothing herein shall apply to civilian officers and employees of the Panama Canal located on the Isthmus and who are American citizens, or to officers and employees of the Foreign Services of the United States holding official station outside the continental United States" and inserting in lieu thereof "Provided further, That nothing herein shall apply to officers and employees of the Panama Canal and Panama Railroad Company on the Isthmus of Panama, or to officers and employees of the United States (including enlisted personnel) holding official station outside the continental United States or in Alaska."

Furloughs, overtime pay, etc. Sections repealed. Vol. 47, pp. 399-403, 406.

(d) The following sections of Part II of the Legislative Appropriation Act, fiscal year 1933, are hereby repealed effective on the first day of the calendar month following the month in which this Act is enacted; namely, sections 101, 102, 103, 104, subsections (d) and (e) of section 105, 106, 107 (except paragraphs (1), (2), (3), and (4) of subsection (a) thereof), 108, 112, and 211.

Vice President and Speaker of the House of Representatives.

Senators, Representatives, etc.

(e) Subsection (a) of section 105 of the Legislative Appropriation Act, fiscal year 1933, is amended to read as follows, beginning with the first day of the calendar month following the month during which this Act is enacted:

Salaries reduced.

Vol. 47, p. 401, amended.

"(a) The salaries of the Vice President and the Speaker of the House of Representatives are reduced by 15 per centum; and the salaries of Senators, Representatives in Congress, Delegates, and Resident Commissioners are reduced by 15 per centum."

(f) Subsection (b) of section 105 of the Legislative Appropriation Act, fiscal year 1933, is amended to read as follows, beginning with the first day of the calendar month following the month during which this Act is enacted:

Congressional clerk hire.
Vol. 47, p. 401.

“(b) The allowance for clerk hire of Representatives in Congress, Delegates, and Resident Commissioners is reduced by the percentage applicable by law to other employees on the roll of the House of Representatives, such reduced allowance to be apportioned by the Representative, Delegate, or Resident Commissioner among his clerks as he may determine, subject to the limitations of existing law, but the compensation of such clerks shall not be subject to reduction under subsection (c) of this section.”

Allowance for, reduced.

(g) Subsection (c) of section 105 of the Legislative Appropriation Act, fiscal year 1933, is amended to read as follows, beginning with the first day of the calendar month following the month during which this Act is enacted:

Other congressional officers and employees.

“(c) The rate of compensation of any person on the rolls of the Senate or of the House of Representatives (other than persons included within subsection (a)), is reduced by the percentage applicable by law to employees of the Government generally.”

Rate of pay reduced.

SEC. 5. The provisions of this title providing for temporary reductions in compensation and suspension in automatic increases in compensation shall not operate to reduce the rate of compensation upon which the retired pay or retirement benefits of any officer or employee would be based but for the application of such provisions, but the amount of retired pay shall be reduced as provided in this title: *Provided*, That retirement deductions authorized by law to be made from the salary, pay, or compensation of officers or employees and transferred or deposited to the credit of a retirement fund, shall be based on the regular rate of salary, pay, or compensation instead of on the rate as temporarily reduced under the provisions of this title.

Retired pay.

Proviso.
Deductions based on regular salary rate.

SEC. 6. In the case of a corporation the majority of the stock of which is owned by the United States, the holders of the stock on behalf of the United States, or such persons as represent the interest of the United States in such corporation, shall take such action as may be necessary to apply the provisions of this title to offices, positions, and employments under such corporation and to officers and employees thereof, with proper allowance for any reduction in compensation since December 31, 1931.

Government corporations.
Pay provisions.

SEC. 7. In any case in which the application of the provisions of this title to any person would result in a diminution of compensation prohibited by the Constitution, the Secretary of the Treasury is authorized to accept from such person, and cover into the Treasury as miscellaneous receipts, remittance of such part of the compensation of such person as would not be paid to him if such diminution of compensation were not prohibited.

Remittances from Constitutional officers.

Acceptance; sums covered in.

SEC. 8. The appropriations or portions of appropriations unexpended by reason of the operation of this Act shall not be used for any purpose, but shall be impounded and returned to the Treasury.

Unexpended sums impounded.
Post, p. 523.

SEC. 9. No court of the United States shall have jurisdiction of any suit against the United States or (unless brought by the United States) against any officer, agency, or instrumentality of the United States arising out of the application of any provision of this title, unless such suit involves the Constitution of the United States.

Suits arising hereunder.
Court jurisdiction limited.

Constitution excepted.
Post, p. 522.

TITLE III

AMENDMENTS TO LEGISLATIVE APPROPRIATION ACT, FISCAL YEAR, 1933

Legislative Act, fiscal year 1933.
Vol. 47, pp. 414, 1519, amended.

SECTION 1. Sections 407 and 409 of Title IV of Part II of the Legislative Appropriation Act, fiscal year 1933, as amended by section 17 of the Treasury and Post Office Appropriation Act, approved March 3, 1933, are amended to read as follows:

Executive orders to be transmitted to Congress.

"SEC. 407. Whenever the President makes an Executive order under the provisions of this title, such Executive order shall be submitted to the Congress while in session and shall not become effective until after the expiration of sixty calendar days after such transmission, unless Congress shall by law provide for an earlier effective date of such Executive order or orders.

Effective date.

"SEC. 409. No Executive order issued by the President in pursuance of the provisions of section 403 of this title shall become effective unless transmitted to the Congress within two years from the date of the enactment of this Act."

Department reorganization, etc.
Orders to be transmitted within two years.
Vol. 47, p. 413.

Approved, March 20, 1933.

[CHAPTER 4.]

AN ACT

March 22, 1933.
[H. R. 3341.]
[Public, No. 3.]

To provide revenue by the taxation of certain nonintoxicating liquor, and for other purposes.

Revenue tax provisions on certain nonintoxicating liquors.
Post, pp. 315, 467.
Alcoholic content.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there shall be levied and collected on all beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor, and fruit juice, containing one-half of 1 per centum or more of alcohol by volume, and not more than 3.2 per centum of alcohol by weight, brewed or manufactured and, on or after the effective date of this Act, sold, or removed for consumption or sale, within the United States, by whatever name such liquors or fruit juices may be called, a tax of \$5 for every barrel containing not more than thirty-one gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law, to be collected under the provisions of existing law. The tax imposed by this section upon any beverage shall, if any tax is now imposed thereon by law, be in lieu of such tax from the time the tax imposed by this section takes effect. Nothing in this section shall in any manner affect the internal-revenue tax on beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice, containing more than 3.2 per centum of alcohol by weight, or less than one-half of 1 per centum of alcohol by volume. As used in this section the term "United States" includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

Vol. 41, p. 308, amended.
U. S. C., p. 853.

Tax rate.

To be in lieu of present tax.

Higher or lower alcoholic strength.

Terms defined.

R. S. sec. 3244, p. 622.
U. S. C., p. 740.

Brewer's tax on each brewery.
Post, p. 315.
Brewer defined.

(b) Paragraph "First" of section 3244 of the Revised Statutes (U. S. C., title 26, sec. 202) is amended to read as follows:

"First. Brewers shall pay \$1,000 in respect of each brewery. Every person who manufactures fermented liquors of any name or description for sale, from malt, wholly or in part, or from any substitute therefor, containing one-half of 1 per centum or more of alcohol by volume, shall be deemed a brewer."

Laws not repealed.
Vol. 40, p. 1105; Vol. 45, p. 368.

(c) Nothing in this Act shall be construed as repealing any special tax or administrative provision of the internal revenue laws applicable in respect of any of the following containing one-half of 1 per centum or more of alcohol by volume and not more than 3.2

per centum of alcohol by weight: Beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice.

SEC. 2. The second, third, and fourth paragraphs of section 37 of Title II of the National Prohibition Act, as amended and supplemented (U. S. C., title 27, secs. 58, 59, and 60), are hereby repealed.

SEC. 3. (a) Nothing in the National Prohibition Act, as amended and supplemented, shall apply to any of the following, or to any act or failure to act in respect of any of the following, containing not more than 3.2 per centum of alcohol by weight: Beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice; but the National Prohibition Act, as amended and supplemented, shall apply to any of the foregoing, or to any act or failure to act in respect of any of the foregoing, contained in bottles, casks, barrels, kegs, or other containers, not labeled and sealed as may be prescribed by regulations.

(b) The following Acts and parts of Acts shall be subject to a like limitation as to their application:

(1) The Act entitled "An Act to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war, except as hereinafter provided," approved May 23, 1918 (U. S. C., title 48, sec. 520);

(2) Section 2 of the Act entitled "An Act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917;

(3) The Act entitled "An Act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes," approved February 14, 1917 (U. S. C., title 48, secs. 261 to 291, both inclusive).

(c) Nothing in section 5 of the Act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, as amended and supplemented (U. S. C., title 18, sec. 341; Supp. VI, title 18, sec. 341), shall prohibit the deposit in or carriage by the mails of the United States, or the delivery by any postmaster or letter carrier, of any mail matter containing any advertisement of, or any solicitation of an order or orders for, any of the following containing not more than 3.2 per centum of alcohol by weight: Beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice.

SEC. 4. (a) The manufacturer for sale of beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice, containing one-half of 1 per centum of alcohol by volume and not more than 3.2 per centum of alcohol by weight, shall, before engaging in business, secure a permit authorizing him to engage in such manufacture, which permit shall be obtained in the same manner as a permit under the National Prohibition Act, as amended and supplemented, to manufacture intoxicating liquor, and be subject to all the provisions of law relating to such a permit. Such permit may be issued to a manufacturer for sale of any such fermented malt or vinous liquor or fruit juice, containing less than one-half of 1 per centum of alcohol by volume, if he desires to take advantage of the provisions of paragraph (2) of subsection (b) of this section. No permit shall be issued under this section for the manufacture of fermented malt or vinous liquor or fruit juice in any State, Territory, or the District of Columbia, or political subdivision of any State or Territory, if such manufacture is prohibited by the law thereof.

(b) (1) Such permit shall specify a maximum alcoholic content permissible for such fermented malt or vinous liquor or fruit juice at the time of withdrawal from the factory or other disposition,

National Prohibition Act.
Certain provisions repealed.

Vol. 41, p. 318.
U. S. C., p. 860.
Acts not affected by.
Post, p. 430.

Application to containers, not labeled, etc.

Limitation of application further extended.

Hawaii.
Vol. 40, p. 560.
U. S. C., p. 1601.
Post, p. 467.

Puerto Rico.
Vol. 39, p. 951.
U. S. C., p. 1616.

Alaska.
Vol. 39, p. 903.
U. S. C., p. 1580.
Post, p. 583.

Advertisement, etc., by mail.
Vol. 39, p. 1069; Vol. 41, p. 313.
U. S. C., p. 483; Supp. VI, p. 242.
Post, p. 316.

Permits to manufacture, etc.

If containing less than one half of 1 per cent.

Issue forbidden if local laws prohibit.

Specifications of permit.

which shall not be greater than 3.2 per centum of alcohol by weight, nor greater than the maximum alcoholic content permissible under the law of the State, Territory, or the District of Columbia, or the political subdivision of a State or Territory, in which such liquor or fruit juice is manufactured.

Reduction of excess alcoholic content.

(2) In such permit may be included permission to develop in the manufacture of such fermented malt or vinous liquor or fruit juice by the usual methods of fermentation and fortification or otherwise a liquid such as beer, ale, porter, wine, or fruit juice, of an alcoholic content in excess of the maximum specified in the permit; but before any such liquid is withdrawn from the factory or otherwise disposed of the alcoholic content shall, if in excess of the maximum specified in the permit, be reduced, under such regulations as may be prescribed, to or below such maximum; but such liquid may be removed and transported, under bond and under such regulations as may be prescribed, from one bonded plant or warehouse to another for the purpose of having the percentage of alcohol reduced to the maximum specified in the permit by dilution or extraction. Such liquids may be developed, under permit under the National Prohibition Act, as amended and supplemented, by persons other than manufacturers of beverages containing not more than 3.2 per centum of alcohol by weight, and sold to such manufacturers for conversion into such beverages. The alcohol removed from such liquid, if evaporated, and not condensed and saved, shall not be subject to tax; if saved, it shall be subject to the same law as other alcoholic liquors. Credit shall be allowed on the tax due on any alcohol so saved to the amount of any tax paid upon distilled spirits or brandy used in the fortification of the liquor from which the same is saved.

Removal for reduction, under bond.

Tax.

Credit allowed.

Fortified wines.

(3) When fortified wines are made and used for the production of nonbeverage alcohol, and dealcoholized wines containing not more than 3.2 per centum of alcohol by weight, no tax shall be assessed or paid on the spirits used in such fortification, and such dealcoholized wines produced under the provisions of this section, whether carbonated or not, shall be subject to the tax imposed by section 1.

Burden of proof.

(4) In any case where the manufacturer is charged with manufacturing or selling for beverage purposes any beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice, containing more than 3.2 per centum of alcohol by weight, the burden of proof shall be on such manufacturer to show that the liquid so manufactured or sold contained no more than 3.2 per centum of alcohol by weight. In any case where a manufacturer, who has been permitted to develop a liquid such as beer, ale, porter, wine, or fruit juice, containing more than the maximum alcoholic content specified in the permit, is charged with failure to reduce the alcoholic content to or below such maximum before such liquid was withdrawn from the factory or otherwise disposed of, then the burden of proof shall be on such manufacturer to show that the alcoholic content of such liquid so manufactured, sold, withdrawn, or otherwise disposed of did not exceed the maximum specified in the permit. In any suit or proceeding involving the alcoholic content of any beverage, the reasonable expense of analysis of such beverage shall be taxed as costs in the case.

Expense of analysis.

Penalty provisions.

(c) Whoever engages in the manufacture for sale of beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice, without such permit if such permit is required, or violates any permit issued to him, shall be subject to the penalties and proceedings provided by law in the case of similar violations of the National Prohibition Act, as amended and supplemented.

(d) This section shall have the same geographical application as the National Prohibition Act, as amended and supplemented.

SEC. 5. Except to the extent provided in section 4 (b) (2), nothing in section 1 or 4 of this Act shall be construed as in any manner authorizing or making lawful the manufacture of any beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice, which at the time of sale or removal for consumption or sale contains more than 3.2 per centum of alcohol by weight.

SEC. 6. In order that beer, ale, porter, wine, similar fermented malt or vinous liquor, and fruit juice, containing 3.2 per centum or less of alcohol by weight, may be divested of their interstate character in certain cases, the shipment or transportation thereof in any manner or by any means whatsoever, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country, into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which fermented malt or vinous liquor or fruit juice, is intended, by any person interested therein, to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, is hereby prohibited. Nothing in this section shall be construed as making lawful the shipment or transportation of any liquor or fruit juice the shipment or transportation of which is prohibited by the Act of March 1, 1913, entitled "An Act divesting intoxicating liquors of their interstate character in certain cases" (U. S. C., Supp. VI, title 27, sec. 122).

SEC. 7. Whoever orders, purchases, or causes beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice, containing 3.2 per centum or less of alcohol by weight, to be transported in interstate commerce, except for scientific, sacramental, medicinal, or mechanical purposes, into any State, Territory, or the District of Columbia, the laws of which State, Territory, or District prohibit the manufacture or sale therein of such fermented malt or vinous liquor or fruit juice for beverage purposes, shall be fined not more than \$1,000 or imprisoned not more than six months, or both; and for any subsequent offense shall be imprisoned for not more than one year. If any person is convicted under this section any permit issued to him shall be revoked. Nothing in this section shall be construed as making lawful the shipment or transportation of any liquor or fruit juice the shipment or transportation of which is prohibited by section 5 of the Act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, as amended and supplemented (U. S. C., Supp. VI, title 27, sec. 123).

SEC. 8. Any offense committed, or any right accrued, or any penalty or obligation incurred, or any seizure or forfeiture made, prior to the effective date of this Act, under the provisions of the National Prohibition Act, as amended and supplemented, or under any permit or regulation issued thereunder, may be prosecuted or enforced in the same manner and with the same effect as if this Act had not been enacted.

SEC. 9. This Act shall take effect on the expiration of fifteen days after the date of its enactment, except that permits referred to under section 4 may be issued at any time after the date of enactment, and except that liquor taxable under section 1 may be removed prior to the effective date of this Act for bottling and storage on

Geographical application.

Excessive alcoholic content prohibited.

Interstate shipment.

Transportation into State contrary to its laws.

Vol. 37, p. 699.
U. S. C. Supp. VI,
p. 598.

Penalty for violation.

Revocation of permit
Advertisements, etc.

Vol. 39, p. 1069.
U. S. C. Supp. VI,
p. 598.

Preexisting offenses,
rights, etc.

Effective date.

the permit premises until such date and when so removed shall be subject to tax at the rate provided by section 1.

Separability clause.

SEC. 10. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Approved, March 22, 1933.

[CHAPTER 5.]

JOINT RESOLUTION

March 23, 1933.

[S. J. Res. 14.]

[Pub. Res., No. 2.]

To authorize the Reconstruction Finance Corporation to make loans for financing the repair or reconstruction of buildings damaged by earthquake in 1933.

Reconstruction Finance Corporation.
Vol. 47, p. 712, amended.
U. S. C. Supp. VI, p. 175.

Loans, authorized for repair of earthquake damage in 1933.
Post, pp. 99, 120, 283.

Acceptable collateral.
Private property.

Municipalities, etc.

Application for, not denied by constitutional, etc., inhibitions.

Maturities, security.

Limitations.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 (a) of the Emergency Relief and Construction Act of 1932 (U. S. C., Supp. VI, title 15, sec. 605b) is amended by adding to such subsection (a) after paragraph (5) the following:

“(6) To make loans to nonprofit corporations, with or without capital stock, organized for the purpose of financing the repair or reconstruction of buildings damaged by earthquake in the year 1933 and deemed by the Reconstruction Finance Corporation economically useful. Obligations accepted hereunder shall be collateralized (a) in the case of loans for the repair or reconstruction of private property, by the obligations of the owner of such property secured by a paramount lien except as to taxes and special assessments on the property repaired or reconstructed, and (b) in the case of municipalities or political subdivisions of States or their public agencies, by an obligation of such municipality, political subdivision, or public agency. The corporation shall not deny an otherwise acceptable application for loans for repair or reconstruction of the buildings of municipalities, political subdivisions, or their public agencies because of constitutional or other legal inhibitions affecting the collateral. The collateral obligations may have maturities not exceeding ten years. Loans under this paragraph shall be fully and adequately secured. No loan hereunder shall be made after December 31, 1933. The aggregate of the loans made under this paragraph shall not exceed \$5,000,000.”

Approved, March 23, 1933.

[CHAPTER 8.]

AN ACT

March 24, 1933.

[H. R. 3767.]

[Public, No. 4.]

To provide for direct loans by Federal reserve banks to State banks and trust companies in certain cases, and for other purposes.

National banking system.
Ante, p. 7.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Title IV of the Act entitled “An Act to provide relief in the existing national emergency in banking, and for other purposes,” approved March 9, 1933, is amended by adding at the end thereof the following new section:

Direct loans to State banks and trust companies authorized.

“SEC. 404. During the existing emergency in banking, or until this section shall be declared no longer operative by proclamation of the President, but in no event beyond the period of one year from the date this section takes effect, any State bank or trust company not a member of the Federal reserve system may apply to the Federal reserve bank in the district in which it is located and

said Federal reserve bank, in its discretion and after inspection and approval of the collateral and a thorough examination of the applying bank or trust company, may make direct loans to such State bank or trust company under the terms provided in section 10 (b) of the Federal Reserve Act, as amended by section 402 of this Act: *Provided*, That loans may be made to any applying nonmember State bank or trust company upon eligible security. All applications for such loans shall be accompanied by the written approval of the State banking department or commission of the State from which the State bank or trust company has received its charter and a statement from the said State banking department or commission that in its judgment said State bank or trust company is in a sound condition. The notes representing such loans shall be eligible as security for circulating notes issued under the provisions of the sixth paragraph of section 18 of the Federal Reserve Act, as amended by section 401 of this Act, to the same extent as notes, drafts, bills of exchange, or bankers' acceptances acquired under the provisions of the Federal Reserve Act. During the time that such bank or trust company is indebted in any way to a Federal Reserve bank it shall be required to comply in all respects to the provisions of the Federal Reserve Act applicable to member State banks and the regulations of the Federal Reserve Board issued thereunder: *Provided*, That in lieu of subscribing to stock in the Federal reserve bank it shall maintain the reserve balance required by section 19 of the Federal Reserve Act during the existence of such indebtedness. As used in this section and in section 304, the term 'State bank or trust company' shall include a bank or trust company organized under the laws of any State, Territory, or possession of the United States, or the Canal Zone."

SEC. 2. (a) Section 304 of such Act of March 9, 1933, is amended by adding after the first sentence thereof the following new sentences: "Nothing in this section shall be construed to authorize the Reconstruction Finance Corporation to subscribe for preferred stock in any State bank or trust company if under the laws of the State in which said State bank or trust company is located the holders of such preferred stock are not exempt from double liability. In any case in which under the laws of the State in which it is located a State bank or trust company is not permitted to issue preferred stock exempt from double liability, or if such laws permit such issue of preferred stock only by unanimous consent of stockholders, the Reconstruction Finance Corporation is authorized, for the purposes of this section, to purchase the legally issued capital notes or debentures of such State bank or trust company."

(b) The second sentence of said section 304 is amended to read as follows: "The Reconstruction Finance Corporation may, with the approval of the Secretary of the Treasury, and under such rules and regulations as he may prescribe, sell in the open market the whole or any part of the preferred stock, capital notes, or debentures of any national banking association, State bank or trust company acquired by the corporation pursuant to this section."

Such section 304 is further amended by adding at the end thereof the following new sentence: (c) "As used in this section, the term 'State bank or trust company' shall include other banking corporations engaged in the business of industrial banking and under the supervision of State banking departments or of the Comptroller of the Currency."

Approved, March 24, 1933.

Terms.
Vol. 47, p. 56.
Ante, p. 7.

Provisos.
Security.

Approval of applications by State.

Notes to have circulating privilege.

Vol. 33, p. 269.
Ante, p. 6.

Applicability of Federal Reserve Act, etc.

Maintenance of requisite reserve in lieu of stock subscription.
Vol. 38, p. 270.
Ante, p. 6.

Reconstruction Finance Corporation.
May not hold preferred stock unless exempt from double liability.
Ante, p. 6.

Capital notes, etc., in lieu of preferred stock.

Sale of, permitted.
Ante, p. 6.

"State bank or trust company" defined.
Ante, p. 6.

[CHAPTER 16.]

JOINT RESOLUTION

March 30, 1933.

[H. J. Res. 121.]

[Pub. Res., No. 3.]

To provide for the acceptance of sums donated for the construction of a swimming exercise tank for the use of the President.

White House swimming tank.
Acceptance of donations for constructing, authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of Public Buildings and Public Parks of the National Capital is authorized, on behalf of the United States, to accept the fund raised by donations or contributions to cover the cost of constructing, in the West Terrace of the White House, a swimming exercise tank for the use of the President.

Disbursement.

SEC. 2. The amount so received shall be disbursed by the Director for the construction and equipment of such swimming exercise tank and shall be expended in the same manner as appropriations for the maintenance and care of the White House. The amount of the fund in excess of the amount required for the construction and equipment of the swimming exercise tank shall be returned to the donors.

Unexpended balance to be returned to donors.

Technical, etc., services.

SEC. 3. For the purposes of this resolution, the Director is authorized to request the cooperation and assistance of the architectural, engineering, construction, or other forces of any department or agency of the Government.

Approved, March 30, 1933.

[CHAPTER 17.]

AN ACT

March 31, 1933.

[S. 698.]

[Public, No. 5.]

For the relief of unemployment through the performance of useful public work, and for other purposes.

Relief of unemployment through performance of useful public works.

Post, p. 275.

Selection of a conservation corps among unemployed.

Executive Order No. 6101, Apr. 5, 1933.

To perform works of public nature.

Post, p. 955.

Proviso.
Discretionary cooperation with municipalities, etc.

Housing, subsistence, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of relieving the acute condition of widespread distress and unemployment now existing in the United States, and in order to provide for the restoration of the country's depleted natural resources and the advancement of an orderly program of useful public works, the President is authorized, under such rules and regulations as he may prescribe and by utilizing such existing departments or agencies as he may designate, to provide for employing citizens of the United States who are unemployed, in the construction, maintenance and carrying on of works of a public nature in connection with the forestation of lands belonging to the United States or to the several States which are suitable for timber production, the prevention of forest fires, floods and soil erosion, plant pest and disease control, the construction, maintenance or repair of paths, trails and fire-lanes in the national parks and national forests, and such other work on the public domain, national and State, and Government reservations incidental to or necessary in connection with any projects of the character enumerated, as the President may determine to be desirable: *Provided,* That the President may in his discretion extend the provisions of this Act to lands owned by counties and municipalities and lands in private ownership, but only for the purpose of doing thereon such kinds of cooperative work as are now provided for by Acts of Congress in preventing and controlling forest fires and the attacks of forest tree pests and diseases and such work as is necessary in the public interest to control floods. The President is further authorized, by regulation, to provide for housing the persons so employed and for furnishing them with such subsistence, clothing, medical attendance and hospitalization, and

cash allowance, as may be necessary, during the period they are so employed, and, in his discretion, to provide for the transportation of such persons to and from the places of employment. That in employing citizens for the purposes of this Act no discrimination shall be made on account of race, color, or creed; and no person under conviction for crime and serving sentence therefor shall be employed under the provisions of this Act. The President is further authorized to allocate funds available for the purposes of this Act, for forest research, including forest products investigations, by the Forest Products Laboratory.

SEC. 2. For the purpose of carrying out the provisions of this Act the President is authorized to enter into such contracts or agreements with States as may be necessary, including provisions for utilization of existing State administrative agencies, and the President, or the head of any department or agency authorized by him to construct any project or to carry on any such public works, shall be authorized to acquire real property by purchase, donation, condemnation, or otherwise, but the provisions of section 355 of the Revised Statutes shall not apply to any property so acquired.

SEC. 3. Insofar as applicable, the benefits of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, shall extend to persons given employment under the provisions of this Act.

SEC. 4. For the purpose of carrying out the provisions of this Act, there is hereby authorized to be expended, under the direction of the President, out of any unobligated moneys heretofore appropriated for public works (except for projects on which actual construction has been commenced or may be commenced within ninety days, and except maintenance funds for river and harbor improvements already allocated), such sums as may be necessary; and an amount equal to the amount so expended is hereby authorized to be appropriated for the same purposes for which such moneys were originally appropriated.

SEC. 5. That the unexpended and unallotted balance of the sum of \$300,000,000 made available under the terms and conditions of the Act approved July 21, 1932, entitled "An Act to relieve destitution", and so forth, may be made available, or any portion thereof, to any State or Territory or States or Territories without regard to the limitation of 15 per centum or other limitations as to per centum.

SEC. 6. The authority of the President under this Act shall continue for the period of two years next after the date of the passage hereof and no longer.

Approved, March 31, 1933.

[CHAPTER 18.]

AN ACT

Relating to the prescribing of medicinal liquors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the third sentence of section 7 of title II of the National Prohibition Act, as amended, is amended to read as follows: "no more liquor shall be prescribed to any person than is necessary to supply his medicinal needs, and no prescription shall be refilled. No person shall by any statement or representation that he knows is false, or could by

Cash allowance.
Executive Order No. 6109, Apr. 12, 1933.
Racial, etc., discrimination forbidden.

Penal servitude.

Forest research, etc.
Allocation of funds.

Contracts with State agencies.

Acquiring real property.
R.S. sec. 355, p. 60, waived.
U.S.C., pp. 1302, 1700.

Workmen's Compensation Act extended.
Vol. 39, p. 742.
U.S.C., p. 76; Supp. VI, p. 46.

Sums available.

Appropriation authorized.
Post, pp. 275, 1056.

Emergency Relief Act of 1932.
Balance, made available.
Vol. 47, p. 709.
Economy Act limitation not to apply.
Ante, p. 14.

Duration of authority.

March 31, 1933.
[S. 562.]

[Public, No. 6.]

National Prohibition Act amendments.
Vol. 41, p. 311, amended.
Physician's prescriptions.
Quantity modified.
False statements to secure, etc.

reasonable diligence ascertain to be false, induce any physician to prescribe liquor for medicinal use (1) when there is no medicinal need for such liquor or (2) in excess of the amount of medicinal liquor needed."

Secrecy concerning ailments.
Vol. 41, p. 311.
U.S.C., p. 855.

Exceptions.

Vol. 41, p. 311.

Prescriptions.
Vol. 41, p. 311, repealed.
U.S.C., p. 856.
Stamps to be substituted for official blanks.

To be affixed, etc., to physician's prescriptions.

Filling, etc., without stamps unlawful.

Unlawful use, re-use, counterfeiting stamps.

Punishment for.

Effective date of section.

Vol. 42, p. 222, repealed.
U.S.C., p. 855.

Spirituos and vinous liquor only, to be prescribed.

Exempted articles.
Vol. 41, p. 309.

Vol. 46, p. 429.
U.S.C. Supp. VI, p. 597.

Regulations as to permits, etc.

Proviso.
Relating to Prohibition Bureau.

(b) Section 7 of title II of such Act, as amended, is further amended by inserting before the period at the end thereof a semicolon and the following: "but no physician shall be called upon to file any statement of such ailment in the Department of Justice or the Department of the Treasury or in any other office of the Government, or to keep his records in such a way as to lead to the disclosure of any such ailment, except as he may be lawfully required (1) to make such disclosure in any court in the course of a hearing under authority of section 9, title II, of this Act, or (2) to make such disclosure to any duly qualified person engaged in the execution or enforcement of this Act or any Act supplementary hereto."

SEC. 2. Strike out section 8 of title II of the National Prohibition Act, and insert in lieu thereof the following:

"SEC. 8. The Commissioner shall cause stamps to be printed, the design of which shall be prescribed by regulations in accordance with the provisions of this Act, and he shall furnish the same free of cost to physicians holding permits to prescribe. Each such physician shall affix one of said stamps to each such prescription written by him and shall cancel same under regulations to be prescribed in accordance with the provisions of this Act. No physician shall prescribe and no pharmacist shall fill any prescription for liquor unless such stamp is affixed thereto. Every person who, otherwise than is authorized by this Act, uses or who falsely makes, forges, alters, counterfeits, or re-uses any stamp made or used under any provision of this Act, or with such intent uses, sells, or has in his possession¹ any such forged, altered, or counterfeited stamp, or any plate or die used or which may be used in the manufacture thereof, or who shall make, use, sell, or have in his possession any paper in imitation of the paper used in the manufacture of any stamp required by this Act, shall, on conviction, be punished by a fine not exceeding \$1,000 or by imprisonment at hard labor not exceeding two years. The effective date of this section 2 shall be not earlier than January 1, 1934."

SEC. 3. Strike out the first paragraph of section 2 of the Act entitled "An Act supplemental to the National Prohibition Act", approved November 23, 1921, and insert in lieu thereof the following:

"SEC. 2. Only spirituous and vinous liquor may be prescribed for medicinal purposes. All prescriptions for any other liquor shall be void. But this provision shall not be construed to limit the sale of any article the manufacture of which is authorized under section 4, title II, of the National Prohibition Act."

SEC. 4. Strike out subdivision (a) of section 5 of the Prohibition Reorganization Act of 1930, and insert in lieu thereof the following:

"(a) The Attorney General and the Secretary of the Treasury shall jointly prescribe all regulations under this Act and the National Prohibition Act relating to permits and prescriptions for liquor for medicinal purposes, and the quantities of spirituous and vinous liquor that may be prescribed for medicinal purposes, and the form of all applications, bonds, permits, records, and reports under such Acts: *Provided*, That all regulations relating to the Bureau of Prohibition in the Department of Justice shall be made by the Attorney General."

Approved, March 31, 1933.

¹So in original.

[CHAPTER 19.]

AN ACT

To provide revenue for the District of Columbia by the taxation of beverages, and for other purposes.

April 5, 1933.
[H. R. 3342.]
[Public, No. 7.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "beverage" as used in this Act means beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor, and fruit juice, containing one-half of 1 per centum or more of alcohol by volume, and not more than 3.2 per centum of alcohol by weight.

Taxation of beverages in District of Columbia.
Post, p. 336.
Vol. 39, p. 1123, amended.
"Beverage" defined.
Alcoholic content.

SEC. 2. (a) No individual, partnership, association, or corporation shall within the District of Columbia manufacture for sale or sell any beverage without having first obtained a permit under this Act for such manufacture or sale.

Permits to manufacture or sell required.
Post, p. 335.

(b) No individual shall within the District of Columbia offer for sale, or solicit any order for the sale of, within the District of Columbia, any beverage unless—

Offer for sale or soliciting orders, without permit forbidden.

(1) such individual has first obtained a permit of the character described in section 4(a)(5); and

Solicitors' permit.
Post, p. 26.

(2) the vendor is the holder of a permit issued under this Act authorizing such sale.

Vendor.

Nothing in this subsection shall apply to any offer for sale or solicitation made upon the premises designated in the permit of the vendor.

SEC. 3. The Commissioners of the District of Columbia are authorized to issue permits to individuals, partnerships, or corporations, but not to unincorporated associations, on application duly made therefor for the manufacture, sale, offer for sale, or solicitation of orders for sale, of beverages within the District of Columbia, subject, however, to the limitations and restrictions imposed by this Act. The Commissioners shall keep a full record of all applications for permits, of all recommendations for and remonstrances against the granting of permits, and of the action taken thereon.

Persons to whom permits may be issued.

SEC. 4. (a) Permits issued under authority of this Act shall be of five kinds:

Record to be kept.

(1) "On sale" permits, which shall be issued only for bona fide restaurants or hotels, or for bona fide incorporated clubs with annual dues of at least \$6. Such permits shall authorize the permittee to sell beverages for consumption on the premises designated in the permit, (A) in the case of restaurants, at public tables, but no beverage shall be sold or served in any room not used primarily for the serving and consumption of food; except that beverages may be sold or served to assemblages of more than six individuals in private rooms or at private tables when expressly authorized by the Commissioners, or (B) in the case of hotels or clubs, at tables or in the rooms of guests or members. No such permit shall be issued for any restaurant which has not been established and doing business for at least two months immediately prior to the application for such permit: *Provided*, That it shall be within the discretion of the Commissioners whether any permit under this Act shall be issued for the sale of any such beverages in any building in the District of Columbia owned or leased by the United States and used for the transaction of public business;

Kinds of permits.

"On sale."
Provisions governing.

Restaurants.

Hotels or clubs.
Establishment for two months necessary.

Proviso.
Sale in public buildings.

(2) "Off sale" permits, which shall authorize the permittee to sell beverages for consumption only off the premises designated in the permit, and not to other permittees for resale, but such sale shall be made only in the immediate container in which the beverage was

"Off sales."
Restrictions, etc.

received by the "off sale" permittee, except that in the case of an "off sale" permit held by the holder of a manufacturer's or wholesaler's permit beverages may be sold only in such barrels, bottles, or other closed containers as the Commissioners may by regulation prescribe; but no "off sale" permit shall be issued or remain in force in respect of any premises for which an "on sale" permit is in force;

When inoperative.

Manufacturers' permits.

(3) Manufacturers' permits, which shall authorize the permittee to manufacture beverages and to sell the same in barrels, bottles, or other closed containers to other permittees for resale only;

Wholesalers' permits.

(4) Wholesalers' permits, which shall authorize the permittee to sell beverages in barrels, bottles, or other closed containers to other permittees for resale only; and

Solicitors' permits.

(5) Solicitors' permits, which shall authorize the permittee within the District of Columbia to offer for sale, or solicit orders for the sale of, within the District of Columbia, any beverage if the vendor of such beverage is the holder of a permit issued under this Act authorizing such sale. Solicitor's permits shall not be issued without the recommendation of the vendor whom the solicitor represents. Nothing in this Act shall be construed as repealing any portion of section 7 of the District of Columbia Appropriation Act for the fiscal year ending June 30, 1903, approved July 1, 1902, as amended.

Vendor's recommendation necessary.

License fees not affected.
Vol. 32, p. 622; Vol. 47, p. 550.

Holders of manufacturer's, etc., permits.
Limitation.

(b) The holder of a manufacturer's or wholesaler's permit shall not be entitled to hold an "on sale" permit and may hold only one "off sale" permit, which shall be issued only in respect of the premises designated in his permit as a manufacturer or wholesaler.

Application for and issue of permits.

SEC. 5. (a) Any individual, partnership, or corporation desiring a permit under this Act shall file with the Commissioners an application therefor in such form as the Commissioners may prescribe, and such application shall contain such information as the Commissioners may require, and (except in the case of an application for a solicitor's permit) shall contain a statement setting forth the name and address of the true and actual owner of the premises upon which the business to be permitted is to be conducted. Before a permit is issued the Commissioners shall satisfy themselves (1) that the applicant is financially responsible, and generally fit for the trust to be in him reposed; (2) that the applicant, if an individual, or if a partnership, each of the members of the partnership, or if a corporation, each of its principal officers and directors, is of good moral character; (3) that the applicant, if an individual, or if a partnership, each of the members of the partnership, or if a corporation, each of its principal officers, is a citizen of the United States not less than 21 years of age, and has never been convicted of a felony; (4) except in the case of an application for a solicitor's permit, that the applicant intends to carry on the business authorized by the permit for himself and not as the agent of any individual, partnership, association, or corporation, and that he intends to superintend in person the management of the business permitted, or intends to have some other person to be approved by the Commissioners manage the business for him; (5) that, in the case of an applicant for an "on sale" or an "off sale" permit, no manufacturer or wholesaler of beverages (other than the applicant) has a substantial financial interest, direct or indirect, in the business for which the permit is requested or in the premises in respect of which such permit is to be issued, and that such business will not be conducted with any money, equipment, furniture, fixtures, or property rented from, or loaned or given by, any manufacturer or wholesaler; and (6) except in the case of an application for a solicitor's permit, that the proposed location of the business is an

Conditions.

"On sale", etc., permittee.
Relationship of, with manufacturer, etc.

appropriate one, taking into consideration its surroundings and the number of similar permits already issued in the neighborhood where the applicant's business is to be conducted. Not more than five "on sale" permits shall be issued to any one individual, partnership, or corporation, and a separate application shall be filed with respect to each place of business.

(b) Any such application shall be verified by the affidavit of the applicant, if an individual, or by all the members of a partnership, or by the proper officer of a corporation. If any false statement is knowingly made in such application or in any accompanying statements under oath which may be required by the Commissioners the person making the same shall be deemed guilty of perjury. The making of a false statement in any such application or in any such accompanying statements, whether made with or without the knowledge or consent of the applicant, shall, in the discretion of the Commissioners, constitute sufficient cause for the revocation of the permit.

SEC. 6. The fees required for permits issued pursuant to the provisions of this Act shall be as follows: For each "on sale" permit, \$100 per annum; for each "off sale" permit, \$50 per annum; for each manufacturer's permit, \$1,000 per annum; for each wholesaler's permit, \$250 per annum; and for each solicitor's permit, \$1 per annum. The required permit fee shall accompany the application required by section 5 of this Act. A permit shall be good for one year from the date of its issue, unless sooner revoked for cause by the Commissioners, and may, with the approval of the Commissioners, be renewed upon payment of the required fee. Permits shall not be transferred except with the consent of the Commissioners, and each permit (except a solicitor's permit) shall designate the place of business for which it is issued.

SEC. 7. In the event a permittee has designated a person to manage the business for him, and the employment of such manager shall terminate, such permittee shall forthwith notify the Commissioners of such termination, and shall within a reasonable time thereafter designate a new manager, and such new manager shall be subject to the approval of the Commissioners. If no manager acceptable to the Commissioners is designated within a reasonable time after the employment of the former manager has terminated, the permit shall, in the discretion of the Commissioners, be revoked.

SEC. 8. If any manufacturer or wholesaler of beverages shall have any substantial financial interest, either direct or indirect, in the business of any other "on sale" or "off sale" permittee, or in the premises on which said business is conducted, the Commissioners shall, in their discretion, revoke the permit issued in respect to the business in which such manufacturer or wholesaler is so interested. No manufacturer or wholesaler of beverages shall rent, lend, or give to any "on sale" or "off sale" permittee or to the owner of the premises on which the business of any "on sale" or "off sale" permittee is to be conducted any money, equipment, furniture, fixtures, or property with which the business of said permittee is to be conducted.

SEC. 9. Each manufacturer and wholesaler of beverages within the District of Columbia shall, on or before the tenth day of each month, furnish to the assessor of the District of Columbia, on a form to be prescribed by the Commissioners, a statement under oath showing the quantity of beverages sold for resale during the preceding calendar month to each "on sale" and "off sale" permittee within the District of Columbia. Each "on sale" and "off sale" permittee shall, on or before the tenth day of each month, furnish to the

Restriction on number of "on sale" permits to any individual, etc.

Verifying application.

False statements.

Deemed sufficient cause for revocation.

Fees.

Duration of permit.

Restriction on transfer, etc.

Permittee may designate a manager.

Manufacturer, etc., having financial interest in "on sale", etc., business.

Reports of sales.

assessor of the District of Columbia, on a form to be prescribed by the Commissioners, a statement under oath showing the quantity of all beverages sold by him during the preceding calendar month.

Outside manufac-
turer. Sales by, without
permit.

SEC. 10. No "on sale" or "off sale" permittee shall purchase any beverage from any manufacturer or wholesaler doing business outside of the District of Columbia and not holding a permit issued under the provisions of this Act, and transport or cause the same to be transported into the District of Columbia for resale, unless such manufacturer or wholesaler has obtained from the Commissioners a certificate of approval, which certificate shall not be granted unless and until such manufacturer or wholesaler shall have agreed with the Commissioners to furnish to the assessor of the District of Columbia, on or before the tenth day of each month, a report under oath, on a form to be prescribed by the Commissioners, showing the quantity of beverages sold or delivered to each "on sale" or "off sale" permittee during the preceding calendar month. If any such manufacturer or wholesaler shall, after obtaining such certificate, fail to submit any such report, the Commissioners shall, in their discretion, revoke such certificate.

Sworn statements of.

Revocation of per-
mits.

Tax levied and col-
lected.
Post, pp. 334, 336.

SEC. 11. There shall be levied and collected by the District of Columbia on all beverages sold by any "on sale" or "off sale" permittee within the District of Columbia a tax of \$1 for every barrel of beverages containing not more than thirty-one gallons, and at a like rate for any other quantity, or for the fractional parts thereof. The tax imposed by this section shall be paid by the "on sale" or "off sale" permittee to the collector of taxes of the District of Columbia on or before the 10th day of each month for beverages sold by the permittee during the preceding calendar month.

Date when due.

Former act repealed.
Vol. 39, p. 1123.
Exceptions.
"Alcoholic liquor"
construed.

SEC. 12. The Act entitled "An Act to prohibit the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes", approved March 3, 1917, with the exception of sections 11 and 20 thereof, is hereby repealed; except that the term "alcoholic liquor" used in said section 11 of such Act shall not be construed to include beverages authorized to be manufactured and sold by this Act.

Sales to minors.

Punishment for.

SEC. 13. No "off sale" permittee shall give or sell, and no "on sale" permittee shall give, sell, or serve, any beverage to any person under eighteen years of age. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$100, or be imprisoned not longer than six months, or be subject to both such fine and imprisonment.

Regulations to be
prescribed.

SEC. 14. The Commissioners are hereby authorized to prescribe such rules and regulations not inconsistent with law, as they may deem necessary, for the issuance of permits, and for the manufacture, sale, offer for sale, or solicitation of orders for sale, of beverages, and the operation of the business of permittees. Such regulations may be altered or amended from time to time as the Commissioners may deem desirable.

Inspections.

Revocation of permit
for violations, etc.

SEC. 15. It shall be the duty of the Commissioners to cause frequent inspections to be made of all premises with respect to which any permit shall have been issued under this Act. If any permittee violates any of the provisions of this Act or any of the rules and regulations of the Commissioners promulgated pursuant thereto, or fails to superintend in person or through a manager approved by the Commissioners the business for which the permit was issued, or allows the premises with respect to which the permit of such permittee was issued to be used for any unlawful, disorderly, or immoral purposes, or knowingly employs in the sale or distribution

of beverages any person who has been convicted of a felony, or otherwise fails to carry out in good faith the purposes of this Act, the permit of such permittee may be revoked by the Commissioners after the permittee has been given an opportunity to be heard in his defense.

SEC. 16. Whoever violates any of the provisions of this Act (except section 13 thereof) or any of the rules and regulations promulgated pursuant thereto shall, upon conviction thereof by a court of competent jurisdiction, be punished by a fine of not more than \$500 or by imprisonment for not longer than six months, or by both such fine and imprisonment, in the discretion of the court. If any permittee is convicted of a violation of the provisions of this Act or any of the rules and regulations promulgated pursuant thereto, the court shall immediately declare his permit revoked and notify the Commissioners accordingly, and no permit shall thereafter be granted to him within the period of three years thereafter. Any permittee who shall sell or permit the sale on his premises or in connection with his business or otherwise, of any alcoholic beverages not authorized under the terms of this Act, unless otherwise permitted by law, shall, upon conviction thereof, forfeit his permit in addition to any punishment imposed by law for such offense.

SEC. 17. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

SEC. 18. It shall be unlawful to sell or offer for sale any beverage within the District of Columbia prior to April 7, 1933.

Approved, April 5, 1933.

Penalty provisions.

Unlawful alcoholic content.

Penalty.

Saving clause.

Effective date.

[CHAPTER 20.]

JOINT RESOLUTION

To provide for the payment of pages for the Senate and House of Representatives for the first session of the Seventy-third Congress.

April 14, 1933.
[H.J. Res. 152.]
[Pub. Res., No. 4.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pages from April 1, 1933, until the end of the first session of the Seventy-third Congress, as follows:

Appropriation for payment of pages, 1st session, 73d Congress. Post, p. 274.

For twenty-one pages for the Senate Chamber at the rate of pay provided by law, so much as may be necessary.

Senate.

For forty-one pages for the House of Representatives, including ten pages for duty at the entrances to the Hall of the House, at the rate of pay provided by law, so much as may be necessary.

House of Representatives.

Approved, April 14, 1933.

[CHAPTER 21.]

AN ACT

Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Parkers Landing in the county of Armstrong, Commonwealth of Pennsylvania.

April 29, 1933.
[H. R. 4225.]
[Public, No. 8.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, at or near Parkers Landing, in the

Allegheny River. Pennsylvania may bridge at Parkers Landing.

Construction.
Vol. 34, p. 84.

county of Armstrong, Commonwealth of Pennsylvania, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 29, 1933.

[CHAPTER 22.]

AN ACT

April 29, 1933
[H. R. 4532.]
[Public, No. 9.]

Granting¹ the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River, at a point near the Forest-Venango County line, in Tionesta Township, and in the county of Forest, and in the Commonwealth of Pennsylvania.

Allegheny River.
Pennsylvania may
bridge, in Tionesta
Township.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania, to construct, maintain, and operate a free highway bridge, and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, near the Forest-Venango County line, in Tionesta Township, Forest County, in the Commonwealth of Pennsylvania, in accordance with the provisions of the Act entitled "An Act to Regulate the Construction of Bridges over Navigable Waters" approved March 23, 1906.

Construction.
Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 29, 1933.

[CHAPTER 23.]

JOINT RESOLUTION

May 1, 1933.
[H. J. Res. 135.]
[Pub. Res., No. 5.]

To amend section 2 of the Act approved February 4, 1933, to provide for loans to farmers for crop production and harvesting during the year 1933, and for other purposes.

Crop production
loans.
Vol. 47, p. 795,
amended.
Existing act to in-
clude first lien on 1934
crop, as security.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of February 4, 1933 (Public, Numbered 327), be, and the same is hereby, amended by adding at the end of the first sentence thereof, the words: "and in the case of summer fallowing or winter wheat, a first lien, or an agreement to give a first lien on crops to be harvested in 1934, shall, in the discretion of the Secretary of Agriculture, be deemed sufficient security."

Approved, May 1, 1933.

[CHAPTER 24.]

JOINT RESOLUTION

May 3, 1933.
[S. J. Res. 13.]
[Pub. Res., No. 6.]

Authorizing the Attorney General, with the concurrence of the Secretary of the Navy, to release claims of the United States upon certain assets of the Pan American Petroleum Company and the Richfield Oil Company of California and others in connection with collections upon a certain judgment in favor of the United States against the Pan American Petroleum Company heretofore duly entered.

Pan American Petro-
leum Company, etc.
United States claims
upon certain assets,
released.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General of the United States, with the concurrence of the Secretary of the Navy, be, and he is hereby, authorized, in connection with collection of amounts due the United States of America under a

¹So in original.

certain judgment for \$9,277,666.17 entered in the office of the clerk of the District Court of the United States for the Southern District of California at Los Angeles on January 14, 1933, against the Pan American Petroleum Company, a corporation, to release from claim or lien under said judgment such part or portions of the property and assets of the said Pan American Petroleum Company and the Richfield Oil Company of California, in such manner and with such reservations as shall seem to him proper and advisable, in consideration of payments to the United States to apply upon said judgment, of not less than the sum of \$5,000,000, and in connection therewith to release any claims of the United States against purchasers of oil and petroleum products from the leases commonly known as "E", "I", and "G" leases, or also known as Visalia 010042, 010043, and 010097 leases in naval petroleum reserve numbered 1, Kern County, California, and to consent, in the premises, to the assignment of other oil and gas leases in said naval petroleum reserve numbered 1, now part of the unmortgaged assets of Pan American Petroleum Company, with the concurrence of the Secretary of the Navy and to the assignment of other oil and gas leases, also part of the unmortgaged assets of Pan American Petroleum Company, of the United States outside the said naval petroleum reserve numbered 1, with the consent of the Secretary of the Interior, said assignments to be authorized only to assignees otherwise duly qualified under existing laws: *Provided*, That the authority herein granted is permissive only, and shall not be construed as a declaration of approval by Congress of the compromise herein authorized to be made, and that said authority shall not be exercised by the Attorney General unless in his judgment said compromise shall appear to him to be for the best interests of the United States.

Proviso.
Approval not implied.

Exercise of authority optional.

Approved, May 3, 1933.

[CHAPTER 25.]

AN ACT

To relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes.

May 12, 1933.
[H. R. 3836.]
[Public, No. 10.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Agricultural Adjustment Act.
Post, pp. 199, 354.

TITLE I—AGRICULTURAL ADJUSTMENT

AGRICULTURAL ADJUSTMENT.

DECLARATION OF EMERGENCY

That the present acute economic emergency being in part the consequence of a severe and increasing disparity between the prices of agricultural and other commodities, which disparity has largely destroyed the purchasing power of farmers for industrial products, has broken down the orderly exchange of commodities, and has seriously impaired the agricultural assets supporting the national credit structure, it is hereby declared that these conditions in the basic industry of agriculture have affected transactions in agricultural commodities with a national public interest, have burdened and obstructed the normal currents of commerce in such commodities, and render imperative the immediate enactment of title I of this Act.

Declaration of emergency.

Declaration of policy.

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of Congress—

Balance between production and consumption to be established, etc.

(1) To establish and maintain such balance between the production and consumption of agricultural commodities, and such marketing conditions therefor, as will reestablish prices to farmers at a level that will give agricultural commodities a purchasing power with respect to articles that farmers buy, equivalent to the purchasing power of agricultural commodities in the base period. The base period in the case of all agricultural commodities except tobacco shall be the prewar period, August 1909–July 1914. In the case of tobacco, the base period shall be the postwar period, August 1919–July 1929.

Base period, except for tobacco.
For tobacco.

Correcting present inequalities.

(2) To approach such equality of purchasing power by gradual correction of the present inequalities therein at as rapid a rate as is deemed feasible in view of the current consumptive demand in domestic and foreign markets.

Protecting consumers' interest.

(3) To protect the consumers' interest by readjusting farm production at such level as will not increase the percentage of the consumers' retail expenditures for agricultural commodities, or products derived therefrom, which is returned to the farmer, above the percentage which was returned to the farmer in the prewar period, August 1909–July 1914.

COTTON OPTION CONTRACTS.

PART 1—COTTON OPTION CONTRACTS

Duties of designated agencies.

SEC. 3. The Federal Farm Board and all departments and other agencies of the Government, not including the Federal intermediate credit banks, are hereby directed—

Cotton on hand to be sold to Secretary of Agriculture.

(a) To sell to the Secretary of Agriculture at such price as may be agreed upon, not in excess of the market price, all cotton now owned by them.

Acquiring full title on which money has been loaned, etc.

(b) To take such action and to make such settlements as are necessary in order to acquire full legal title to all cotton on which money has been loaned or advanced by any department or agency of the United States, including futures contracts for cotton or which is held as collateral for loans or advances and to make final settlement of such loans and advances as follows:

Method of settlements.

(1) In making such settlements with regard to cotton, including operations to which such cotton is related, such cotton shall be taken over by all such departments or agencies other than the Secretary of Agriculture at a price or sum equal to the amounts directly or indirectly loaned or advanced thereon and outstanding, including loans by the Government department or agency and any loans senior thereto, plus any sums required to adjust advances to growers to 90 per centum of the value of their cotton at the date of its delivery in the first instance as collateral to the department or agency involved, such sums to be computed by subtracting the total amount already advanced to growers on account of pools of which such cotton was a part, from 90 per centum of the value of the cotton to be taken over as of the time of such delivery as collateral, plus unpaid accrued carrying charges and operating costs on such cotton, less, however, any existing assets of the borrower derived from net income, earnings, or profits arising from such cotton, and from operations to which such cotton is related; all as determined by the department or agency making the settlement.

Prices to amount loaned. equal

Senior loans.

Collateral. Computation.

Cotton held as collateral for loans, etc.

(2) The Secretary of Agriculture shall make settlements with respect to cotton held as collateral for loans or advances made by him on such terms as in his judgment may be deemed advisable,

and to carry out the provisions of this section, is authorized to indemnify or furnish bonds to warehousemen for lost warehouse receipts and to pay the premiums on such bonds.

When full legal title to the cotton referred to in (b) has been acquired, it shall be sold to the Secretary of Agriculture for the purposes of this section, in the same manner as provided in (a).

(c) The Secretary of Agriculture is hereby authorized to purchase the cotton specified in paragraphs (a) and (b).

SEC. 4. The Secretary of Agriculture shall have authority to borrow money upon all cotton in his possession or control and deposit as collateral for such loans the warehouse receipts for such cotton.

SEC. 5. The Reconstruction Finance Corporation is hereby authorized and directed to advance money and to make loans to the Secretary of Agriculture to acquire such cotton and to pay the classing, carrying, and merchandising costs thereon, in such amounts and upon such terms as may be agreed upon by the Secretary and the Reconstruction Finance Corporation, with such warehouse receipts as collateral security: *Provided, however,* That in any instance where it is impossible or impracticable for the Secretary to deliver such warehouse receipts as collateral security for the advances and loans herein provided to be made, the Reconstruction Finance Corporation may accept in lieu of all or any part thereof such other security as it may consider acceptable for the purposes aforesaid, including an assignment or assignments of the equity and interest of the Secretary in warehouse receipts pledged to secure other indebtedness. The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this section.

SEC. 6. (a) The Secretary of Agriculture is hereby authorized to enter into option contracts with the producers of cotton to sell to any such producer an amount of cotton to be agreed upon not in excess of the amount of reduction in production of cotton by such producer below the amount produced by him in the preceding crop year, in all cases where such producer agrees in writing to reduce the amount of cotton produced by him in 1933, below his production in the previous year, by not less than 30 per centum, without increase in commercial fertilization per acre.

(b) To any such producer so agreeing to reduce production the Secretary of Agriculture shall deliver a nontransferable-option contract agreeing to sell to said producer an amount, equivalent to the amount of his agreed reduction, of the cotton in the possession and control of the Secretary.

(c) The producer is to have the option to buy said cotton at the average price paid by the Secretary for the cotton procured under section 3, and is to have the right at any time up to January 1, 1934, to exercise his option, upon proof that he has complied with his contract and with all the rules and regulations of the Secretary of Agriculture with respect thereto, by taking said cotton upon payment by him of his option price and all actual carrying charges on such cotton; or the Secretary may sell such cotton for the account of such producer, paying him the excess of the market price at the date of sale over the average price above referred to after deducting all actual and necessary carrying charges: *Provided,* That in no event shall the producer be held responsible or liable for financial loss incurred in the holding of such cotton or on account of the carrying charges therein; *Provided further,* That such agreement to curtail

Indemnification of lost receipts.

Sale of, to Secretary of Agriculture.

Purchase authorized.

Secretary may borrow, using warehouse receipts as collateral.
Post, p. 1058.

Reconstruction Finance Corporation.
Loans by, authorized.

Proviso.
Security other than warehouse receipts.

Obligations of Corporation increased.
Vol. 47, p. 9.

Option contracts to sell cotton to producer in lieu of crop production, 1933.

Post, p. 601.
Written agreement to reduce production.

Nontransferable option contracts.

Producer's option to buy, at price paid by Secretary.

Secretary may sell, for producer's account.

Net profits to inure to producer.

Proviso.
Liability for loss.

Use of land restricted.

cotton production shall contain a further provision that such cotton producer shall not use the land taken out of cotton production for the production for sale, directly or indirectly, of any other nationally produced agricultural commodity or product.

Undisposed cotton. Similar contracts and restrictions to be provided.

(d) If any cotton held by the Secretary of Agriculture is not disposed of under subsection (c), the Secretary is authorized to enter into similar option contracts with respect to such cotton, conditioned upon a like reduction of production in 1934, and permitting the producer in each case to exercise his option at any time up to January 1, 1935.

Provisions for selling, by Secretary. Post, p. 210. Provisos. Total disposition by March 1, 1936. Additional option contracts.

SEC. 7. The Secretary shall sell the cotton held by him at his discretion, but subject to the foregoing provisions: *Provided*, That he shall dispose of all cotton held by him by March 1, 1936: *Provided further*, That the Secretary shall have authority to enter into additional option contracts for so much of such cotton as is not necessary to comply with the provisions of section 6, in combination with benefit payments as provided for in part 2 of this title.

Commodity benefits.

PART 2—COMMODITY BENEFITS

General powers.

GENERAL POWERS

Secretary of Agriculture.

SEC. 8. In order to effecuate¹ the declared policy, the Secretary of Agriculture shall have power—

To reduce production of basic agricultural commodities.

(1) To provide for reduction in the acreage or reduction in the production for market, or both, of any basic agricultural commodity, through agreements with producers or by other voluntary methods, and to provide for rental or benefit payments in connection therewith or upon that part of the production of any basic agricultural commodity required for domestic consumption, in such amounts as the Secretary deems fair and reasonable, to be paid out of any moneys available for such payments. Under regulations of the Secretary of Agriculture requiring adequate facilities for the storage of any non-perishable agricultural commodity on the farm, inspection and measurement of any such commodity so stored, and the locking and sealing thereof, and such other regulations as may be prescribed by the Secretary of Agriculture for the protection of such commodity and for the marketing thereof, a reasonable percentage of any benefit payment may be advanced on any such commodity so stored. In any such case, such deduction may be made from the amount of the benefit payment as the Secretary of Agriculture determines will reasonably compensate for the cost of inspection and sealing, but no deduction may be made for interest.

Post, p. 676.

Rental or benefit payments.

Storage of nonperishable commodities on the farm, etc.

Protection, marketing, etc.

Advances, deduction for inspection costs, etc.

(2) To enter into marketing agreements with processors, associations of producers, and others engaged in the handling, in the current of interstate or foreign commerce of any agricultural commodity or product thereof, after due notice and opportunity for hearing to interested parties. The making of any such agreement shall not be held to be in violation of any of the antitrust laws of the United States, and any such agreement shall be deemed to be lawful: *Provided*, That no such agreement shall remain in force after the termination of this Act. For the purpose of carrying out any such agreement the parties thereto shall be eligible for loans from the Reconstruction Finance Corporation under section 5 of the Reconstruction Finance Corporation Act. Such loans shall not be in excess of such amounts as may be authorized by the agreements.

To enter into marketing agreements with respect to any agricultural commodity, etc.

Not to be held as violating antitrust laws.

Proviso. Duration of agreement.

Loans to parties entering agreement; limitation.

Vol. 47, p. 6.

¹So in original.

(3) To issue licenses permitting processors, associations of producers, and others to engage in the handling, in the current of interstate or foreign commerce, of any agricultural commodity or product thereof, or any competing commodity or product thereof. Such licenses shall be subject to such terms and conditions, not in conflict with existing Acts of Congress or regulations pursuant thereto, as may be necessary to eliminate unfair practices or charges that prevent or tend to prevent the effectuation of the declared policy and the restoration of normal economic conditions in the marketing of such commodities or products and the financing thereof. The Secretary of Agriculture may suspend or revoke any such license, after due notice and opportunity for hearing, for violations of the terms or conditions thereof. Any order of the Secretary suspending or revoking any such license shall be final if in accordance with law. Any such person engaged in such handling without a license as required by the Secretary under this section shall be subject to a fine of not more than \$1,000 for each day during which the violation continues.

To issue licenses, permitting handling of any agricultural commodity or competing product thereof.
Terms of issue.

Licenses may be suspended or revoked.

Secretary's order final.

Penalty for violation.

(4) To require any licensee under this section to furnish such reports as to quantities of agricultural commodities or products thereof bought and sold and the prices thereof, and as to trade practices and charges, and to keep such systems of accounts, as may be necessary for the purpose of part 2 of this title.

To require licensee to furnish reports and to keep system of accounts.

(5) No person engaged in the storage in a public warehouse of any basic agricultural commodity in the current of interstate or foreign commerce, shall deliver any such commodity upon which a warehouse receipt has been issued and is outstanding, without prior surrender and cancellation of such warehouse receipt. Any person violating any of the provisions of this subsection shall, upon conviction, be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both. The Secretary of Agriculture may revoke any license issued under subsection (3) of this section, if he finds, after due notice and opportunity for hearing, that the licensee has violated the provisions of this subsection.

Removal, on which warehouse receipt is outstanding, unlawful.

Punishment for.

Revocation of license for violation.

Post, p. 672.

PROCESSING TAX

SEC. 9. (a) To obtain revenue for extraordinary expenses incurred by reason of the national economic emergency, there shall be levied processing taxes as hereinafter provided. When the Secretary of Agriculture determines that rental or benefit payments are to be made with respect to any basic agricultural commodity, he shall proclaim such determination, and a processing tax shall be in effect with respect to such commodity from the beginning of the marketing year therefor next following the date of such proclamation. The processing tax shall be levied, assessed, and collected upon the first domestic processing of the commodity, whether of domestic production or imported, and shall be paid by the processor. The rate of tax shall conform to the requirements of subsection (b). Such rate shall be determined by the Secretary of Agriculture as of the date the tax first takes effect, and the rate so determined shall, at such intervals as the Secretary finds necessary to effectuate the declared policy, be adjusted by him to conform to such requirements. The processing tax shall terminate at the end of the marketing year current at the time the Secretary proclaims that rental or benefit payments are to be discontinued with respect to such commodity. The marketing year for each commodity shall be ascertained and

Processing tax.

Levy of, to meet economic emergencies.
Post, p. 676.
Rental, etc., payments.

Effective date of tax.

Levy, assessment, etc.

Rate.

Termination.

Proviso.
Manufacturers' sales
tax computed.
Vol. 47, p. 259.

Rate to equal differ-
ence between current
farm price and fair
exchange value.
Factors to be con-
sidered.
Post, p. 671.

To prevent accumu-
lation of surplus and de-
pression of farm price.

Protein content of
wheat.

Fair exchange value
defined.

How ascertained.

"Processing" de-
fined.
Post, pp., 528, 670.

Post, p. 1242.

Post, pp. 528, 675,
1242.

Pyramiding tax, prof-
iteering, etc.
Measures to prevent.

Information to be
published.

prescribed by regulations of the Secretary of Agriculture: *Provided*, That upon any article upon which a manufacturers' sales tax is levied under the authority of the Revenue Act of 1932 and which manufacturers' sales tax is computed on the basis of weight, such manufacturers' sales tax shall be computed on the basis of the weight of said finished article less the weight of the processed cotton contained therein on which a processing tax has been paid.

(b) The processing tax shall be at such rate as equals the difference between the current average farm price for the commodity and the fair exchange value of the commodity; except that if the Secretary has reason to believe that the tax at such rate will cause such reduction in the quantity of the commodity or products thereof domestically consumed as to result in the accumulation of surplus stocks of the commodity or products thereof or in the depression of the farm price of the commodity, then he shall cause an appropriate investigation to be made and afford due notice and opportunity for hearing to interested parties. If thereupon the Secretary finds that such result will occur, then the processing tax shall be at such rate as will prevent such accumulation of surplus stocks and depression of the farm price of the commodity. In computing the current average farm price in the case of wheat, premiums paid producers for protein content shall not be taken into account.

(c) For the purposes of part 2 of this title, the fair exchange value of a commodity shall be the price therefor that will give the commodity the same purchasing power, with respect to articles farmers buy, as such commodity had during the base period specified in section 2; and the current average farm price and the fair exchange value shall be ascertained by the Secretary of Agriculture from available statistics of the Department of Agriculture.

(d) As used in part 2 of this title—

(1) In case of wheat, rice, and corn, the term "processing" means the milling or other processing (except cleaning and drying) of wheat, rice, or corn for market, including custom milling for toll as well as commercial milling, but shall not include the grinding or cracking thereof not in the form of flour for feed purposes only.

(2) In case of cotton, the term "processing" means the spinning, manufacturing, or other processing (except ginning) of cotton; and the term "cotton" shall not include cotton linters.

(3) In case of tobacco, the term "processing" means the manufacturing or other processing (except drying or converting into insecticides and fertilizers) of tobacco.

(4) In case of hogs, the term "processing" means the slaughter of hogs for market.

(5) In the case of any other commodity, the term "processing" means any manufacturing or other processing involving a change in the form of the commodity or its preparation for market, as defined by regulations of the Secretary of Agriculture; and in prescribing such regulations the Secretary shall give due weight to the customs of the industry.

(e) When any processing tax, or increase or decrease therein, takes effect in respect of a commodity the Secretary of Agriculture, in order to prevent pyramiding of the processing tax and profiteering in the sale of the products derived from the commodity, shall make public such information as he deems necessary regarding

(1) the relationship between the processing tax and the price paid to producers of the commodity, (2) the effect of the processing tax upon prices to consumers of products of the commodity, (3) the relationship, in previous periods, between prices paid to the producers of the commodity and prices to consumers of the products

thereof, and (4) the situation in foreign countries relating to prices paid to producers of the commodity and prices to consumers of the products thereof.

MISCELLANEOUS

SEC. 10. (a) The Secretary of Agriculture may appoint such officers and employees, subject to the provisions of the Classification Act of 1923 and Acts amendatory thereof, and such experts as are necessary to execute the functions vested in him by this title; and the Secretary may make such appointments without regard to the civil service laws or regulations: *Provided*, That no salary in excess of \$10,000 per annum shall be paid to any officer, employee, or expert of the Agricultural Adjustment Administration, which the Secretary shall establish in the Department of Agriculture for the administration of the functions vested in him by this title. Title II of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, to the extent that it provides for the impoundment of appropriations on account of reductions in compensation, shall not operate to require such impoundment under appropriations contained in this Act.

(b) The Secretary of Agriculture is authorized to establish, for the more effective administration of the functions vested in him by this title, State and local committees, or associations of producers, and to permit cooperative associations of producers, when in his judgment they are qualified to do so, to act as agents of their members and patrons in connection with the distribution of rental or benefit payments.

(c) The Secretary of Agriculture is authorized, with the approval of the President, to make such regulations with the force and effect of law as may be necessary to carry out the powers vested in him by this title, including regulations establishing conversion factors for any commodity and article processed therefrom to determine the amount of tax imposed or refunds to be made with respect thereto. Any violation of any regulation shall be subject to such penalty, not in excess of \$100, as may be provided therein.

(d) The Secretary of the Treasury is authorized to make such regulations as may be necessary to carry out the powers vested in him by this title.

(e) The action of any officer, employee, or agent in determining the amount of and in making any rental or benefit payment shall not be subject to review by any officer of the Government other than the Secretary of Agriculture or Secretary of the Treasury.

(f) The provisions of this title shall be applicable to the United States and its possessions, except the Philippine Islands, the Virgin Islands, American Samoa, the Canal Zone, and the island of Guam.

(g) No person shall, while acting in any official capacity in the administration of this title, speculate, directly or indirectly, in any agricultural commodity or product thereof, to which this title applies, or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing of any such commodity or product. Any person violating this subsection shall upon conviction thereof be fined not more than \$10,000 or imprisoned not more than two years, or both.

(h) For the efficient administration of the provisions of part 2 of this title, the provisions, including penalties, of sections 8, 9, and 10 of the Federal Trade Commission Act, approved September 26, 1914, are made applicable to the jurisdiction, powers, and duties of the Secretary in administering the provisions of this title and to

Post, p. 675.

Miscellaneous.

Officers and employees.
Appointment, under Classification Act.
Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.
U.S.C., p. 65; Supp. VI, p. 31.
Appointments outside civil service.
Proviso.
Salary restriction.

"Economy Act" provisions not applicable.
Ante, p. 15.

Cooperative producers associations may act as distributing agents of benefit payments.

Conversion factors for any commodity, etc., may be established.

Determination of tax, etc.

Penalty for violation.

Regulations authorized.

Determination of amount of rental, etc., payment; review restrictions.

Provisions not applicable to designated possessions of U.S.
Post, p. 675.

Speculation in agricultural commodities.

Persons administering title forbidden.

Penalty for.

Power to secure information, etc.
Vol. 38, pp. 722, 723.
U.S.C., p. 358.

Hearings. any person subject to the provisions of this title, whether or not a corporation. Hearings authorized or required under this title shall be conducted by the Secretary of Agriculture or such officer or employee of the Department as he may designate for the purpose.

Enforcement, etc., of agreement. The Secretary may report any violation of any agreement entered into under part 2 of this title to the Attorney General of the United States, who shall cause appropriate proceedings to enforce such agreement to be commenced and prosecuted in the proper courts of the United States without delay.

COMMODITIES

"Basic agricultural commodity,"
Products included.
Post, pp. 528, 670,
1184.
Authority to exclude
any commodity.

SEC. 11. As used in this title, the term "basic agricultural commodity" means wheat, cotton, field corn, hogs, rice, tobacco, and milk and its products, and any regional or market classification, type, or grade thereof; but the Secretary of Agriculture shall exclude from the operation of the provisions of this title, during any period, any such commodity or classification, type, or grade thereof if he finds, upon investigation at any time and after due notice and opportunity for hearing to interested parties, that the conditions of production, marketing, and consumption are such that during such period this title can not be effectively administered to the end of effectuating the declared policy with respect to such commodity or classification, type, or grade thereof.

APPROPRIATION

Appropriation for administrative expenses, etc.
Post, pp. 528, 605, 678.

SEC. 12. (a) There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000,000 to be available to the Secretary of Agriculture for administrative expenses under this title and for rental and benefit payments made with respect to reduction in acreage or reduction in production for market under part 2 of this title. Such sum shall remain available until expended.

Available until expended.

Supplemental funds for expansion of markets, etc.

(b) In addition to the foregoing, the proceeds derived from all taxes imposed under this title are hereby appropriated to be available to the Secretary of Agriculture for expansion of markets and removal of surplus agricultural products and the following purposes under part 2 of this title: Administrative expenses, rental and benefit payments, and refunds on taxes. The Secretary of Agriculture and the Secretary of the Treasury shall jointly estimate from time to time the amounts, in addition to any money available under subsection (a), currently required for such purposes; and the Secretary of the Treasury shall, out of any money in the Treasury not otherwise appropriated, advance to the Secretary of Agriculture the amounts so estimated. The amount of any such advance shall be deducted from such tax proceeds as shall subsequently become available under this subsection.

Administrative expenses.

Estimate of needs.

Advances.

Services, etc., in the District of Columbia.

(c) The administrative expenses provided for under this section shall include, among others, expenditures for personal services and rent in the District of Columbia and elsewhere, for law books and books of reference, for contract stenographic reporting services, and for printing and paper in addition to allotments under the existing law. The Secretary of Agriculture shall transfer to the Treasury Department, and is authorized to transfer to other agencies, out of funds available for administrative expenses under this title, such sums as are required to pay administrative expenses incurred and refunds made by such department or agencies in the administration of this title.

Transfer of funds authorized.

TERMINATION OF ACT

SEC. 13. This title shall cease to be in effect whenever the President finds and proclaims that the national economic emergency in relation to agriculture has been ended; and pending such time the President shall by proclamation terminate with respect to any basic agricultural commodity such provisions of this title as he finds are not requisite to carrying out the declared policy with respect to such commodity. The Secretary of Agriculture shall make such investigations and reports thereon to the President as may be necessary to aid him in executing this section.

Termination of Act.
Post, p. 677.

Investigations, etc.,
by Secretary of Agriculture.

SEPARABILITY OF PROVISIONS

SEC. 14. If any provision of this title is declared unconstitutional, or the applicability thereof to any person, circumstance, or commodity is held invalid the validity of the remainder of this title and the applicability thereof to other persons, circumstances, or commodities shall not be affected thereby.

Separability clause.

SUPPLEMENTARY REVENUE PROVISIONS

EXEMPTIONS AND COMPENSATING TAXES

Supplementary revenue provisions.

SEC. 15. (a) If the Secretary of Agriculture finds, upon investigation at any time and after due notice and opportunity for hearing to interested parties, that any class of products of any commodity is of such low value compared with the quantity of the commodity used for their manufacture that the imposition of the processing tax would prevent in whole or in large part the use of the commodity in the manufacture of such products and thereby substantially reduce consumption and increase the surplus of the commodity, then the Secretary of Agriculture shall so certify to the Secretary of the Treasury, and the Secretary of the Treasury shall abate or refund any processing tax assessed or paid after the date of such certification with respect to such amount of the commodity as is used in the manufacture of such products.

Exempting commodities of low value from processing tax.

Post, pp. 675, 1241.

(b) No tax shall be required to be paid on the processing of any commodity by or for the producer thereof for consumption by his own family, employees, or household; and the Secretary of Agriculture is authorized, by regulations, to exempt from the payment of the processing tax the processing of commodities by or for the producer thereof for sale by him where, in the judgment of the Secretary, the imposition of a processing tax with respect thereto is unnecessary to effectuate the declared policy.

No tax on processing by producers for home consumption.

(c) Any person delivering any product to any organization for charitable distribution or use shall, if such product or the commodity from which processed, is under this title subject to tax, be entitled to a refund of the amount of any tax paid under this title with respect to such product so delivered.

Tax refund on products for charitable distribution.

Post, p. 973.

(d) The Secretary of Agriculture shall ascertain from time to time whether the payment of the processing tax upon any basic agricultural commodity is causing or will cause to the processors thereof disadvantages in competition from competing commodities by reason of excessive shifts in consumption between such commodities or products thereof. If the Secretary of Agriculture finds, after investigation and due notice and opportunity for hearing to interested parties, that such disadvantages in competition exist, or will exist, he shall proclaim such finding. The Secretary shall specify in this proclamation the competing commodity and the compensating rate of tax on the processing thereof necessary to prevent such

Secretary to ascertain and proclaim where tax causes disadvantages in competition.

Competing commodity and compensating tax rate to be specified.

Rate to be altered accordingly. disadvantages in competition. Thereafter there shall be levied, assessed, and collected upon the first domestic processing of such competing commodity a tax, to be paid by the processor, at the rate specified, until such rate is altered pursuant to a further finding under this section, or the tax or rate thereof on the basic agricultural commodity is altered or terminated. In no case shall the tax imposed upon such competing commodity exceed that imposed per equivalent unit, as determined by the Secretary, upon the basic agricultural commodity.

Limitation. (e) During any period for which a processing tax is in effect with respect to any commodity there shall be levied, assessed, collected, and paid upon any article processed or manufactured wholly or in chief value from such commodity and imported into the United States or any possession thereof to which this title applies, from any foreign country or from any possession of the United States to which this title does not apply, a compensating tax equal to the amount of the processing tax in effect with respect to domestic processing at the time of importation: *Provided*, That all taxes collected under this subsection upon articles coming from the possessions of the United States to which this title does not apply shall not be covered into the general fund of the Treasury of the United States but shall be held as a separate fund and paid into the Treasury of the said possessions, respectively, to be used and expended by the governments thereof for the benefit of agriculture. Such tax shall be paid prior to the release of the article from customs custody or control.

Equalizing tax imposed on imports. *Post*, p. 676.

Proviso. Taxes on articles from U.S. possessions not included herein.

To be expended for benefit of agriculture. *Post*, p. 676.

FLOOR STOCKS

Floor stocks. Tax adjustments. SEC. 16. (a) Upon the sale or other disposition of any article processed wholly or in chief value from any commodity with respect to which a processing tax is to be levied, that on the date the tax first takes effect or wholly terminates with respect to the commodity, is held for sale or other disposition (including articles in transit) by any person, there shall be made a tax adjustment as follows:

Levy, etc., of tax on date processing tax takes effect. *Post*, p. 676.

(1) Whenever the processing tax first takes effect, there shall be levied, assessed, and collected a tax to be paid by such person equivalent to the amount of the processing tax which would be payable with respect to the commodity from which processed if the processing had occurred on such date.

Corresponding refund, etc., on termination of tax. (2) Whenever the processing tax is wholly terminated, there shall be refunded to such person a sum (or if it has not been paid, the tax shall be abated) in an amount equivalent to the processing tax with respect to the commodity from which processed.

Stocks in retail trade not affected. (b) The tax imposed by subsection (a) shall not apply to the retail stocks of persons engaged in retail trade, held at the date the processing tax first takes effect; but such retail stocks shall not be deemed to include stocks held in a warehouse on such date, or such portion of other stocks held on such date as are not sold or otherwise disposed of within thirty days thereafter. The tax refund or abatement provided in subsection (a) shall not apply to the retail stocks of persons engaged in retail trade, held on the date the processing tax is wholly terminated.

Exceptions.

Refund, etc., not applicable. *Post*, pp. 678, 1241.

EXPORTATIONS

Export refund. *Post*, p. 676.

SEC. 17. (a) Upon the exportation to any foreign country (including the Philippine Islands, the Virgin Islands, American Samoa, and the island of Guam) of any product with respect to which a tax has been paid under this title, or of any product processed wholly or in chief value from a commodity with respect to which a tax

has been paid under this title the exporter thereof shall be entitled at the time of exportation to a refund of the amount of such tax.

(b) Upon the giving of bond satisfactory to the Secretary of the Treasury for the faithful observance of the provisions of this title requiring the payment of taxes, any person shall be entitled, without payment of the tax, to process for such exportation any commodity with respect to which a tax is imposed by this title, or to hold for such exportation any article processed wholly or in chief value therefrom.

Processing for ex-
portation.
Tax free, under bond.
Post, pp. 676, 678.

EXISTING CONTRACTS

SEC. 18. (a) If (1) any processor, jobber, or wholesaler has, prior to the date a tax with respect to any commodity is first imposed under this title, made a bona fide contract of sale for delivery on or after such date, of any article processed wholly or in chief value from such commodity, and if (2) such contract does not permit the addition to the amount to be paid thereunder of the whole of such tax, then (unless the contract prohibits such addition) the vendee shall pay so much of the tax as is not permitted to be added to the contract price.

Existing contracts.

Prior contracts for
delivery after effective
date.

(b) Taxes payable by the vendee shall be paid to the vendor at the time the sale is consummated and shall be collected and paid to the United States by the vendor in the same manner as other taxes under this title. In case of failure or refusal by the vendee to pay such taxes to the vendor, the vendor shall report the facts to the Commissioner of Internal Revenue who shall cause collections of such taxes to be made from the vendee.

Payment by vendee.

Collection and pay-
ment by vendor.

Report of failure.

COLLECTION OF TAXES

SEC. 19. (a) The taxes provided in this title shall be collected by the Bureau of Internal Revenue under the direction of the Secretary of the Treasury. Such taxes shall be paid into the Treasury of the United States.

(b) All provisions of law, including penalties, applicable with respect to the taxes imposed by section 600 of the Revenue Act of 1926, and the provisions of section 626 of the Revenue Act of 1932, shall, in so far as applicable and not inconsistent with the provisions of this title, be applicable in respect of taxes imposed by this title: *Provided*, That the Secretary of the Treasury is authorized to permit postponement, for a period not exceeding ninety days, of the payment of taxes covered by any return under this title.

Collection of taxes.

Provisions governing
collections.
Vol. 44, p. 93; Vol. 47,
p. 209.

(c) In order that the payment of taxes under this title may not impose any immediate undue financial burden upon processors or distributors, any processor or distributor subject to such taxes shall be eligible for loans from the Reconstruction Finance Corporation under section 5 of the Reconstruction Finance Corporation Act.

Proviso.
Postponements.
Post, p. 1242.

Loans to processors.

Post, p. 677.
Vol. 47, p. 6.

TITLE II—AGRICULTURAL CREDITS

AGRICULTURAL CRED-
ITS.

PART 1—AMENDMENTS TO FEDERAL FARM LOAN ACT

ISSUANCE OF BONDS BY LAND BANKS

SECTION 21. Section 32 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 991), is amended by adding at the end thereof the following new paragraph:

“Until such time as the Farm Loan Commissioner determines that Federal farm-loan bonds (other than those issued under this paragraph) are readily salable in the open market at a yield not in excess of 4 per centum per annum, but in no case more than two years after

Emergency Farm
Mortgage Act of 1933.

Federal Farm Loan
Act amendments.
Vol. 39, p. 384; Vol.
42, p. 105.

U.S.C., p. 314.
Federal land banks
may issue farm loan
bonds.
Post, p. 346.

For making new loans.
 Purchasing outstanding farm mortgages.
 Vol. 39, p. 372; U.S.C. p. 306.
 Maximum issue; denominations, etc.

Interest guaranteed.

Payment by Secretary if issuing bank unable.

Appropriation authorized.
 To become obligation against such bank.

Use, for refinancing outstanding loans.

Final issue.

Borrower may tender interest-guaranteed bonds in payment.

Acceptance at par authorized.

Farm mortgages.

Vol. 39, p. 372, amended.
 U.S.C., p. 306.
 Post, p. 347.

Purchase, reduction, refinancing, etc.

Limitation on price.

Proviso.
 Mortgagor's rights.

Vol. 39, pp. 365, 367; U.S.C., pp. 302-304.

this paragraph takes effect, Federal land banks may issue farm-loan bonds as authorized under this Act, for the purpose of making new loans, or for purchasing mortgages or exchanging bonds for mortgages as provided in paragraph 'Second' of section 13 of this Act. The aggregate amount of the bonds issued under this paragraph shall not exceed \$2,000,000,000, and such bonds shall be issued in such denominations as the Farm Loan Commissioner shall prescribe, shall bear interest at a rate not in excess of 4 per centum per annum, and shall be fully and unconditionally guaranteed as to interest by the United States, and such guaranty shall be expressed on the face thereof. In the event that it shall appear to the Farm Loan Commissioner that the issuing bank or banks will be unable to pay upon demand, when due, the interest on any such bonds, the Secretary of the Treasury shall, upon the request of the Commissioner, pay the amount thereof, which is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated. Upon the payment of such interest by the Secretary of the Treasury the amount so paid shall become an obligation to the United States of the issuing bank or banks and shall bear interest at the same rate as that borne by the bonds upon which the interest has been so paid. After the expiration of one year from the date this paragraph takes effect, if in the opinion of the Farm Loan Commissioner any part of the proceeds of the bonds authorized to be issued under this paragraph is not required for the purpose of making new loans or for purchasing mortgages or exchanging bonds for mortgages as herein provided, such bonds may be issued within the maximum limit herein specified for the purpose of refinancing any outstanding issues of Federal farm-loan bonds; but no such bonds shall be issued after two years from the date this paragraph takes effect for the purpose of such refinancing. Any borrower who obtains a loan from a Federal land bank after the date this paragraph takes effect may, at any time after the expiration of five years from the date such loan was made, tender to such bank on any regular installment date, bonds issued under this paragraph in an amount not to exceed the unpaid principal of his loan, and the bonds so tendered shall be accepted by the bank at par in payment of any part of such unpaid principal."

PURCHASE, REDUCTION, AND REFINANCING OF FARM MORTGAGES

SEC. 22. Paragraph "Second" of section 13 of the Federal Farm Loan Act, as amended, is amended by adding at the end thereof the following new sentence:

"In order to reduce and/or refinance farm mortgages, to invest such funds as may be in its possession in the purchase of first mortgages on farm lands situated within the Federal land-bank district within which it is organized or for which it is acting, or to exchange farm-loan bonds for any duly recorded first mortgages on farm lands executed prior to the date this paragraph, as amended, takes effect, at a price which shall not exceed in each individual case the amount of the unpaid principal of the mortgage on the date of such purchase or exchange, or 50 per centum of the normal value of the land mortgaged and 20 per centum of the value of the permanent insured improvements thereon as determined upon an appraisal made pursuant to this Act, whichever is the smaller: *Provided*, That any mortgagor whose mortgage is acquired by a Federal land bank under this paragraph shall be entitled to have his farm-mortgage indebtedness refinanced in accordance with the provisions of sections 7 and 8 of this Act on the basis of the amount paid by the bank for his mortgage."

EXTENSION OF LOANS

SEC. 23. Paragraph "Tenth" of section 13 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 781), is amended by adding at the end thereof the following: "The terms of any such extension shall be such as will not defer the collection of any obligation due by any borrower which, after investigation by the bank of the situation of such borrower, is shown to be within his capacity to meet. In the case of any such extension made prior to the expiration of five years from the date this paragraph as amended takes effect, or in the case of any deferment of principal as provided in paragraph 'Twelfth' of section 12 of this Act, it shall be the duty of the Secretary of the Treasury, on behalf of the United States, upon the request of the Federal land bank making the extension, and with the approval of the Farm Loan Commissioner, to subscribe at such periods as the Commissioner shall determine, to the paid-in surplus of such bank an amount equal to the amount of all such extensions and deferments made by the bank during the preceding period. Such subscriptions shall be subject to call, in whole or in part, by the bank with the approval of the Commissioner upon thirty days' notice. To enable the Secretary of the Treasury to make such subscriptions to the paid-in surplus of the Federal land banks, there is hereby authorized to be appropriated the sum of \$50,000,000, to be immediately available and remain available until expended. Upon payment to any Federal land bank of the amount of any such subscription, such bank shall execute and deliver a receipt therefor to the Secretary of the Treasury in form to be prescribed by the Farm Loan Commissioner. The amount of any subscriptions to the paid-in surplus of any such bank may be repaid in whole or in part at any time in the discretion of the bank and with the approval of the Farm Loan Commissioner, and the Commissioner may at any time require such subscriptions to be repaid in whole or in part if in his opinion the bank has resources available therefor."

Extension of loans.
Vol. 47, p. 14.
U.S.C., Supp. VI,
p. 142, amended.
Term not to exceed
borrower's capacity to
meet.
Post, p. 1060.

Treasury subscrip-
tion to paid-in surplus
to cover extension, etc.

Subscriptions subject
to call.

Sum authorized for.

Repayment.

REDUCTION OF INTEREST ON LOANS AND DEFERMENT OF PRINCIPAL

SEC. 24. Section 12 of the Federal Farm Loan Act, as amended (U.S.C., title 12, secs. 771-772), is amended by adding at the end thereof the following new paragraph:

"Twelfth. Notwithstanding the provisions of paragraph 'Second,' the rate of interest on any loans on mortgage made through national farm-loan associations or through agents as provided in section 15, or purchased from joint-stock land banks, by any Federal land bank, outstanding on the date this paragraph takes effect or made through national farm-loan associations within two years after such date, shall not exceed 4½ per centum per annum for all interest payable on installment dates occurring within a period of five years commencing sixty days after the date this paragraph takes effect; and no payment of the principal portion of any installment of any such loan shall be required during such five-year period if the borrower shall not be in default with respect to any other condition or covenant of his mortgage. The foregoing provisions shall apply to loans made by Federal land banks through branches, except that the rate of interest on such loans for such five-year period shall be 5 per centum in lieu of 4½ per centum. The Secretary of the Treasury shall pay each Federal land bank, as soon as practicable after October 1, 1933, and after the end of each quarter thereafter, such amount as the Farm Loan Commissioner certifies to the Secre-

Loans and deferment
of principal.

Vol. 39, p. 372,
amended.
U.S.C. p. 306.

Interest rate on loans
by national farm-loan
associations reduced.
U.S.C., p. 307.

Payment of princi-
pal suspended if bor-
rower not in default.

Applicable to land
bank loans; interest
rate reduced.

Compensation for
loss.
Appropriation for.
Post, p. 279.

Less any savings effected. *Post*, p. 48.

Final payments. *Post*, p. 279.

Appropriation authorized. *Post*, p. 279.

tary of the Treasury is equal to the amount by which interest payments on mortgages held by such bank have been reduced, during the preceding quarter, by reason of this paragraph; but in any case in which the Farm Loan Commissioner finds that the amount of interest payable by such bank during any quarter has been reduced by reason of the refinancing of bonds under section 32 of this Act, the amount of the reduction so found shall be deducted from the amount payable to such bank under this paragraph. No payments shall be made to a bank with respect to any period after June 30, 1938. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000,000 for the purpose of enabling the Secretary of the Treasury to make payments to Federal land banks which accrue during the fiscal year ending June 30, 1934, and such additional amounts as may be necessary to make payments accruing during subsequent fiscal years.

INCREASE OF AMOUNT OF LOANS TO BORROWERS

Federal land bank mortgage loans. Maximum limit increased. *Vol. 42, p. 1476. U.S.C., p. 306. Restriction.*

SEC. 25. Paragraph "Seventh" of section 12 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 771) (relating to the limitations as to amount of loans), is amended by striking out "\$25,000" and inserting "\$50,000, but loans to any one borrower shall not exceed \$25,000 unless approved by the Farm Loan Commissioner."

DIRECT LOANS

Federal Farm Loan Act, amended. *Vol. 39, p. 367. U.S.C., p. 303.*

SEC. 26. Section 7 of the Federal Farm Loan Act, as amended, is amended by striking out the last paragraph and inserting in lieu thereof the following new paragraphs:

Direct loans on first mortgages to farmers unable to apply to Federal land bank, etc.

"Whenever it shall appear to the Farm Loan Commissioner that national farm-loan associations have not been formed in any locality in the continental United States, or that the farmers residing in the territory covered by the charter of a national farm-loan association are unable to apply to the Federal land bank of the district for loans on account of the inability of the bank to accept applications from such association, the Farm Loan Commissioner shall authorize said bank to make direct loans to borrowers secured by first mortgages on farm lands situated within any such locality or territory. Except as herein otherwise specifically provided, all provisions of this Act applicable with respect to loans made through national farm-loan associations shall, insofar as practicable, apply with respect to such direct loans, and the Farm Loan Commissioner is authorized to make such rules and regulations as he may deem necessary with respect to such direct loans.

Provisions governing.

"The rate of interest on such direct loans made at any time by any Federal land bank shall be one-half of 1 per centum per annum in excess of the rate of interest charged to borrowers on mortgage loans made at such time by the bank through national farm-loan associations.

Interest rate.

"Each borrower who obtains a direct loan from a Federal land bank shall subscribe and pay for stock in such bank in the sum of \$5 for each \$100 or fraction thereof borrowed. Such stock shall be held by such Federal land bank as collateral security for the loan of the borrower and shall participate in all dividends. Upon full payment of the loan such stock shall, if still outstanding, be canceled at par, or, in the event that such stock shall have become impaired, at the estimated value thereof as approved by the Farm Loan Commissioner, and the proceeds thereof shall be paid to the borrower.

Borrower required to covenant for proportionate stock in such bank.

Use as collateral security, etc.

Cancellation, upon loan repayment.

“Each such borrower may covenant in his mortgage that, whenever there are ten or more borrowers who have obtained from a Federal land bank direct loans under the provisions of this section aggregating not less than \$20,000, and who reside in a locality which may, in the opinion of the Farm Loan Commissioner, be conveniently covered by the charter of and served by a national farm-loan association, he will unite with such other borrowers to form a national farm-loan association. Such borrowers shall organize the association subject to the requirements and the conditions specified in this section, so far as the same may be applicable, and in accordance with rules and regulations of the Farm Loan Commissioner. As soon as the organization of the association has been approved by the Farm Loan Commissioner, the stock in the Federal land bank held by each of the members of such association shall be canceled at par, and in lieu thereof the bank shall issue in the name of the association an equal amount of stock in said bank, which stock shall be held by said bank as collateral security as provided in this section with respect to other loans through national farm-loan associations. Thereupon there shall be issued to each such member an amount of capital stock in the association equal to the amount which he previously held in said bank, which stock shall be held by said association as collateral security as provided in section 8 of this Act. The board of directors of said association shall adopt a resolution authorizing and directing its secretary-treasurer on behalf of said association to endorse, and thereby become liable for the payment of, the mortgages taken from its charter members by the Federal land bank. When it shall appear to the satisfaction of the Farm Loan Commissioner that all the foregoing conditions have been complied with, and upon the granting of the charter by the Farm Loan Commissioner, the interest rate paid by each charter member of such association whose loan is in good standing shall, beginning with his next regular installment date, be reduced to the rate of interest paid by borrowers on new loans made through national farm-loan associations in the same Federal land-bank district at the time the said loan was made to such charter member.

“Charges to be paid by applicants for direct loans from a Federal land bank shall not exceed amounts to be fixed by the Farm Loan Commissioner and shall in no case exceed the charges which may be made to applicants for loans and borrowers through national farm-loan associations under the provisions of sections 11 and 13 of this Act.”

LOANS TO RECEIVERS

SEC. 27. Any receiver appointed by the Federal Farm Loan Board pursuant to section 29 of the Federal Farm Loan Act, as amended, or any receiver appointed by a district court of the United States, is authorized, for the purpose of paying taxes on farm real estate owned by the bank or securing the mortgages held by it, with the approval of the Farm Loan Commissioner, to borrow from the Reconstruction Finance Corporation and to issue receiver's certificates against the assets of such bank as security for any loan received from the Corporation under this section, and such certificates shall constitute a prior lien on such assets. The Reconstruction Finance Corporation is authorized to make loans to such receivers for the purposes of this section.

Borrower to covenant joining a farm-loan association when locally formed.

Organization, etc.

Exchange of stock.

Held as collateral security.

Issue of capital stock; use as collateral.

Liability for payment of mortgages.

Interest reduced when conditions complied with.

Charges for direct loans.

Vol. 39, pp. 369, 372.

Receivers to borrow on security of receiver's certificates for paying taxes, etc.
Vol. 39, p. 381.

Prior lien constituted.

Reconstruction Finance Corporation to make such loans.

FEDERAL FARM-LOAN BONDS AS SECURITY FOR ADVANCES BY FEDERAL RESERVE BANKS

Farm loan bonds as security for advances by Federal Reserve Banks. Vol. 33, p. 263. Vol. 39, p. 384; Vol. 44, p. 1231. Ante, p. 41.

SEC. 28. The eighth paragraph of section 13 of the Federal Reserve Act, as amended, is amended by inserting before the period at the end thereof a comma and the following: "or by the deposit or pledge of bonds issued pursuant to the paragraph added to section 32 of the Federal Farm Loan Act, as amended by section 21 of the Emergency Farm Mortgage Act of 1933."

PART 2—JOINT-STOCK LAND BANKS

LIMITATIONS ON ISSUE OF BONDS AND LENDING

Limitations on issue of bonds and lending.

SEC. 29. After the date of enactment of this Act, no joint-stock land bank shall issue any tax-exempt bonds or make any farm loans except such as are necessary and incidental to the refinancing of existing loans or bond issues or to the sale of any real estate now owned or hereafter acquired by such bank.

LOANS TO JOINT-STOCK LAND BANKS TO PROVIDE FOR ORDERLY LIQUIDATION

Reconstruction Finance Corporation. Loans to joint-stock land banks, to provide orderly liquidation.

SEC. 30. (a) The Reconstruction Finance Corporation is authorized and directed to make available to the Farm Loan Commissioner, out of the funds of the Corporation, the sum of \$100,000,000, to be used, for a period not exceeding two years from the date of enactment of this Act, for the purpose of making loans to the joint-stock land banks organized and doing business under the Federal Farm Loan Act, as amended, at a rate of interest not to exceed 4 per centum per annum, payable annually. Such loans shall be made upon application therefor by such banks and upon compliance with the requirements of this section. The amount which may be loaned hereunder to any such bank shall not exceed an amount having the same proportion to the said \$100,000,000 as the unpaid principal of the mortgages held by such bank on the date of enactment of this Act bears to the total amount of the unpaid principal of the mortgages held by all the joint-stock land banks on such date.

Interest rate.

Maximum amount.

Collateral security.

Appraisal of.

U.S.C., p. 304.

Loans not to exceed 60 percent of collateral value.

Fees.

Agreement by bank to reduce interest upon all first mortgages to 5 percent.

Not to proceed against mortgagor in default.

(b) Any joint-stock land bank applying for a loan under this section shall deliver to the Farm Loan Commissioner as collateral security therefor first mortgages or purchase-money mortgages on farm lands, first mortgages on farm real estate owned by the bank in fee simple, or such other collateral as may be available to said bank, including sales contracts and sheriff's certificates on farm lands. The real estate upon which such collateral is based shall be appraised by appraisers appointed under the Federal Farm Loan Act, as amended, and the borrowing bank shall be entitled to borrow not to exceed 60 per centum of the normal value of such real estate as determined by such appraisal. Fees for such appraisals shall be paid by the applicant banks in such amounts as may be fixed by the Farm Loan Commissioner. No such loan shall be made until the applicant bank, under regulations to be prescribed by the Farm Loan Commissioner, (1) shall have agreed to grant to each borrower then indebted to the bank under the terms of a first mortgage a reduction to 5 per centum per annum in the rate of interest specified in such mortgage, beginning at his next regular installment date occurring more than sixty days after the date of enactment of this Act, and (2) shall have agreed to the satisfaction of the Commissioner that during a period of two years from the date of enactment of this Act the bank will not proceed against the mortgagor on account of default in the payment of interest or principal due under

the terms of its mortgage and will not foreclose its mortgage unless the property covered by such mortgage is abandoned by the mortgagor or unless, in the opinion of the Commissioner, such foreclosure is necessary for other reasons. Such loans shall be made to aid the orderly liquidation of any such bank in accordance with such plan as may be approved by the Farm Loan Commissioner. Before any such plan is approved by the Commissioner he shall be satisfied that the plan carries out the purposes of this section and that such part of the proceeds of the loan as is devoted to settlements with bondholders will be used only to effect an equitable settlement with all bondholders. After the plan has been approved by the Commissioner he shall require the bank to mail a copy thereof to all its known bondholders and to publish a notice setting forth its provisions in at least three newspapers having general circulation.

Not to foreclose, except when abandonment, etc.

Approval necessary.

Notice to bondholders, etc.

LOANS BY THE FARM LOAN COMMISSIONER TO JOINT-STOCK LAND BANKS FOR EMERGENCY PURPOSES

SEC. 31. (a) Out of the funds made available to him under section 30, the Farm Loan Commissioner is authorized to make loans, in an aggregate amount not exceeding \$25,000,000, at a rate of interest not to exceed 4 per centum per annum, to any joint-stock land bank for the purpose of securing the postponement for two years from the date of the enactment of this Act of the foreclosure of first mortgages held by such banks on account of (1) default in the payment of interest and principal due under the terms of the mortgage, and (2) unpaid delinquent taxes, excluding interest and penalties, which may be secured by the lien of said mortgage: *Provided*, That during the period of postponement of foreclosure such bank shall charge the mortgagor interest at a rate not exceeding 4 per centum per annum on the aggregate amount of such delinquent taxes and defaulted interest and principal with respect to which loans are made pursuant to this section. The amount loaned to any joint-stock land bank under this section shall be made without reappraisal: *Provided*, That the amount loaned with respect to any mortgage on account of unpaid principal shall not exceed 5 per centum of the total unpaid principal of such mortgage, and the total amount loaned to any such land bank with respect to any mortgage shall not exceed 25 per centum of the total unpaid principal of such mortgage.

Farm Loan Commissioner.
Loans by, to joint-stock land banks, for certain emergencies.

On account of default in interest or principal.
Delinquent taxes, etc.

Proviso.
Interest rate during period.

Reappraisal unnecessary.

Maximum loan on account of unpaid principal.

Conditions for making loan.
Default of mortgagor.

Bank will not foreclose.

Exceptions.

Loan to be secured by assignment of tax lien, mortgage, etc.
Proviso.
Status of assigned lien.

Additional collateral may be required.

(b) No such loan shall be made with respect to any mortgage unless the Farm Loan Commissioner is satisfied that the mortgagor, after exercising ordinary diligence to pay his accrued delinquent taxes, and meet accrued interest and principal payments, has defaulted thereon; and unless the bank shall have agreed to the satisfaction of the Farm Loan Commissioner that during such two-year period the bank will not foreclose such mortgage unless the property covered thereby is abandoned by the mortgagor or unless in the opinion of the Farm Loan Commissioner such foreclosure is necessary for other reasons.

(c) Each such loan shall be secured by an assignment to the Farm Loan Commissioner of the lien of the taxes and/or of the bank's mortgage with respect to which the loan is made: *Provided*, That the part of each such lien so assigned representing the interest and principal due and unpaid in any such mortgage which has been assigned to the farm loan registrar shall be subordinate to the existing lien of the bank for the balance of the indebtedness then or thereafter to become due under the terms of such mortgage; but the Farm Loan Commissioner may require the bank to furnish additional collateral as security for such loan, if such collateral is available to the bank.

Rules, etc., authorized.

(d) The Farm Loan Commissioner is authorized to make such rules and regulations as may be necessary to carry out the purposes of this section and to make the relief contemplated immediately available.

Loans to farmers by Farm Loan Commissioner.

PART 3—LOANS TO FARMERS BY FARM LOAN COMMISSIONER

REDUCTION OF DEBTS AND REDEMPTION OF FORECLOSED FARMS

Sums available for direct loans.

Post, pp. 345, 346, 347, 1060.

Security.

Maximum amount, including existing indebtedness.

U.S.C., p. 304.

Post, p. 347.

Amortization plan of repayment.

Proviso.
Payments on principal may be suspended first 3 years, if not in default.

Agreement with holder of prior mortgage.

Purposes set forth.

Refinancing indebtedness.

Vol. 47, p. 1467.

Providing working capital.

Redemption or repurchase of farm property.

Post, p. 929.

Charges to borrowers.
Vol. 39, p. 372.

"Farmer" defined.

SEC. 32. The Reconstruction Finance Corporation is authorized and directed to allocate and make available to the Farm Loan Commissioner the sum of \$200,000,000, or so much thereof as may be necessary, to be used for the purpose of making loans as hereinafter provided to any farmer, secured by a first or second mortgage upon the whole or any part of the farm property, real or personal, including crops, of the farmer. The amount of the mortgage given by any farmer, together with all prior mortgages or other evidences of indebtedness secured by such farm property of the farmer, shall not exceed 75 per centum of the normal value thereof, as determined upon an appraisal made pursuant to the Federal Farm Loan Act, as amended; nor shall a loan in excess of \$5,000, be made to any one farmer. Every mortgage made under this section shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual or semiannual installments, sufficient to cover (1) interest on unpaid principal at a rate not to exceed 5 per centum per annum and (2) such payments equal in amount to be applied on principal as will extinguish the debt within an agreed period of not more than ten years or, in the case of a first or second mortgage secured wholly by real property and made for the purpose of reducing and refinancing an existing mortgage within an agreed period no greater than that for which loans may be made under the Federal Farm Loan Act, as amended, from the date the first payment on principal is due: *Provided*, That during the first three years the loan is in effect payments of interest only may be required if the borrower shall not be in default with respect to any other condition or covenant of his mortgage. No loan shall be made under this section unless the holder of any prior mortgage or instrument of indebtedness secured by such farm property arranges to the satisfaction of the Farm Loan Commissioner to limit his right to proceed against the farmer and such farm property for default in payment of principal. Loans under this section shall be made for the following purposes only: (1) Refinancing, either in connection with proceedings under chapter VIII of the Bankruptcy Act of July 1, 1898, as amended (relating to agricultural compositions and extensions), or otherwise, any indebtedness, secured or unsecured, of the farmer, (2) providing working capital for his farm operations, and (3) enabling any farmer to redeem and/or repurchase farm property owned by him prior to foreclosure which has been foreclosed at any time between July 1, 1931, and the date of the enactment of this Act, or which is foreclosed after the enactment of this Act. The provisions of paragraph "Ninth" of section 13 of the Federal Farm Loan Act, as amended (relating to charges to applicants for loans and borrowers from the Federal land banks), shall, so far as practicable, apply to loans made under this section. As used in this section, the term "farmer" means any individual who is bona fide engaged in farming operations, either personally or through an agent or tenant, or the principal part of whose income is derived from farming operations, and includes a personal representative of a deceased farmer.

REGULATIONS

Regulations.

SEC. 33. The Farm Loan Commissioner is authorized to make such rules and regulations, and to appoint, employ, and fix the compensation of such officers, employees, attorneys, and agents as may be necessary to carry out the purposes of this title and to make the relief contemplated by this title immediately available, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States: *Provided*, That no salary or compensation in excess of \$10,000 shall be paid to any person employed under the terms of the foregoing section.

Authority of Farm Loan Commissioner to make; to fix compensation rates, etc.

Proviso.
Salary restriction.

FACILITIES OF FEDERAL LAND BANKS AND NATIONAL FARM LOAN ASSOCIATIONS MADE AVAILABLE

SEC. 34. The Federal land banks and the national farm loan associations are authorized, upon request of the Farm Loan Commissioner, to make available to him their services and facilities to aid in administering the provisions of this title.

Facilities made available.

PENALTIES

SEC. 35. Any person who shall knowingly make any material false representation for the purpose of obtaining any loan under part 3 of this title, or in assisting in obtaining any such loan, shall, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than six months, or both.

Penalties.

PART 4—REFINANCING OF AGRICULTURAL IMPROVEMENT DISTRICT

Refinancing of agricultural improvement district indebtedness.

INDEBTEDNESS FOR THE BENEFIT OF FARMERS

LOANS BY RECONSTRUCTION FINANCE CORPORATION

SEC. 36. The Reconstruction Finance Corporation is authorized and empowered to make loans as hereinafter provided, in an aggregate amount not exceeding \$50,000,000; to drainage districts, levee districts, levee and drainage districts, irrigation districts, and similar districts, duly organized under the laws of any State, and to political subdivisions of States, which prior to the date of enactment of this Act, have completed projects devoted chiefly to the improvement of lands for agricultural purposes. Such loans shall be made for the purpose of enabling any such district or political subdivision (hereafter referred to as the "borrower") to reduce and refinance its outstanding indebtedness incurred in connection with any such project, and shall be subject to the same terms and conditions as loans made under section 5 of the Reconstruction Finance Corporation Act, as amended; except that (1) the term of any such loan shall not exceed forty years; (2) each such loan shall be secured by refunding bonds issued to the Corporation by the borrower which are a lien on the real property within the project or on the amount of the assessments levied on such property by the borrower pursuant to State law, or by such other collateral as may be acceptable to the Corporation; (3) the borrower shall agree not to issue during the term of the loan any bonds so secured except with the consent of the Corporation; (4) the borrower shall pay to the Corporation, until all bonds of the borrower held by the Corporation are retired, an amount equal to the amount by which the assessments against the real property within the project collected by the borrower exceed the costs of operation

Loans by Reconstruction Finance Corporation.

Amount authorized, to reduce and refinance indebtedness of drainage, etc., districts.
Post, pp. 308, 1110, 1260.

State subdivision agricultural projects.

Terms and conditions.

Vol. 47, pp. 6, 714.
U.S.C., Supp. VII, p. 267.
Exception.
Term limitation.
Security.

Bonds not to issue without Corporation's consent.

Payment of excess over operation, interest, etc., until outstanding bonds are retired.
Post, p. 1110.

Corresponding reduction of indebtedness to borrower.
Post, p. 1269.

Pro rata basis.

Cancellation to equal reduction so distributed.
Corporation to participate.

Requirements to be met before loan made.

Post, p. 1269.

Advances to reclamation fund authorized.
Vol. 47, p. 5; Vol. 32, p. 388.

Maximum amount.

Repayment.

Manner of expenditure.
Interest rate.

Increase of lending power of Corporation.

Vol. 47, p. 9.
Post, p. 319.

Farm Loan Commissioner.

Functions of, under Executive orders.
Vol. 47, p. 413.

and maintenance of the project and interest on its outstanding obligations; and (5) the borrower shall agree, to the satisfaction of the Corporation, to reduce the outstanding indebtedness to the borrower of the landowners within such project by an amount corresponding to that by which the indebtedness of the borrower is reduced by reason of the operation of this section, to distribute the amount of such reduction among such landowners on a pro rata basis, to cancel and retire its outstanding bonds in an aggregate amount equal to the amount of the reduction so distributed, and to permit the Corporation, in the case of the payment of the bonds of the borrower or the liquidation of such project, to participate in such payment or in the proceeds of such liquidation on the basis of the face amount of the bonds so retired plus the face amount of the bonds held by the Corporation as security for the loan. No loan shall be made under this section until the Reconstruction Finance Corporation (A) has caused an appraisal to be made of the property securing and/or underlying the outstanding bonds of the applicant, (B) has determined that the project of the applicant is economically sound, and (C) has been satisfied that an agreement has been entered into between the applicant and the holders of its outstanding bonds under which the applicant will be able to purchase or refund such bonds at a price determined by the Corporation to be reasonable after taking into consideration the average market price of such bonds over the six months' period ending March 1, 1933, and under which a substantial reduction will be brought about in the amount of the outstanding indebtedness of the applicant.

SEC. 37. The Reconstruction Finance Corporation, upon request of the Secretary of the Interior, is authorized and empowered to advance from funds made available by section 2 of the Act of January 22, 1932 (47 Stat.L. 5), to the reclamation fund created by the Act of June 17, 1902 (32 Stat.L. 388), such sum or sums as the Secretary of the Interior may deem necessary, not exceeding \$5,000,000, for the completion of projects or divisions of projects now under construction, or projects approved and authorized. Funds so advanced shall be repaid out of any receipts and accretions accruing to the reclamation fund within such time as may be fixed by the Reconstruction Finance Corporation, not exceeding five years from the date of advance, with interest at the rate of 4 per centum per annum. Sums so advanced may be expended in the same way as other moneys in the reclamation fund.

PART 5—INCREASE OF LENDING POWER OF RECONSTRUCTION FINANCE CORPORATION

SEC. 38. In order to provide funds to carry out the purposes of this title, the amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered under section 9 of the Reconstruction Finance Corporation Act, as amended, to have outstanding at any one time, is hereby increased by \$300,000,000.

PART 6—FUNCTIONS OF FARM LOAN COMMISSIONER UNDER EXECUTIVE ORDERS

SEC. 39. If and when any executive order heretofore transmitted to the Congress pursuant to title IV of part II of the Legislative Appropriation Act of 1933, as amended, shall become effective, all functions, powers, authority, and duties conferred upon or vested in the Farm Loan Commissioner by this title shall be held and exer-

cised by him subject to all the terms and conditions in any such Executive order the same as if such functions, powers, authority, and duties were specifically named in such Executive order or orders.

PART 7—MISCELLANEOUS

PERFECTING ORGANIZATION FARM CREDIT ADMINISTRATION

SEC. 40. The Governor of the Farm Credit Administration is authorized, in carrying out the powers and duties now or hereafter vested in him or the Farm Credit Administration by law or under any Executive order made under title IV of part II of the Legislative Appropriation Act of 1933, as amended, to establish, and to fix the powers and duties of, such divisions, agencies, corporations, and instrumentalities as he may deem necessary to the efficient functioning of the Farm Credit Administration and the successful execution of the powers and duties so vested in the Governor and the Farm Credit Administration. This section shall not be construed to restrict the authority of the President under title IV of such Act, as amended: *Provided*, That no salary or compensation shall be paid to any officer, agent, or other person employed under this section in excess of \$10,000 per annum.

Miscellaneous.

Farm Credit Administration.

Authority of Governor of, to perfect organization, etc.

Vol. 47, p. 413.

No restriction on authority of President.

Proviso.
Salary limitation.

LOANS TO FRUIT GROWERS

SEC. 41. That in making loans to owners of groves and orchards, including citrus-fruit groves and other fruit groves and orchards, the Federal land banks, the farm land banks, and all Government agencies making loans upon such character of property may, in appraising the property offered as security, give a reasonable and fair valuation to the fruit trees located and growing upon said property and constituting a substantial part of its value.

Loans to fruit growers.

Appraising security at fair value.

PART 8—SHORT TITLE

SEC. 42. This title may be cited as the "Emergency Farm Mortgage Act of 1933."

Short title.

TITLE III—FINANCING—AND EXERCISING POWER CONFERRED BY SECTION 8 OF ARTICLE I OF THE CONSTITUTION: TO COIN MONEY AND TO REGULATE THE VALUE THEREOF

Financing: Coining money, etc.

SEC. 43. Whenever the President finds, upon investigation, that (1) the foreign commerce of the United States is adversely affected by reason of the depreciation in the value of the currency of any other government or governments in relation to the present standard value of gold, or (2) action under this section is necessary in order to regulate and maintain the parity of currency issues of the United States, or (3) an economic emergency requires an expansion of credit, or (4) an expansion of credit is necessary to secure by international agreement a stabilization at proper levels of the currencies of various governments, the President is authorized, in his discretion—

(a) To direct the Secretary of the Treasury to enter into agreements with the several Federal Reserve banks and with the Federal Reserve Board whereby the Federal Reserve Board will, and it is hereby authorized to, notwithstanding any provisions of law or rules and regulations to the contrary, permit such reserve banks to agree that they will, (1) conduct, pursuant to existing law, throughout specified periods, open market operations in obligations of the United States Government or corporations in which the

Discretionary authority of the President.

Post, p. 343.

When U.S. commerce adversely affected by foreign currency depreciation.

Fixing parity of currency issues.

Economic emergency requires credit expansion.

Stabilization by international agreement.

Conduct, through Federal Reserve Board, open market operations in U.S. obligations, etc.

Post, p. 168.

Purchase directly and hold Treasury bills, etc., additional to present holdings.

Suspension of reserve requirements not to impose graduated tax on any deficiency in reserves.

Vol. 38, p. 262.
U. S. C., p. 276.

Interest or discount rates.

Measures to prevent undue credit expansion.

If unable to secure assent of Federal Reserve banks to authorized agreements, etc.

Authority of President.

United States notes may be issued.

Vol. 12, p. 345.

Size, color, denominations, etc.

Purposes of issue defined.

Proviso.
Retirement of bonds so purchased.

Issues, amounts, etc.

Appropriation for annual cancellation.

Notes, etc., to be legal tender.
Post, p. 113.

President, by proclamation, may fix weight of gold dollar.
Silver dollar.
Post, p. 344.

Unlimited coinage of gold and silver dollar at fixed ratio.

United States is the majority stockholder, and (2) purchase directly and hold in portfolio for an agreed period or periods of time Treasury bills or other obligations of the United States Government in an aggregate sum of \$3,000,000,000 in addition to those they may then hold, unless prior to the termination of such period or periods the Secretary shall consent to their sale. No suspension of reserve requirements of the Federal Reserve banks, under the terms of section 11(c) of the Federal Reserve Act, necessitated by reason of operations under this section, shall require the imposition of the graduated tax upon any deficiency in reserves as provided in said section 11(c). Nor shall it require any automatic increase in the rates of interest or discount charged by any Federal Reserve bank, as otherwise specified in that section. The Federal Reserve Board, with the approval of the Secretary of the Treasury, may require the Federal Reserve banks to take such action as may be necessary, in the judgment of the Board and of the Secretary of the Treasury, to prevent undue credit expansion.

(b) If the Secretary, when directed by the President, is unable to secure the assent of the several Federal Reserve banks and the Federal Reserve Board to the agreements authorized in this section, or if operations under the above provisions prove to be inadequate to meet the purposes of this section, or if for any other reason additional measures are required in the judgment of the President to meet such purposes, then the President is authorized—

(1) To direct the Secretary of the Treasury to cause to be issued in such amount or amounts as he may from time to time order, United States notes, as provided in the Act entitled "An Act to authorize the issue of United States notes and for the redemption of funding thereof and for funding the floating debt of the United States", approved February 25, 1862, and Acts supplementary thereto and amendatory thereof, in the same size and of similar color to the Federal Reserve notes heretofore issued and in denominations of \$1, \$5, \$10, \$20, \$50, \$100, \$500, \$1,000, and \$10,000; but notes issued under this subsection shall be issued only for the purpose of meeting maturing Federal obligations to repay sums borrowed by the United States and for purchasing United States bonds and other interest-bearing obligations of the United States: *Provided*, That when any such notes are used for such purpose the bond or other obligation so acquired or taken up shall be retired and canceled. Such notes shall be issued at such times and in such amounts as the President may approve but the aggregate amount of such notes outstanding at any time shall not exceed \$3,000,000,000. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, an amount sufficient to enable the Secretary of the Treasury to retire and cancel 4 per centum annually of such outstanding notes, and the Secretary of the Treasury is hereby directed to retire and cancel annually 4 per centum of such outstanding notes. Such notes and all other coins and currencies heretofore or hereafter coined or issued by or under the authority of the United States shall be legal tender for all debts public and private.

(2) By proclamation to fix the weight of the gold dollar in grains nine tenths fine and also to fix the weight of the silver dollar in grains nine tenths fine at a definite fixed ratio in relation to the gold dollar at such amounts as he finds necessary from his investigation to stabilize domestic prices or to protect the foreign commerce against the adverse effect of depreciated foreign currencies, and to provide for the unlimited coinage of such gold and silver at the ratio so fixed, or in case the Government of the United States

enters into an agreement with any government or governments under the terms of which the ratio between the value of gold and other currency issued by the United States and by any such government or governments is established, the President may fix the weight of the gold dollar in accordance with the ratio so agreed upon, and such gold dollar, the weight of which is so fixed, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity with this standard and it shall be the duty of the Secretary of the Treasury to maintain such parity, but in no event shall the weight of the gold dollar be fixed so as to reduce its present weight by more than 50 per centum.

Weight of gold dollar fixed by international agreement.

To be standard unit of value.

Parity maintenance. Minimum weight of gold dollar. *Post*, p. 342.

SEC. 44. The Secretary of the Treasury, with the approval of the President, is hereby authorized to make and promulgate rules and regulations covering any action taken or to be taken by the President under subsection (a) or (b) of section 43.

Rules, etc., to be promulgated. *Ante*, p. 51.

SEC. 45. (a) The President is authorized, for a period of six months from the date of the passage of this Act, to accept silver in payment of the whole or any part of the principal or interest now due, or to become due within six months after such date, from any foreign government or governments on account of any indebtedness to the United States, such silver to be accepted at not to exceed the price of 50 cents an ounce in United States currency. The aggregate value of the silver accepted under this section shall not exceed \$200,000,000.

Acceptance of silver for ensuing six months, indebtedness of foreign governments.

Limitation on aggregate amount.

(b) The silver bullion accepted and received under the provisions of this section shall be subject to the requirements of existing law and the regulations of the mint service governing the methods of determining the amount of pure silver contained, and the amount of the charges or deductions, if any, to be made; but such silver bullion shall not be counted as part of the silver bullion authorized or required to be purchased and coined under the provisions of existing law.

Silver bullion to be subject to law requirements.

(c) The silver accepted and received under the provisions of this section shall be deposited in the Treasury of the United States, to be held, used, and disposed of as in this section provided.

Deposit in Treasury for uses designated.

(d) The Secretary of the Treasury shall cause silver certificates to be issued in such denominations as he deems advisable to the total number of dollars for which such silver was accepted in payment of debts. Such silver certificates shall be used by the Treasurer of the United States in payment of any obligations of the United States.

Silver certificates, issue of. *Post*, p. 342.

(e) The silver so accepted and received under this section shall be coined into standard silver dollars and subsidiary coins sufficient, in the opinion of the Secretary of the Treasury, to meet any demands for redemption of such silver certificates issued under the provisions of this section, and such coins shall be retained in the Treasury for the payment of such certificates on demand. The silver so accepted and received under this section, except so much thereof as is coined under the provisions of this section, shall be held in the Treasury for the sole purpose of aiding in maintaining the parity of such certificates as provided in existing law. Any such certificates or reissued certificates, when presented at the Treasury, shall be redeemed in standard silver dollars, or in subsidiary silver coin, at the option of the holder of the certificates: *Provided*, That, in the redemption of such silver certificates issued under this section, not to exceed one third of the coin required for such redemption may in the judgment of the Secretary of the Treasury be made in subsidiary coins, the balance to be made in standard silver dollars.

Coinage.

Redemption.

Purpose of aiding in maintaining parity of certificates.

Certificates redeemable in silver dollars, etc.

Provided.
Subsidiary coins.

Silver certificates
may be reissued.

(f) When any silver certificates issued under the provisions of this section are redeemed or received into the Treasury from any source whatsoever, and belong to the United States, they shall not be retired, canceled, or destroyed, but shall be reissued and paid out again and kept in circulation; but nothing herein shall prevent the cancellation and destruction of mutilated certificates and the issue of other certificates of like denomination in their stead, as provided by law.

Cancellation, etc., of
mutilated certificates.

Rules to be prescribed.

(g) The Secretary of the Treasury is authorized to make rules and regulations for carrying out the provisions of this section.

Federal Reserve Act,
amendment.
Vol. 38, p. 271.
U.S.C., p. 287.

SEC. 46. Section 19 of the Federal Reserve Act, as amended, is amended by inserting immediately after paragraph (c) thereof the following new paragraph:

Emergency due to
credit expansion.
Federal Reserve
Board may so declare,
and modify reserve
balances, etc.

"Notwithstanding the foregoing provisions of this section, the Federal Reserve Board, upon the affirmative vote of not less than five of its members and with the approval of the President, may declare that an emergency exists by reason of credit expansion, and may by regulation during such emergency increase or decrease from time to time, in its discretion, the reserve balances required to be maintained against either demand or time deposits."

Approved, May 12, 1933.

[CHAPTER 26.]

AN ACT

May 12, 1933,
[H.R. 48.]

[Public, No. 11.]

To extend the time for completing the construction of a bridge across the Missouri River at or near Kansas City, Kansas.

Missouri River.
Time extended for
bridging, at Kansas
City, Kans.
Vol. 45, pp. 704, 1530;
Vol. 46, p. 835, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for completing the construction of a bridge across the Missouri River at or near Kansas City, Kansas, authorized to be built by the Interstate Bridge Company, its successors and assigns, by an Act of Congress approved May 22, 1928, heretofore extended by Acts of Congress approved March 2, 1929, and June 30, 1930, is hereby further extended two years from May 22, 1933.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 12, 1933.

[CHAPTER 27.]

AN ACT

May 12, 1933.

[H.R. 1596.]

[Public, No. 12.]

To extend the times for commencing and completing the construction of a bridge across the Pee Dee River and a bridge across the Waccamaw River, both at or near Georgetown, South Carolina.

Pee Dee and Wacca-
maw Rivers.
Time extended for
bridging, at Geor-
getown, S.C.
Vol. 46, p. 479,
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Pee Dee River and a bridge across the Waccamaw River, both at or near Georgetown, South Carolina, authorized to be built by the county of Georgetown, South Carolina, by an Act of Congress approved May 29, 1930, are hereby extended one and three years, respectively, from May 29, 1933.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 12, 1933.

[CHAPTER 28.]

AN ACT

To extend the time for commencing and completing the construction of a bridge across the Waccamaw River near Conway, South Carolina.

May 12, 1933.
[H.R. 4127.]
[Public, No. 13.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge authorized by Act of Congress approved February 10, 1932, to be built by the State Highway Commission of South Carolina across the Waccamaw River near Conway are hereby extended one and three years, respectively, from the date of approval hereof.

Waccamaw River.
Time extended for bridging, at Conway, S.C.
Vol. 47, p. 42, amend-
ed.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, May 12, 1933.

[CHAPTER 29.]

AN ACT

Granting the consent of Congress to the Board of County Commissioners of Mahoning County, Ohio, to construct a free overhead viaduct across the Mahoning River, at Struthers, Mahoning County, Ohio.

May 12, 1933.
[H.R. 4491.]
[Public, No. 14.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of an overhead viaduct authorized by Act of Congress approved February 10, 1932, to be built by the Board of County Commissioners of Mahoning County, Ohio, across the Mahoning River, at Struthers, Mahoning County, Ohio, are hereby extended one and three years, respectively, from the date of approval hereof.

Mahoning River.
Time extended for bridging, at Struthers, Ohio.
Vol. 47, p. 43, amend-
ed.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, May 12, 1933.

[CHAPTER 30.]

AN ACT

To provide for cooperation by the Federal Government with the several States and Territories and the District of Columbia in relieving the hardship and suffering caused by unemployment, and for other purposes.

May 12, 1933.
[H.R. 4606.]
[Public, No. 15.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that the present economic depression has created a serious emergency, due to widespread unemployment and increasing inadequacy of State and local relief funds, resulting in the existing or threatened deprivation of a considerable number of families and individuals of the necessities of life, and making it imperative that the Federal Government cooperate more effectively with the several States and Territories and the District of Columbia in furnishing relief to their needy and distressed people.

Federal Emergency Relief Act of 1933.
Post, pp. 351, 1055.

Cooperation with States, etc., in relieving distress, etc.

SEC. 2. (a) The Reconstruction Finance Corporation is authorized and directed to make available out of the funds of the Corporation not to exceed \$500,000,000, in addition to the funds authorized under title I of the Emergency Relief and Construction Act of 1932, for expenditure under the provisions of this Act upon certification by the Federal Emergency Relief Administrator provided for in section 3.

Reconstruction Finance Corporation.
Amount from funds of, made available.
To be additional to previous authorization.
Vol. 47, p. 709.

Increase of Corporation obligations, authorized.
Vol. 47, p. 9, amended.

Proviso.
Issue discretionary.

Approval of relief applications by Corporation to cease.
Vol. 47, p. 709.

Administrator to have access to Corporation files.

Federal Emergency Relief Administration created.

Administrator; powers, salary, etc.

Travel and subsistence.

Duration of office.

Unexpended balance.

Experts and other employees.

Civil service and Classification Acts not to apply.

U.S.C., p. 65; Supp. VI, p. 31.

Salary restriction.

Expenses.

Control of State administrations.

Investigations, etc.

(b) The amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered under section 9 of the Reconstruction Finance Corporation Act, as amended, to have outstanding at any one time is increased by \$500,000,000: *Provided*, That no such additional notes, debentures, bonds, or other such obligations authorized by this subsection shall be issued except at such times and in such amounts as the President shall approve.

(c) After the expiration of ten days after the date upon which the Federal Emergency Relief Administrator has qualified and has taken office, no application shall be approved by the Reconstruction Finance Corporation under the provisions of title I of the Emergency Relief and Construction Act of 1932, and the Federal Emergency Relief Administrator shall have access to all files and records of the Reconstruction Finance Corporation relating to the administration of funds under title I of such Act. At the expiration of such ten-day period, the unexpended and unobligated balance of the funds authorized under title I of such Act shall be available for the purposes of this Act.

SEC. 3. (a) There is hereby created a Federal Emergency Relief Administration, all the powers of which shall be exercised by a Federal Emergency Relief Administrator (referred to in this Act as the "Administrator") to be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall receive a salary to be fixed by the President at not to exceed \$10,000, and necessary traveling and subsistence expenses within the limitations prescribed by law for civilian employees in the executive branch of the Government. The Federal Emergency Relief Administration and the office of Federal Emergency Relief Administrator shall cease to exist upon the expiration of two years after the date of enactment of this Act, and the unexpended balance on such date of any funds made available under the provisions of this Act shall be disposed of as the Congress may by law provide.

(b) The Administrator may appoint and fix the compensation of such experts and their appointment may be made and compensation fixed without regard to the civil service laws, or the Classification Act of 1923, as amended, and the Administrator may, in the same manner, appoint and fix the compensation of such other officers and employees as are necessary to carry out the provisions of this Act, but such compensation shall not exceed in any case the sum of \$8,000; and may make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere and for printing and binding), not to exceed \$350,000, as are necessary to carry out the provisions of this Act, to be paid by the Reconstruction Finance Corporation out of funds made available by this Act upon presentation of vouchers approved by the Administrator or by an officer of the Administration designated by him for that purpose. The Administrator may, under rules and regulations prescribed by the President, assume control of the administration in any State or States where, in his judgment, more effective and efficient cooperation between the State and Federal authorities may thereby be secured in carrying out the purposes of this Act.

(c) In executing any of the provisions of this Act, the Administrator, and any person duly authorized or designated by him, may conduct any investigation pertinent or material to the furtherance of the purposes of this Act and, at the request of the President, shall make such further investigations and studies as the President may deem necessary in dealing with problems of unemployment relief.

(d) The Administrator shall print monthly, and shall submit to the President and to the Senate and the House of Representatives (or to the Secretary of the Senate and the Clerk of the House of Representatives, if those bodies are not in session), a report of his activities and expenditures under this Act. Such reports shall, when submitted, be printed as public documents.

Monthly reports to be submitted.

Printing, as public documents.

SEC. 4. (a) Out of the funds of the Reconstruction Finance Corporation made available by this Act, the Administrator is authorized to make grants to the several States to aid in meeting the costs of furnishing relief and work relief and in relieving the hardship and suffering caused by unemployment in the form of money, service, materials, and/or commodities to provide the necessities of life to persons in need as a result of the present emergency, and/or to their dependents, whether resident, transient, or homeless.

Administrator may make grants, to aid relief work of States.

(b) Of the amounts made available by this Act not to exceed \$250,000,000 shall be granted to the several States applying therefor, in the following manner: Each State shall be entitled to receive grants equal to one third of the amount expended by such State, including the civil subdivisions thereof, out of public moneys from all sources for the purposes set forth in subsection (a) of this section; and such grants shall be made quarterly, beginning with the second quarter in the calendar year 1933, and shall be made during any quarter upon the basis of such expenditures certified by the States to have been made during the preceding quarter.

Amount available. Proportion of grant to expenditure by State.

To be made quarterly.

(c) The balance of the amounts made available by this Act, except the amount required for administrative expenditures under section 3, shall be used for grants to be made whenever, from an application presented by a State, the Administrator finds that the combined moneys which can be made available within the State from all sources, supplemented by any moneys, available under subsection (b) of this section, will fall below the estimated needs within the State for the purposes specified in subsection (a) of this section: *Provided*, That the Administrator may certify out of the funds made available by this subsection additional grants to States applying therefor to aid needy persons who have no legal settlement in any one State or community, and to aid in assisting cooperative and self-help associations for the barter of goods and services.

Fund for discretionary use when combined amounts inadequate.

Proviso. Relief of persons having no legal settlement in a State, etc.

(d) After October 1, 1933, notwithstanding the provisions of subsection (b), the unexpended balance of the amounts available for the purposes of subsection (b) may, in the discretion of the Administrator and with the approval of the President, be available for grants under subsection (c).

Use of balances from State grants.

(e) The decision of the Administrator as to the purpose of any expenditure shall be final.

Decision of Administrator final.

Limitation.

(f) The amount available to any one State under subsections (b) and (c) of this section shall not exceed 15 per centum of the total amount made available by such subsections.

Governor of State to make application for funds.

Necessity to be shown.

SEC. 5. Any State desiring to obtain funds under this Act shall through its Governor make application therefor from time to time to the Administrator. Each application so made shall present in the manner requested by the Administrator information showing (1) the amounts necessary to meet relief needs in the State during the period covered by such application and the amounts available from public or private sources within the State, its political subdivisions, and private agencies, to meet the relief needs of the State, (2) the provision made to assure adequate administrative supervision, (3) the provision made for suitable standards of relief, and (4) the purposes for which the funds requested will be used.

Administrative provision. Standards of relief, use, etc.

- Disbursements. SEC. 6. The Administrator upon approving a grant to any State shall so certify to the Reconstruction Finance Corporation which shall, except upon revocation of a certificate by the Administrator, make payments without delay to the State in such amounts and at such times as may be prescribed in the certificate. The Governor of each State receiving grants under this Act shall file monthly with the Administrator, and in the form required by him, a report of the disbursements made under such grants.
- Monthly report required. Terms defined. SEC. 7. As used in the foregoing provisions of this Act, the term "State" shall include the District of Columbia, Alaska, Hawaii, the Virgin Islands, and Puerto Rico; and the term "Governor" shall include the Commissioners of the District of Columbia.
- Title. SEC. 8. This Act may be cited as the "Federal Emergency Relief Act of 1933."
- Approved, May 12, 1933

[CHAPTER 31.]

AN ACT

To amend section 1025 of the Revised Statutes of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1025 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 1025. No indictment found and presented by a grand jury in any district or other court of the United States shall be deemed insufficient, nor shall the trial, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in matter of form only, which shall not tend to the prejudice of the defendant, or by reason of the attendance before the grand jury during the taking of testimony of one or more clerks or stenographers employed in a clerical capacity to assist the district attorney or other counsel for the Government who shall, in that connection, be deemed to be persons acting for and on behalf of the United States in an official capacity and function."

Approved, May 18, 1933.

[CHAPTER 32.]

AN ACT

To improve the navigability and to provide for the flood control of the Tennessee River; to provide for reforestation and the proper use of marginal lands in the Tennessee Valley; to provide for the agricultural and industrial development of said valley; to provide for the national defense by the creation of a corporation for the operation of Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Alabama, in the interest of the national defense and for agricultural and industrial development, and to improve navigation in the Tennessee River and to control the destructive flood waters in the Tennessee River and Mississippi River Basins, there is hereby created a body corporate by the name of the "Tennessee Valley Authority" (hereinafter referred to as the "Corporation"). The board of directors first appointed shall be deemed the incorporators, and the incorporation shall be held to have been effected from the date of the first meeting

May 18, 1933.
[S. 1582.]

[Public, No. 16.]

Grand juries.
R. S., sec. 1025, p. 190,
amended.
U. S. C., p. 505.

Indictments, immaterial defects of form.

Presence of clerical assistants of district attorney, etc.

May 18, 1933.

[H. R. 6081.]

[Public, No. 17.]

Tennessee Valley Authority Act of 1933.
Purposes declared.
Post, pp. 275, 1055.

"Tennessee Valley Authority" body corporate created.
Incorporators, etc.

of the board. This Act may be cited as the "Tennessee Valley Authority Act of 1933."

SEC. 2. (a) The board of directors of the Corporation (hereinafter referred to as the "board") shall be composed of three members, to be appointed by the President, by and with the advice and consent of the Senate. In appointing the members of the board, the President shall designate the chairman. All other officials, agents, and employees shall be designated and selected by the board.

(b) The terms of office of the members first taking office after the approval of this Act shall expire as designated by the President at the time of nomination, one at the end of the third year, one at the end of the sixth year, and one at the end of the ninth year, after the date of approval of this Act. A successor to a member of the board shall be appointed in the same manner as the original members and shall have a term of office expiring nine years from the date of the expiration of the term for which his predecessor was appointed.

(c) Any member appointed to fill a vacancy in the board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(d) Vacancies in the board so long as there shall be two members in office shall not impair the powers of the board to execute the functions of the Corporation, and two of the members in office shall constitute a quorum for the transaction of the business of the board.

(e) Each of the members of the board shall be a citizen of the United States, and shall receive a salary at the rate of \$10,000 a year, to be paid by the Corporation as current expenses. Each member of the board, in addition to his salary, shall be permitted to occupy as his residence one of the dwelling houses owned by the Government in the vicinity of Muscle Shoals, Alabama, the same to be designated by the President of the United States. Members of the board shall be reimbursed by the Corporation for actual expenses (including traveling and subsistence expenses) incurred by them in the performance of the duties vested in the board by this Act. No member of said board shall, during his continuance in office, be engaged in any other business, but each member shall devote himself to the work of the Corporation.

(f) No director shall have financial interest in any public-utility corporation engaged in the business of distributing and selling power to the public nor in any corporation engaged in the manufacture, selling, or distribution of fixed nitrogen or fertilizer, or any ingredients thereof, nor shall any member have any interest in any business that may be adversely affected by the success of the Corporation as a producer of concentrated fertilizers or as a producer of electric power.

(g) The board shall direct the exercise of all the powers of the Corporation.

(h) All members of the board shall be persons who profess a belief in the feasibility and wisdom of this Act.

SEC. 3. The board shall without regard to the provisions of Civil Service laws applicable to officers and employees of the United States, appoint such managers, assistant managers, officers, employees, attorneys, and agents, as are necessary for the transaction of its business, fix their compensation, define their duties, require bonds of such of them as the board may designate, and provide a system of organization to fix responsibility and promote efficiency. Any appointee of the board may be removed in the discretion of the board. No regular officer or employee of the Corporation

Citation of Act.

Board of directors.
Composition, chairman, etc.

Terms of office.

Successors.

Filling vacancies.

Vacancies not to impair powers, if quorum manifest.

Citizenship, salary, residence, etc.

Reimbursement for actual expenses.

Not to engage in any other business.

Director to have no financial interest in certain public utility corporations.

Board to exercise all Corporation powers.

Confidence, etc., in project.

Appointment of managers, officers, etc., without regard to civil service laws.

To provide organization system.

Removals, salary restrictions, etc.

shall receive a salary in excess of that received by the members of the board.

Construction contracts to stipulate payments at prevailing rate of wages.

All contracts to which the Corporation is a party and which require the employment of laborers and mechanics in the construction, alteration, maintenance, or repair of buildings, dams, locks, or other projects shall contain a provision that not less than the prevailing rate of wages for work of a similar nature prevailing in the vicinity shall be paid to such laborers or mechanics.

Wage disputes to be referred to the Secretary of Labor; decision final.

In the event any dispute arises as to what are the prevailing rates of wages, the question shall be referred to the Secretary of Labor for determination, and his decision shall be final. In the determination of such prevailing rate or rates, due regard shall be given to those rates which have been secured through collective agreement by representatives of employers and employees.

Due regard for collective agreements.

Work done directly by Corporation.

Where such work as is described in the two preceding paragraphs is done directly by the Corporation the prevailing rate of wages shall be paid in the same manner as though such work had been let by contract.

Injuries to Government employees.
Benefits of act respecting, extended.
Vol. 39, p. 742.
U.S.C., p. 76.

Insofar as applicable, the benefits of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, shall extend to persons given employment under the provisions of this Act.

Corporate powers.

SEC. 4. Except as otherwise specifically provided in this Act, the Corporation—

(a) Shall have succession in its corporate name.

(b) May sue and be sued in its corporate name.

(c) May adopt and use a corporate seal, which shall be judicially noticed.

(d) May make contracts, as herein authorized.

(e) May adopt, amend, and repeal bylaws.

(f) May purchase or lease and hold such real and personal property as it deems necessary or convenient in the transaction of its business, and may dispose of any such personal property held by it.

Treasurer and assistants to be selected; surety bonds.

The board shall select a treasurer and as many assistant treasurers as it deems proper, which treasurer and assistant treasurers shall give such bonds for the safe-keeping of the securities and moneys of the said Corporation as the board may require: *Provided*, That any member of said board may be removed from office at any time by a concurrent resolution of the Senate and the House of Representatives.

Proviso.
Removal of board members.

(g) Shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the Corporation.

Right of eminent domain.

(h) Shall have power in the name of the United States of America to exercise the right of eminent domain, and in the purchase of any real estate or the acquisition of real estate by condemnation proceedings, the title to such real estate shall be taken in the name of the United States of America, and thereupon all such real estate shall be entrusted to the Corporation as the agent of the United States to accomplish the purposes of this Act.

Holding as agent of United States.

Sites for dams, power houses, etc.

(i) Shall have power to acquire real estate for the construction of dams, reservoirs, transmission lines, power houses, and other structures, and navigation projects at any point along the Tennessee River, or any of its tributaries, and in the event that the owner or owners of such property shall fail and refuse to sell to the Corporation at a price deemed fair and reasonable by the board, then the Corporation may proceed to exercise the right of eminent domain,

Condemnation proceedings.

and to condemn all property that it deems necessary for carrying out the purposes of this Act, and all such condemnation proceedings shall be had pursuant to the provisions and requirements hereinafter specified, with reference to any and all condemnation proceedings.

(j) Shall have power to construct dams, reservoirs, power houses, power structures, transmission lines, navigation projects, and incidental works in the Tennessee River and its tributaries, and to unite the various power installations into one or more systems by transmission lines.

Power to construct and unite power installations.

Sec. 5. The board is hereby authorized—

Board authority.

(a) To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants. Such contracts may provide either for outright purchase of materials by the board or only for the payment of carrying charges on special materials manufactured at the board's request for its program.

To contract with commercial producers for producing fertilizer, etc.

(b) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce.

To arrange for practical use of new forms of fertilizers.

(c) To cooperate with National, State, district, or county experimental stations or demonstration farms, for the use of new forms of fertilizer or fertilizer practices during the initial or experimental period of their introduction.

Cooperative demonstrations.

(d) The board in order to improve and cheapen the production of fertilizer is authorized to manufacture and sell fixed nitrogen, fertilizer, and fertilizer ingredients at Muscle Shoals by the employment of existing facilities, by modernizing existing plants, or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen or the cheapening of the production of fertilizer.

To make and sell fixed nitrogen, fertilizer, etc., at Muscle Shoals.

(e) Under the authority of this Act the board may make donations or sales of the product of the plant or plants operated by it to be fairly and equitably distributed through the agency of county demonstration agents, agricultural colleges, or otherwise as the board may direct, for experimentation, education, and introduction of the use of such products in cooperation with practical farmers so as to obtain information as to the value, effect, and best methods of their use.

Equitable distribution through agricultural agencies.

(f) The board is authorized to make alterations, modifications, or improvements in existing plants and facilities, and to construct new plants.

Plant improvements, etc.

(g) In the event it is not used for the fixation of nitrogen for agricultural purposes or leased, then the board shall maintain in stand-by condition nitrate plant numbered 2, or its equivalent, for the fixation of atmospheric nitrogen, for the production of explosives in the event of war or a national emergency, until the Congress shall by joint resolution release the board from this obligation, and if any part thereof be used by the board for the manufacture of phosphoric acid or potash, the balance of nitrate plant numbered 2 shall be kept in stand-by condition.

Nitrate plant no. 2. Explosives production at, if not used for nitrogen fixation.

Phosphoric acid or potash manufacture.

(h) To establish, maintain, and operate laboratories and experimental plants, and to undertake experiments for the purpose of enabling the Corporation to furnish nitrogen products for military purposes, and nitrogen and other fertilizer products for agricultural purposes in the most economical manner and at the highest standard of efficiency.

Laboratories, etc., to be established, etc.

Experiments for military purposes.

(i) To request the assistance and advice of any officer, agent, or employee of any executive department or of any independent office of the United States, to enable the Corporation the better to carry

Aid of other Government services.

out its powers successfully, and as far as practicable shall utilize the services of such officers, agents, and employees, and the President shall, if in his opinion, the public interest, service, or economy so require, direct that such assistance, advice, and service be rendered to the Corporation, and any individual that may be by the President directed to render such assistance, advice, and service shall be thereafter subject to the orders, rules, and regulations of the board: *Provided*, That any invention or discovery made by virtue of and incidental to such service by an employee of the Government of the United States serving under this section, or by any employee of the Corporation, together with any patents which may be granted thereon, shall be the sole and exclusive property of the Corporation, which is hereby authorized to grant such licenses thereunder as shall be authorized by the board: *Provided further*, That the board may pay to such inventor such sum from the income from sale of licenses as it may deem proper.

Provisos.
Use of any invention or discovery.

Pay to inventor, etc.

Sale of explosives to Government; cost.

Allotment of power for operating locks, etc.

Produce, sell, etc., power.

Foreign sales of products.

President may lease nitrate plant no. 2 and Waco Quarry.

Term not to exceed 50 years.

Condition.

Lessee to keep property in first-class condition; may modernize, etc.

Power for operating plant.

Discretionary purchase of, from Alabama Power Company, etc.

Provision for transmission lines.

No illegal monopoly, etc., guaranty.

(j) Upon the requisition of the Secretary of War or the Secretary of the Navy to manufacture for and sell at cost to the United States explosives or their nitrogenous content.

(k) Upon the requisition of the Secretary of War the Corporation shall allot and deliver without charge to the War Department so much power as shall be necessary in the judgment of said Department for use in operation of all locks, lifts, or other facilities in aid of navigation.

(l) To produce, distribute, and sell electric power, as herein particularly specified.

(m) No products of the Corporation shall be sold for use outside of the United States, its Territories and possessions, except to the United States Government for the use of its Army and Navy, or to its allies in case of war.

(n) The President is authorized, within twelve months after the passage of this Act, to lease to any responsible farm organization or to any corporation organized by it nitrate plant numbered 2 and Waco Quarry, together with the railroad connecting said quarry with nitrate plant numbered 2, for a term not exceeding fifty years at a rental of not less than \$1 per year, but such authority shall be subject to the express condition that the lessee shall use said property during the term of said lease exclusively for the manufacture of fertilizer and fertilizer ingredients to be used only in the manufacture of fertilizer by said lessee and sold for use as fertilizer. The said lessee shall covenant to keep said property in first-class condition, but the lessee shall be authorized to modernize said plant numbered 2 by the installation of such machinery as may be necessary, and is authorized to amortize the cost of said machinery and improvements over the term of said lease or any part thereof. Said lease shall also provide that the board shall sell to the lessee power for the operation of said plant at the same schedule of prices that it charges all other customers for power of the same class and quantity. Said lease shall also provide that, if the said lessee does not desire to buy power of the publicly owned plant, it shall have the right to purchase its power for the operation of said plant of the Alabama Power Company or any other publicly or privately owned corporation engaged in the generation and sale of electric power, and in such case the lease shall provide further that the said lessee shall have a free right of way to build a transmission line over Government property to said plant paying the actual expenses and damages, if any, incurred by the Corporation on account of such line. Said lease shall also provide that the said lessee shall covenant that during the term of said lease the said lessee shall not enter into any

illegal monopoly, combination, or trust with any privately owned corporation engaged in the manufacture, production, and sale of fertilizer with the object or effect of increasing the price of fertilizer to the farmer.

SEC. 6. In the appointment of officials and the selection of employees for said Corporation, and in the promotion of any such employees or officials, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency. Any member of said board who is found by the President of the United States to be guilty of a violation of this section shall be removed from office by the President of the United States, and any appointee of said board who is found by the board to be guilty of a violation of this section shall be removed from office by said board.

No political test in appointments, promotions.

Penalty for violation.

SEC. 7. In order to enable the Corporation to exercise the powers and duties vested in it by this Act—

Powers and duties vested in Corporation.

Designated property, etc., intrusted.

(a) The exclusive use, possession, and control of the United States nitrate plants numbered 1 and 2, including steam plants, located, respectively, at Sheffield, Alabama, and Muscle Shoals, Alabama, together with all real estate and buildings connected therewith, all tools and machinery, equipment, accessories, and materials belonging thereto, and all laboratories and plants used as auxiliaries thereto; the fixed-nitrogen research laboratory, the Waco limestone quarry, in Alabama, and Dam Numbered 2, located at Muscle Shoals, its power house, and all hydroelectric and operating appurtenances (except the locks), and all machinery, lands, and buildings in connection therewith, and all appurtenances thereof, and all other property to be acquired by the Corporation in its own name or in the name of the United States of America, are hereby intrusted to the Corporation for the purposes of this Act.

Transfer of other property.

(b) The President of the United States is authorized to provide for the transfer to the Corporation of the use, possession, and control of such other real or personal property of the United States as he may from time to time deem necessary and proper for the purposes of the Corporation as herein stated.

Principal office of Corporation.

SEC. 8. (a) The Corporation shall maintain its principal office in the immediate vicinity of Muscle Shoals, Alabama. The Corporation shall be held to be an inhabitant and resident of the northern judicial district of Alabama within the meaning of the laws of the United States relating to the venue of civil suits.

Complete accounts to be maintained.

(b) The Corporation shall at all times maintain complete and accurate books of accounts.

Oath of office.

(c) Each member of the board, before entering upon the duties of his office, shall subscribe to an oath (or affirmation) to support the Constitution of the United States and to faithfully and impartially perform the duties imposed upon him by this Act.

Financial statement and report to be filed annually.

SEC. 9. (a) The board shall file with the President and with the Congress, in December of each year, a financial statement and a complete report as to the business of the Corporation covering the preceding governmental fiscal year. This report shall include an itemized statement of the cost of power at each power station, the total number of employees and the names, salaries, and duties of those receiving compensation at the rate of more than \$1,500 a year.

Items to be included.

(b) The Comptroller General of the United States shall audit the transactions of the Corporation at such times as he shall determine, but not less frequently than once each governmental fiscal year, with personnel of his selection. In such connection he and his representatives shall have free and open access to all papers,

Auditing transactions.

Full access to books, etc.

books, records, files, accounts, plants, warehouses, offices, and all other things, property and places belonging to or under the control of or used or employed by the Corporation, and shall be afforded full facilities for counting all cash and verifying transactions with and balances in depositories. He shall make report of each such audit in quadruplicate, one copy for the President of the United States, one for the chairman of the board, one for public inspection at the principal office of the corporation, and the other to be retained by him for the uses of the Congress. The expenses for each such audit may be paid from moneys advanced therefor by the Corporation, or from any appropriation or appropriations for the General Accounting Office, and appropriations so used shall be reimbursed promptly by the Corporation as billed by the Comptroller General. All such audit expenses shall be charged to operating expenses of the Corporation. The Comptroller General shall make special report to the President of the United States and to the Congress of any transaction or condition found by him to be in conflict with the powers or duties intrusted to the Corporation by law.

Report in quadruplicate.

Advances to be made by Corporation.

Audits to be charged to operation.

Transactions conflicting with law.

Sale of surplus power to States, etc.

Contracts of sale.

Preferences.

Provisos. Cancellation clause, when power sold for resale at profit.

Electricity on farms.

Extending transmission lines.

Experiments to promote use of power.

Cooperation with States, etc.

Policy of equitable distribution declared.

Primary benefits for domestic use, etc.

Industry, a secondary purpose.

SEC. 10. The board is hereby empowered and authorized to sell the surplus power not used in its operations, and for operation of locks and other works generated by it, to States, counties, municipalities, corporations, partnerships, or individuals, according to the policies hereinafter set forth; and to carry out said authority, the board is authorized to enter into contracts for such sale for a term not exceeding twenty years, and in the sale of such current by the board it shall give preference to States, counties, municipalities, and cooperative organizations of citizens or farmers, not organized or doing business for profit, but primarily for the purpose of supplying electricity to its own citizens or members: *Provided*, That all contracts made with private companies or individuals for the sale of power, which power is to be resold for a profit, shall contain a provision authorizing the board to cancel said contract upon five years' notice in writing, if the board needs said power to supply the demands of States, counties, or municipalities. In order to promote and encourage the fullest possible use of electric light and power on farms within reasonable distance of any of its transmission lines the board in its discretion shall have power to construct transmission lines to farms and small villages that are not otherwise supplied with electricity at reasonable rates, and to make such rules and regulations governing such sale and distribution of such electric power as in its judgment may be just and equitable: *Provided further*, That the board is hereby authorized and directed to make studies, experiments, and determinations to promote the wider and better use of electric power for agricultural and domestic use, or for small or local industries, and it may cooperate with State governments, or their subdivisions or agencies, with educational or research institutions, and with cooperatives or other organizations, in the application of electric power to the fuller and better balanced development of the resources of the region.

SEC. 11. It is hereby declared to be the policy of the Government so far as practical to distribute and sell the surplus power generated at Muscle Shoals equitably among the States, counties, and municipalities within transmission distance. This policy is further declared to be that the projects herein provided for shall be considered primarily as for the benefit of the people of the section as a whole and particularly the domestic and rural consumers to whom the power can economically be made available, and accordingly that sale to and use by industry shall be a secondary purpose, to be utilized principally to secure a sufficiently high load factor and revenue

returns which will permit domestic and rural use at the lowest possible rates and in such manner as to encourage increased domestic and rural use of electricity. It is further hereby declared to be the policy of the Government to utilize the Muscle Shoals properties so far as may be necessary to improve, increase, and cheapen the production of fertilizer and fertilizer ingredients by carrying out the provisions of this Act.

SEC. 12. In order to place the board upon a fair basis for making such contracts and for receiving bids for the sale of such power, it is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such power, or from funds secured by the sale of bonds hereafter provided for, to construct, lease, purchase, or authorize the construction of transmission lines within transmission distance from the place where generated, and to interconnect with other systems. The board is also authorized to lease to any person, persons, or corporation the use of any transmission line owned by the Government and operated by the board, but no such lease shall be made that in any way interferes with the use of such transmission line by the board: *Provided*, That if any State, county, municipality, or other public or cooperative organization of citizens or farmers, not organized or doing business for profit, but primarily for the purpose of supplying electricity to its own citizens or members, or any two or more of such municipalities or organizations, shall construct or agree to construct and maintain a properly designed and built transmission line to the Government reservation upon which is located a Government generating plant, or to a main transmission line owned by the Government or leased by the board and under the control of the board, the board is hereby authorized and directed to contract with such State, county, municipality, or other organization, or two or more of them, for the sale of electricity for a term not exceeding thirty years; and in any such case the board shall give to such State, county, municipality, or other organization ample time to fully comply with any local law now in existence or hereafter enacted providing for the necessary legal authority for such State, county, municipality, or other organization to contract with the board for such power: *Provided further*, That all contracts entered into between the Corporation and any municipality or other political subdivision or cooperative organization shall provide that the electric power shall be sold and distributed to the ultimate consumer without discrimination as between consumers of the same class, and such contract shall be voidable at the election of the board if a discriminatory rate, rebate, or other special concession is made or given to any consumer or user by the municipality or other political subdivision or cooperative organization: *And provided further*, That as to any surplus power not so sold as above provided to States, counties, municipalities, or other said organizations, before the board shall sell the same to any person or corporation engaged in the distribution and resale of electricity for profit, it shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be made to the ultimate consumer of such electric power at prices that shall not exceed a schedule fixed by the board from time to time as reasonable, just, and fair; and in case of any such sale, if an amount is charged the ultimate consumer which is in excess of the price so deemed to be just, reasonable, and fair by the board, the contract for such sale between the board and such distributor of electricity shall be voidable at the election of the board: *And provided further*, That the board is hereby authorized to enter into contracts with other power systems for

Utilizing properties to improve, etc., fertilizer production.

Transmission lines construction, etc., authorized.

Funds available.

Leases; restriction.

Provisos.
Sale contracts to State, etc., lines when power for resale without profit.

Term of grace.

Contract provision for power distribution to consumers of same class.

Voidable if discriminatory, rebate, etc., given.

Resale agreement, surplus power.

Consumer rate to be fixed by schedule.

Voidable, if charge excessive.

Mutual exchange with other systems of excess power, for water conservation, etc.

the mutual exchange of unused excess power upon suitable terms, for the conservation of stored water, and as an emergency or break-down relief.

Payments to Alabama and Tennessee.

SEC. 13. Five per centum of the gross proceeds received by the board for the sale of power generated at Dam Numbered 2, or from any other hydropower plant hereafter constructed in the State of Alabama, shall be paid to the State of Alabama; and 5 per centum of the gross proceeds from the sale of power generated at Cove Creek Dam, hereinafter provided for, or any other dam located in the State of Tennessee, shall be paid to the State of Tennessee. Upon the completion of said Cove Creek Dam the board shall ascertain how much additional power is thereby generated at Dam Numbered 2 and at any other dam hereafter constructed by the Government of the United States on the Tennessee River, in the State of Alabama, or in the State of Tennessee, and from the gross proceeds of the sale of such additional power $2\frac{1}{2}$ per centum shall be paid to the State of Alabama and $2\frac{1}{2}$ per centum to the State of Tennessee. These percentages shall apply to any other dam that may hereafter be constructed and controlled and operated by the board on the Tennessee River or any of its tributaries, the main purpose of which is to control flood waters and where the development of electric power is incidental to the operation of such flood-control dam. In ascertaining the gross proceeds from the sale of such power upon which a percentage is paid to the States of Alabama and Tennessee, the board shall not take into consideration the proceeds of any power sold or delivered to the Government of the United States, or any department or agency of the Government of the United States, used in the operation of any locks on the Tennessee River or for any experimental purpose, or for the manufacture of fertilizer or any of the ingredients thereof, or for any other governmental purpose: *Provided*, That the percentages to be paid to the States of Alabama and Tennessee, as provided in this section, shall be subject to revision and change by the board, and any new percentages established by the board, when approved by the President, shall remain in effect until and unless again changed by the board with the approval of the President. No change of said percentages shall be made more often than once in five years, and no change shall be made without giving to the States of Alabama and Tennessee an opportunity to be heard.

Additional power generated to be ascertained.

Percentage of proceeds to Alabama and Tennessee.

Other dams to be included.

Computing gross proceeds.

Proviso. Percentages subject to revision.

Limitations.

Dam Numbered 2, nitrate plants, etc.

Present value to be made for allocation, etc., purposes.

Findings final; use, in keeping book values.

Future structures.

Bond issue for construction expenses, authorized.

SEC. 14. The board shall make a thorough investigation as to the present value of Dam Numbered 2, and the steam plants at nitrate plant numbered 1, and nitrate plant numbered 2, and as to the cost of Cove Creek Dam, for the purpose of ascertaining how much of the value or the cost of said properties shall be allocated and charged up to (1) flood control, (2) navigation, (3) fertilizer, (4) national defense, and (5) the development of power. The findings thus made by the board, when approved by the President of the United States, shall be final, and such findings shall thereafter be used in all allocation of value for the purpose of keeping the book value of said properties. In like manner, the cost and book value of any dams, steam plants, or other similar improvements hereafter constructed and turned over to said board for the purpose of control and management shall be ascertained and allocated.

SEC. 15. In the construction of any future dam, steam plant, or other facility, to be used in whole or in part for the generation or transmission of electric power the board is hereby authorized and empowered to issue on the credit of the United States and to sell serial bonds not exceeding \$50,000,000 in amount, having a maturity not more than fifty years from the date of issue thereof, and bearing

interest not exceeding 3½ per centum per annum. Said bonds shall be issued and sold in amounts and prices approved by the Secretary of the Treasury, but all such bonds as may be so issued and sold shall have equal rank. None of said bonds shall be sold below par, and no fee, commission, or compensation whatever shall be paid to any person, firm, or corporation for handling, negotiating the sale, or selling the said bonds. All of such bonds so issued and sold shall have all the rights and privileges accorded by law to Panama Canal bonds, authorized by section 8 of the Act of June 28, 1902, chapter 1302, as amended by the Act of December 21, 1905 (ch. 3, sec. 1, 34 Stat. 5), as now compiled in section 743 of title 31 of the United States Code. All funds derived from the sale of such bonds shall be paid over to the Corporation.

SEC. 16. The board, whenever the President deems it advisable, is hereby empowered and directed to complete Dam Numbered 2 at Muscle Shoals, Alabama, and the steam plant at nitrate plant number 2, in the vicinity of Muscle Shoals, by installing in Dam Numbered 2 the additional power units according to the plans and specifications of said dam, and the additional power unit in the steam plant at nitrate plant numbered 2.

SEC. 17. The Secretary of War, or the Secretary of the Interior, is hereby authorized to construct, either directly or by contract to the lowest responsible bidder, after due advertisement, a dam in and across Clinch River in the State of Tennessee, which has by long custom become known and designated as the Cove Creek Dam, together with a transmission line from Muscle Shoals, according to the latest and most approved designs, including power house and hydroelectric installations and equipment for the generation of power, in order that the waters of the said Clinch River may be impounded and stored above said dam for the purpose of increasing and regulating the flow of the Clinch River and the Tennessee River below, so that the maximum amount of primary power may be developed at Dam Numbered 2 and at any and all other dams below the said Cove Creek Dam: *Provided, however,* That the President is hereby authorized by appropriate order to direct the employment by the Secretary of War, or by the Secretary of the Interior, of such engineer or engineers as he may designate, to perform such duties and obligations as he may deem proper, either in the drawing of plans and specifications for said dam, or to perform any other work in the building or construction of the same. The President may, by such order, place the control of the construction of said dam in the hands of such engineer or engineers taken from private life as he may desire: *And provided further,* That the President is hereby expressly authorized, without regard to the restriction or limitation of any other statute, to select attorneys and assistants for the purpose of making any investigation he may deem proper to ascertain whether, in the control and management of Dam Numbered 2, or any other dam or property owned by the Government in the Tennessee River Basin, or in the authorization of any improvement therein, there has been any undue or unfair advantage given to private persons, partnerships, or corporations, by any officials or employees of the Government, or whether in any such matters the Government has been injured or unjustly deprived of any of its rights.

SEC. 18. In order to enable and empower the Secretary of War, the Secretary of the Interior, or the board to carry out the authority hereby conferred, in the most economical and efficient manner, he or it is hereby authorized and empowered in the exercise of the powers of national defense in aid of navigation, and in the control

† Bonds to have equal rank, sold at par, etc.

No commission, fee, etc.

Rights, etc., of bonds. Vol. 32, p. 484; Vol. 34, p. 5. U.S.C., p. 1024.

Proceeds of sale to be paid to Corporation.

Dam Numbered 2 and steam plant at nitrate plant numbered 2. Authority to complete.

Clinch River. Construction, Cove Creek Dam.

Transmission lines from Muscle Shoals. Installations for developing maximum primary power.

Provisos. Employment of engineers.

Supervision of construction.

Attorneys for investigating undue advantages given private persons, etc.

Cove Creek Dam. Authority of Board, etc., to exercise right of eminent domain to obtain site for.

Condemnation proceedings.

Contracts with States, etc., for relocation of property.

Control of completed project.

Access to Patent Office for study of fixed nitrogen production formulae.

Remedy of patent owner for infringement.

Proviso. Limitation.

Emergency possession of property, etc., reserved.

Damage payments.

Penal statutes relating to larceny, etc., applicable to property of Corporation.

of the flood waters of the Tennessee and Mississippi Rivers, constituting channels of interstate commerce, to exercise the right of eminent domain for all purposes of this Act, and to condemn all lands, easements, rights of way, and other area necessary in order to obtain a site for said Cove Creek Dam, and the flowage rights for the reservoir of water above said dam, and to negotiate and conclude contracts with States, counties, municipalities, and all State agencies and with railroads, railroad corporations, common carriers, and all public utility commissions and any other person, firm, or corporation, for the relocation of railroad tracks, highways, highway bridges, mills, ferries, electric-light plants, and any and all other properties, enterprises, and projects whose removal may be necessary in order to carry out the provisions of this Act. When said Cove Creek Dam, transmission line, and power house shall have been completed, the possession, use, and control thereof shall be intrusted to the Corporation for use and operation in connection with the general Tennessee Valley project, and to promote flood control and navigation in the Tennessee River.

SEC. 19. The Corporation, as an instrumentality and agency of the Government of the United States for the purpose of executing its constitutional powers, shall have access to the Patent Office of the United States for the purpose of studying, ascertaining, and copying all methods, formulae, and scientific information (not including access to pending applications for patents) necessary to enable the Corporation to use and employ the most efficacious and economical process for the production of fixed nitrogen, or any essential ingredient of fertilizer, or any method of improving and cheapening the production of hydroelectric power, and any owner of a patent whose patent rights may have been thus in any way copied, used, infringed, or employed by the exercise of this authority by the Corporation shall have as the exclusive remedy a cause of action against the Corporation to be instituted and prosecuted on the equity side of the appropriate district court of the United States, for the recovery of reasonable compensation for such infringement. The Commissioner of Patents shall furnish to the Corporation, at its request and without payment of fees, copies of documents on file in his office: *Provided*, That the benefits of this section shall not apply to any art, machine, method of manufacture, or composition of matter, discovered or invented by such employee during the time of his employment or service with the Corporation or with the Government of the United States.

SEC. 20. The Government of the United States hereby reserves the right, in case of war or national emergency declared by Congress, to take possession of all or any part of the property described or referred to in this Act for the purpose of manufacturing explosives or for other war purposes; but, if this right is exercised by the Government, it shall pay the reasonable and fair damages that may be suffered by any party whose contract for the purchase of electric power or fixed nitrogen or fertilizer ingredients is hereby violated, after the amount of the damages has been fixed by the United States Court of Claims in proceedings instituted and conducted for that purpose under rules prescribed by the court.

SEC. 21. (a) All general penal statutes relating to the larceny, embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys or property of the United States, shall apply to the moneys and property of the Corporation and to moneys and properties of the United States intrusted to the Corporation.

(b) Any person who, with intent to defraud the Corporation, or to deceive any director, officer, or employee of the Corporation or any officer or employee of the United States (1) makes any false entry in any book of the Corporation, or (2) makes any false report or statement for the Corporation, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than five years, or both.

False entries.
False report or statement.

Punishment for.

(c) Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion, or agreement, express or implied, with intent to defraud the Corporation or wrongfully and unlawfully to defeat its purposes, shall, on conviction thereof, be fined not more than \$5,000 or imprisoned not more than five years, or both.

Fraud, etc.

Punishment for.

SEC. 22. To aid further the proper use, conservation, and development of the natural resources of the Tennessee River drainage basin and of such adjoining territory as may be related to or materially affected by the development consequent to this Act, and to provide for the general welfare of the citizens of said areas, the President is hereby authorized, by such means or methods as he may deem proper within the limits of appropriations made therefor by Congress, to make such surveys of and general plans for said Tennessee basin and adjoining territory as may be useful to the Congress and to the several States in guiding and controlling the extent, sequence, and nature of development that may be equitably and economically advanced through the expenditure of public funds, or through the guidance or control of public authority, all for the general purpose of fostering an orderly and proper physical, economic, and social development of said areas; and the President is further authorized in making said surveys and plans to cooperate with the States affected thereby, or subdivisions or agencies of such States, or with cooperative or other organizations, and to make such studies, experiments, or demonstrations as may be necessary and suitable to that end.

Tennessee River drainage basin development.

Surveys authorized.

Purpose.

Cooperation with States affected.

SEC. 23. The President shall, from time to time, as the work provided for in the preceding section progresses, recommend to Congress such legislation as he deems proper to carry out the general purposes stated in said section, and for the especial purpose of bringing about in said Tennessee drainage basin and adjoining territory in conformity with said general purposes (1) the maximum amount of flood control; (2) the maximum development of said Tennessee River for navigation purposes; (3) the maximum generation of electric power consistent with flood control and navigation; (4) the proper use of marginal lands; (5) the proper method of reforestation of all lands in said drainage basin suitable for reforestation; and (6) the economic and social well-being of the people living in said river basin.

Recommendations to Congress for carrying out purposes.

Flood control.

Navigation.

Electric power.

Use of marginal lands.

Reforestation.

Economic progress.

Acquiring title to secure flowage rights.

SEC. 24. For the purpose of securing any rights of flowage, or obtaining title to or possession of any property, real or personal, that may be necessary or may become necessary, in the carrying out of any of the provisions of this Act, the President of the United States for a period of three years from the date of the enactment of this Act, is hereby authorized to acquire title in the name of the United States to such rights or such property, and to provide for the payment for same by directing the board to contract to deliver power generated at any of the plants now owned or hereafter owned or constructed by the Government or by said Corporation, such future delivery of power to continue for a period not exceeding thirty years. Likewise, for one year after the enactment

Payment provided.

Sale, etc., of vacant real estate. Conditions of sale.	of this Act, the President is further authorized to sell or lease any parcel or part of any vacant real estate now owned by the Government in said Tennessee River Basin, to persons, firms, or corporations who shall contract to erect thereon factories or manufacturing establishments, and who shall contract to purchase of said Corporation electric power for the operation of any such factory or manufacturing establishment. No contract shall be made by the President for the sale of any of such real estate as may be necessary for present or future use on the part of the Government for any of the purposes of this Act. Any such contract made by the President of the United States shall be carried out by the board: <i>Provided</i> , That no such contract shall be made that will in any way abridge or take away the preference right to purchase power given in this Act to States, counties, municipalities, or farm organizations: <i>Provided further</i> , That no lease shall be for a term to exceed fifty years: <i>Provided further</i> , That any sale shall be on condition that said land shall be used for industrial purposes only.
Land for Government use excluded.	
<i>Provisos.</i> Preference right of States, etc., not abridged.	
Maximum term of lease. Sale conditional on use.	
Condemnation proceedings for acquisition of necessary lands, etc.	SEC. 25. The Corporation may cause proceedings to be instituted for the acquisition by condemnation of any lands, easements, or rights of way which, in the opinion of the Corporation, are necessary to carry out the provisions of this Act. The proceedings shall be instituted in the United States district court for the district in which the land, easement, right of way, or other interest, or any part thereof, is located, and such court shall have full jurisdiction to divest the complete title to the property sought to be acquired out of all persons or claimants and vest the same in the United States in fee simple, and to enter a decree quieting the title thereto in the United States of America.
Jurisdiction of court.	
Commissioners to be appointed.	Upon the filing of a petition for condemnation and for the purpose of ascertaining the value of the property to be acquired, and assessing the compensation to be paid, the court shall appoint three commissioners who shall be disinterested persons and who shall take and subscribe an oath that they do not own any lands, or interest or easement in any lands, which it may be desirable for the United States to acquire in the furtherance of said project, and such commissioners shall not be selected from the locality wherein the land sought to be condemned lies. Such commissioners shall receive a per diem of not to exceed \$15 for their services, together with an additional amount of \$5 per day for subsistence for time actually spent in performing their duties as commissioners.
Qualifications.	
Per diem, subsistence, etc.	
Proceedings, in appraisalment.	It shall be the duty of such commissioners to examine into the value of the lands sought to be condemned, to conduct hearings and receive evidence, and generally to take such appropriate steps as may be proper for the determination of the value of the said lands sought to be condemned, and for such purpose the commissioners are authorized to administer oaths and subpoena witnesses, which said witnesses shall receive the same fees as are provided for witnesses in the Federal courts. The said commissioners shall thereupon file a report setting forth their conclusions as to the value of the said property sought to be condemned, making a separate award and valuation in the premises with respect to each separate parcel involved. Upon the filing of such award in court the clerk of said court shall give notice of the filing of such award to the parties to said proceeding, in manner and form as directed by the judge of said court.
Report, making separate award of each parcel, to be filed.	
Notice of, to parties to proceeding.	
Exceptions to award.	Either or both parties may file exceptions to the award of said commissioners within twenty days from the date of the filing of said award in court. Exceptions filed to such award shall be heard before three Federal district judges unless the parties, in writing,

in person, or by their attorneys, stipulate that the exceptions may be heard before a lesser number of judges. On such hearing such judges shall pass de novo upon the proceedings had before the commissioners, may view the property, and may take additional evidence. Upon such hearings the said judges shall file their own award, fixing therein the value of the property sought to be condemned, regardless of the award previously made by the said commissioners.

Hearing.

Separate award required.

At any time within thirty days from the filing of the decision of the district judges upon the hearing on exceptions to the award made by the commissioners, either party may appeal from such decision of the said judges to the circuit court of appeals, and the said circuit court of appeals shall upon the hearing on said appeal dispose of the same upon the record, without regard to the awards or findings theretofore made by the commissioners or the district judges, and such circuit court of appeals shall thereupon fix the value of the said property sought to be condemned.

Appeals.

Verdict.

Upon acceptance of an award by the owner of any property herein provided to be appropriated, and the payment of the money awarded or upon the failure of either party to file exceptions to the award of the commissioners within the time specified, or upon the award of the commissioners, and the payment of the money by the United States pursuant thereto, or the payment of the money awarded into the registry of the court by the Corporation, the title to said property and the right to the possession thereof shall pass to the United States, and the United States shall be entitled to a writ in the same proceeding to dispossess the former owner of said property, and all lessees, agents, and attorneys of such former owner, and to put the United States, by its corporate creature and agent, the Corporation, into possession of said property.

Acceptance of payment, title to pass to United States.

Writ of assistance may issue.

In the event of any property owned in whole or in part by minors, or insane persons, or incompetent persons, or estates of deceased persons, then the legal representatives of such minors, insane persons, incompetent persons, or estates shall have power, by and with the consent and approval of the trial judge in whose court said matter is for determination, to consent to or reject the awards of the commissioners herein provided for, and in the event that there be no legal representatives, or that the legal representatives for such minors, insane persons, or incompetent persons shall fail or decline to act, then such trial judge may, upon motion, appoint a guardian ad litem to act for such minors, insane persons, or incompetent persons, and such guardian ad litem shall act to the full extent and to the same purpose and effect as his ward could act, if competent, and such guardian ad litem shall be deemed to have full power and authority to respond, to conduct, or to maintain any proceeding herein provided for affecting his said ward.

Property of persons legally incompetent.

SEC. 26. The net proceeds derived by the board from the sale of power and any of the products manufactured by the Corporation, after deducting the cost of operation, maintenance, depreciation, amortization, and an amount deemed by the board as necessary to withhold as operating capital, or devoted by the board to new construction, shall be paid into the Treasury of the United States at the end of each calendar year.

Net proceeds from sale of power, etc., covered in.

SEC. 27. All appropriations necessary to carry out the provisions of this Act are hereby authorized.

Appropriations authorized. Post, p. 275.

SEC. 28. That all Acts or parts of Acts in conflict herewith are hereby repealed, so far as they affect the operations contemplated by this Act.

Conflicting laws, e.c., repealed.

Right to amend, etc., reserved.
Not to impair contracts.

SEC. 29. The right to alter, amend, or repeal this Act is hereby expressly declared and reserved, but no such amendment or repeal shall operate to impair the obligation of any contract made by said Corporation under any power conferred by this Act.

Separability provisions.

SEC. 30. The sections of this Act are hereby declared to be separable, and in the event any one or more sections of this Act be held to be unconstitutional, the same shall not affect the validity of other sections of this Act.

Approved, May 18, 1933.

[CHAPTER 33.]

AN ACT

May 18, 1933.

[S. 7.]

[Public, No. 18.]

Providing for the suspension of annual assessment work on mining claims held by location in the United States and Alaska.

Public lands.
Mining claims assessments suspended for fiscal year 1933.
R.S., sec. 2324, p. 426.
U.S.C., p. 955.

Alaska included.

Provisos.
Claimant paying income tax excluded.
Notice of retaining claim to be filed.

Income tax exemption to be stated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than \$100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States, including Alaska, during the year beginning at 12 o'clock meridian July 1, 1932, and ending at 12 o'clock meridian July 1, 1933: *Provided,* That the provisions of this Act shall not apply in the case of any claimant not entitled to exemption from the payment of a Federal income tax for the taxable year 1932: *Provided further,* That every claimant of any such mining claim, in order to obtain the benefits of this Act, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock meridian, July 1, 1933, a notice of his desire to hold said mining claim under this Act, which notice shall state that the claimant, or claimants, were entitled to exemption from the payment of a Federal income tax for the taxable year 1932.

Approved, May 18, 1933.

[CHAPTER 34.]

AN ACT

May 20, 1933.

[S. 1410.]

[Public, No. 19.]

To amend section 207 of the Bank Conservation Act with respect to bank reorganizations.

Bank Conservation Act amendment.
Amte., p. 3.
Substitution, in section 207, of term "bank" for "national banking association."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207 of the Bank Conservation Act is amended by striking out "national banking association" wherever it appears therein and inserting in lieu thereof the word "bank."

Approved, May 20, 1933.

[CHAPTER 35.]

AN ACT

May 20, 1933.

[S. 1415.]

[Public, No. 20.]

To amend sections 5200 and 5202 of the Revised Statutes, as amended, to remove the limitations on national banks in certain cases.

National banks.
R.S., sec. 5200, p. 1005; U.S.C., p. 264.
Vol. 43, p. 267; Vol. 44, p. 1231.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5200 of the Revised Statutes, as amended, is amended by adding at the end thereof the following new paragraph:

“(9) Obligations representing loans to any national banking association or to any banking institution organized under the laws of any State, or to any receiver, conservator, or superintendent of banks, or to any other agent, in charge of the business and property of any such association or banking institution, when such loans are approved by the Comptroller of the Currency, shall not be subject under this section to any limitation based upon such capital and surplus.”

Removal of limitations on loans in certain cases.

SEC. 2. Section 5202 of the Revised Statutes, as amended, is amended by adding at the end thereof the following new paragraph:

“Ninth. Liabilities incurred on account of loans made with the express approval of the Comptroller of the Currency under paragraph (9) of section 5200 of the Revised Statutes, as amended.”

Limit upon indebtedness of national banks.
Vol. 41, p. 297.
R.S., sec. 5202, p. 1006; U.S.C., p. 264.
Additional exception.
Liabilities from loans approved by Comptroller.

Approved, May 20, 1933.

[CHAPTER 36.]

JOINT RESOLUTION

Designating May 22 as National Maritime Day.

Whereas on May 22, 1819, the steamship *The Savannah* set sail from Savannah, Georgia, on the first successful transoceanic voyage under steam propulsion, thus making a material contribution to the advancement of ocean transportation: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 22 of each year shall hereafter be designated and known as National Maritime Day, and the President is authorized and requested annually to issue a proclamation calling upon the people of the United States to observe such National Maritime Day by displaying the flag at their homes or other suitable places and Government officials to display the flag on all Government buildings on May 22 of each year.

Approved, May 20, 1933.

May 20, 1933.
[S.J. Res. 50.]
[Pub. Res., No. 7.]
National Maritime Day.
Preamble.

May 22 of each year to be known as.
Annual proclamation to issue
Post, pp. 1696, 1742.
Display of flag.

[CHAPTER 37.]

AN ACT

To confer the degree of bachelor of science upon graduates of the Naval, the Military, and the Coast Guard Academies.

May 25, 1933.
[S. 753.]
[Public, No. 21.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the superintendents of the United States Naval Academy, the United States Military Academy, and the United States Coast Guard Academy may, under such rules and regulations as the Secretary of the Navy, the Secretary of War, and the Secretary of the Treasury may prescribe, confer the degree of bachelor of science upon all graduates of their respective academies, from and after the date of the accrediting of said academies by the Association of American Universities.

Naval, Military and Coast Guard Academies.
Degree conferred upon graduates of.

Approved, May 25, 1933.

[CHAPTER 38.]

AN ACT

May 27, 1933.
[H. R. 5480.]
[Public, No. 22.]

To provide full and fair disclosure of the character of securities sold in interstate and foreign commerce and through the mails, and to prevent frauds in the sale thereof, and for other purposes.

Securities Act of 1933.
Post, p. 1026.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SHORT TITLE

Title cited.

SECTION 1. This title may be cited as the "Securities Act of 1933".

DEFINITIONS

Definitions.

SEC. 2. When used in this title, unless the context otherwise requires—

"Security."
Post, p. 905.

(1) The term "security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of interest in property, tangible or intangible, or, in general, any instrument commonly known as a security, or any certificate of interest or participation in, temporary or interim certificate for, receipt for, or warrant or right to subscribe to or purchase, any of the foregoing.

"Person."

(2) The term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust, any unincorporated organization, or a government or political subdivision thereof. As used in this paragraph the term "trust" shall include only a trust where the interest or interests of the beneficiary or beneficiaries are evidenced by a security.

"Trust."

"Sale," etc.

(3) The term "sale", "sell", "offer to sell", or "offer for sale" shall include every contract of sale or disposition of, attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security, for value; except that such terms shall not include preliminary negotiations or agreements between an issuer and any underwriter. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. The issue or transfer of a right or privilege, when originally issued or transferred with a security, giving the holder of such security the right to convert such security into another security of the same issuer or of another person, or giving a right to subscribe to another security of the same issuer or of another person, which right cannot be exercised until some future date, shall not be deemed to be a sale of such other security; but the issue or transfer of such other security upon the exercise of such right of conversion or subscription shall be deemed a sale of such other security.

Preliminaries not included.

Security given with purchase considered part of subject.

Issue of security with right to convert.

When conversion right exercised.

"Issuer."

(4) The term "issuer" means every person who issues or proposes to issue any security or who guarantees a security either as to principal or income; except that with respect to certificates of deposit, voting-trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type, the

term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which such securities are issued; and except that with respect to equipment-trust certificates or like securities, the term "issuer" means the person by whom the equipment or property is or is to be used.

Equipment-trust securities.

(5) The term "Commission" means the Federal Trade Commission.

"Commission."

(6) The term "Territory" means Alaska, Hawaii, Puerto Rico, the Philippine Islands, Canal Zone, the Virgin Islands, and the insular possessions of the United States.

"Territory."

(7) The term "interstate commerce" means trade or commerce in securities or any transportation or communication relating thereto among the several States or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia.

"Interstate commerce."

(8) The term "registration statement" means the statement provided for in section 6, and includes any amendment thereto and any report, document, or memorandum accompanying such statement or incorporated therein by reference.

"Registration statement,"
Post, p. 78.

(9) The term "write" or "written" shall include printed, lithographed, or any means of graphic communication.

"Write" or "written."

(10) The term "prospectus" means any prospectus, notice, circular, advertisement, letter, or communication, written or by radio, which offers any security for sale; except that (a) a communication shall not be deemed a prospectus if it is proved that prior to such communication a written prospectus meeting the requirements of section 10 was received, by the person to whom the communication was made, from the person making such communication or his principal, and (b) a notice, circular, advertisement, letter, or communication in respect of a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of section 10 may be obtained and, in addition, does no more than identify the security, state the price thereof, and state by whom orders will be executed.

"Prospectus."

Exceptions.

Post, pp. 81, 905.

(11) The term "underwriter" means any person who has purchased from an issuer with a view to, or sells for an issuer in connection with, the distribution of any security, or participates or has a direct or indirect participation in any such undertaking, or participates or has a participation in the direct or indirect underwriting of any such undertaking; but such term shall not include a person whose interest is limited to a commission from an underwriter or dealer not in excess of the usual and customary distributors' or sellers' commission. As used in this paragraph the term "issuer" shall include, in addition to an issuer, any person directly or indirectly controlling or controlled by the issuer, or any person under direct or indirect common control with the issuer.

"Underwriter."

Persons not included.

"Issuer."

(12) The term "dealer" means any person who engages either for all or part of his time, directly or indirectly, as agent, broker, or principal, in the business of offering, buying, selling, or otherwise dealing or trading in securities issued by another person.

"Dealer."

EXEMPTED SECURITIES

SEC. 3. (a) Except as hereinafter expressly provided, the provisions of this title shall not apply to any of the following classes of securities:

Exempted securities.

- Prior sale.
- New offering excluded.
- Securities guaranteed by United States, State, or political subdivision, etc.
Post, p. 906.
- Government corporations.
- National, etc., banks.
- Federal reserve bank obligations.
- Current transactions.
- Short-term paper.
- Religious, etc., organizations.
Post, p. 906.
- Building and loan associations, etc., where business substantially confined to members.
- Exception.
- Farmers' cooperatives.
Vol. 47, pp. 193, 194.
- Common carriers.
Vol. 41, p. 494.
U.S.C., p. 1670.
- Certificates in bankruptcy proceedings.
- Annuity contracts, etc.
Post, p. 906.
- Additional classes permitted.
- (1) Any security which, prior to or within sixty days after the enactment of this title, has been sold or disposed of by the issuer or bona fide offered to the public, but this exemption shall not apply to any new offering of any such security by an issuer or underwriter subsequent to such sixty days;
- (2) Any security issued or guaranteed by the United States or any Territory thereof, or by the District of Columbia, or by any State of the United States, or by any political subdivision of a State or Territory, or by any public instrumentality of one or more States or Territories exercising an essential governmental function, or by any corporation created and controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States, or by any national bank, or by any banking institution organized under the laws of any State or Territory, the business of which is substantially confined to banking and is supervised by the State or territorial banking commission or similar official; or any security issued by or representing an interest in or a direct obligation of a Federal reserve bank;
- (3) Any note, draft, bill of exchange, or banker's acceptance which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which has a maturity at the time of issuance of not exceeding nine months, exclusive of days of grace, or any renewal thereof the maturity of which is likewise limited;
- (4) Any security issued by a corporation organized and operated exclusively for religious, educational, benevolent, fraternal, charitable, or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any person, private stockholder, or individual;
- (5) Any security issued by a building and loan association, homestead association, savings and loan association, or similar institution, substantially all the business of which is confined to the making of loans to members (but the foregoing exemption shall not apply with respect to any such security where the issuer takes from the total amount paid or deposited by the purchaser, by way of any fee, cash value or other device whatsoever, either upon termination of the investment at maturity or before maturity, an aggregate amount in excess of 3 per centum of the face value of such security), or any security issued by a farmers' cooperative association as defined in paragraphs (12), (13), and (14) of section 103 of the Revenue Act of 1932;
- (6) Any security issued by a common carrier which is subject to the provisions of section 20a of the Interstate Commerce Act, as amended;
- (7) Certificates issued by a receiver or by a trustee in bankruptcy, with the approval of the court;
- (8) Any insurance or endowment policy or annuity contract or optional annuity contract, issued by a corporation subject to the supervision of the insurance commissioner, bank commissioner, or any agency or officer performing like functions, of any State or Territory of the United States or the District of Columbia.
- (b) The Commission may from time to time by its rules and regulations, and subject to such terms and conditions as may be prescribed therein, add any class of securities to the securities exempted as provided in this section, if it finds that the enforcement of this title with respect to such securities is not necessary in the public interest and for the protection of investors by reason of the small amount

involved or the limited character of the public offering; but no issue of securities shall be exempted under this subsection where the aggregate amount at which such issue is offered to the public exceeds \$100,000.

Restriction.

EXEMPTED TRANSACTIONS

SEC. 4. The provisions of section 5 shall not apply to any of the following transactions:

Exempted transactions.

(1) Transactions by any person other than an issuer, underwriter, or dealer; transactions by an issuer not with or through an underwriter and not involving any public offering; or transactions by a dealer (including an underwriter no longer acting as an underwriter in respect of the security involved in such transaction), except transactions within one year after the last date upon which the security was bona fide offered to the public by the issuer or by or through an underwriter (excluding in the computation of such year any time during which a stop order issued under section 8 is in effect as to the security), and except transactions as to securities constituting the whole or a part of an unsold allotment to or subscription by such dealer as a participant in the distribution of such securities by the issuer or by or through an underwriter.

By individuals.
Post, p. 906.

Post, p. 79.

(2) Brokers' transactions, executed upon customers' orders on any exchange or in the open or counter market, but not the solicitation of such orders.

Brokers' transactions.

(3) The issuance of a security of a person exchanged by it with its existing security holders exclusively, where no commission or other remuneration is paid or given directly or indirectly in connection with such exchange; or the issuance of securities to the existing security holders or other existing creditors of a corporation in the process of a bona fide reorganization of such corporation under the supervision of any court, either in exchange for the securities of such security holders or claims of such creditors or partly for cash and partly in exchange for the securities or claims of such security holders or creditors.

Issuance of securities to existing security holders, creditors, etc.

PROHIBITIONS RELATING TO INTERSTATE COMMERCE AND THE MAILS

SEC. 5. (a) Unless a registration statement is in effect as to a security, it shall be unlawful for any person, directly or indirectly—

Prohibitions relating to interstate commerce and the mails.

(1) to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell or offer to buy such security through the use or medium of any prospectus or otherwise; or

Transmission of broker's prospectus, etc.

(2) to carry or cause to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale.

Transporting such security for sale or delivery after sale.

(b) It shall be unlawful for any person, directly or indirectly—

Unlawful to transmit.

(1) to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to carry or transmit any prospectus relating to any security registered under this title, unless such prospectus meets the requirements of section 10; or

Prospectus relating to registered security.

Post, p. 81.

(2) to carry or to cause to be carried through the mails or in interstate commerce any such security for the purpose of sale or for delivery after sale, unless accompanied or preceded by a prospectus that meets the requirements of section 10.

Security.

(c) The provisions of this section relating to the use of the mails shall not apply to the sale of any security where the issue of which

Intrastate sales excluded.
Post, p. 906.

it is a part is sold only to persons resident within a single State or Territory, where the issuer of such securities is a person resident and doing business within, or, if a corporation, incorporated by and doing business within, such State or Territory.

REGISTRATION OF SECURITIES AND SIGNING OF REGISTRATION STATEMENT

Registration of securities and signing of registration statement.

Foreign or Territorial person.

Security of foreign governments.

Signatures.

Unauthorized signing.

Filing fee.

Registration statement effective on filing, etc.

Availability of registration information.

Not operative first 40 days.

SEC. 6. (a) Any security may be registered with the Commission under the terms and conditions hereinafter provided, by filing a registration statement in triplicate, at least one of which shall be signed by each issuer, its principal executive officer or officers, its principal financial officer, its comptroller or principal accounting officer, and the majority of its board of directors or persons performing similar functions (or, if there is no board of directors or persons performing similar functions, by the majority of the persons or board having the power of management of the issuer), and in case the issuer is a foreign or Territorial person by its duly authorized representative in the United States; except that when such registration statement relates to a security issued by a foreign government, or political subdivision thereof, it need be signed only by the underwriter of such security. Signatures of all such persons when written on the said registration statements shall be presumed to have been so written by authority of the person whose signature is so affixed and the burden of proof, in the event such authority shall be denied, shall be upon the party denying the same. The affixing of any signature without the authority of the purported signer shall constitute a violation of this title. A registration statement shall be deemed effective only as to the securities specified therein as proposed to be offered.

(b) At the time of filing a registration statement the applicant shall pay to the Commission a fee of one one-hundredth of 1 per centum of the maximum aggregate price at which such securities are proposed to be offered, but in no case shall such fee be less than \$25.

(c) The filing with the Commission of a registration statement, or of an amendment to a registration statement, shall be deemed to have taken place upon the receipt thereof, but the filing of a registration statement shall not be deemed to have taken place unless it is accompanied by a United States postal money order or a certified bank check or cash for the amount of the fee required under subsection (b).

(d) The information contained in or filed with any registration statement shall be made available to the public under such regulations as the Commission may prescribe, and copies thereof, photostatic or otherwise, shall be furnished to every applicant at such reasonable charge as the Commission may prescribe.

(e) No registration statement may be filed within the first forty days following the enactment of this Act.

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Information required: Schedules.

Post, p. 88.

Foreign government securities.

Post, p. 91.

Optional, in certain classes.

SEC. 7. The registration statement, when relating to a security other than a security issued by a foreign government, or political subdivision thereof, shall contain the information, and be accompanied by the documents, specified in Schedule A, and when relating to a security issued by a foreign government, or political subdivision thereof, shall contain the information, and be accompanied by the documents, specified in Schedule B; except that the Commission may by rules or regulations provide that any such information or document need not be included in respect of any class of issuers or securities if it finds that the requirement of such information or document is inapplicable to such class and that disclosure fully adequate for the protection of investors is otherwise required to be

included within the registration statement. If any accountant, engineer, or appraiser, or any person whose profession gives authority to a statement made by him, is named as having prepared or certified any part of the registration statement, or is named as having prepared or certified a report or valuation for use in connection with the registration statement, the written consent of such person shall be filed with the registration statement. If any such person is named as having prepared or certified a report or valuation (other than a public official document or statement) which is used in connection with the registration statement, but is not named as having prepared or certified such report or valuation for use in connection with the registration statement, the written consent of such person shall be filed with the registration statement unless the Commission dispenses with such filing as impracticable or as involving undue hardship on the person filing the registration statement. Any such registration statement shall contain such other information, and be accompanied by such other documents, as the Commission may by rules or regulations require as being necessary or appropriate in the public interest or for the protection of investors.

Professional statements.

Written consent to use, required.

Additional information, etc.

TAKING EFFECT OF REGISTRATION STATEMENTS AND AMENDMENTS THERETO

Registration statements and amendments thereto.

SEC. 8. (a) The effective date of a registration statement shall be the twentieth day after the filing thereof, except as hereinafter provided, and except that in case of securities of any foreign public authority, which has continued the full service of its obligations in the United States, the proceeds of which are to be devoted to the refunding of obligations payable in the United States, the registration statement shall become effective seven days after the filing thereof. If any amendment to any such statement is filed prior to the effective date of such statement, the registration statement shall be deemed to have been filed when such amendment was filed; except that an amendment filed with the consent of the Commission, prior to the effective date of the registration statement, or filed pursuant to an order of the Commission, shall be treated as a part of the registration statement.

Effective date.

Foreign securities.

(b) If it appears to the Commission that a registration statement is on its face incomplete or inaccurate in any material respect, the Commission may, after notice by personal service or the sending of confirmed telegraphic notice not later than ten days after the filing of the registration statement, and opportunity for hearing (at a time fixed by the Commission) within ten days after such notice by personal service or the sending of such telegraphic notice, issue an order prior to the effective date of registration refusing to permit such statement to become effective until it has been amended in accordance with such order. When such statement has been amended in accordance with such order the Commission shall so declare and the registration shall become effective at the time provided in subsection (a) or upon the date of such declaration, whichever date is the later.

Incomplete or inaccurate statements.

Opportunity to amend.

Effective date of amended statement.

(c) An amendment filed after the effective date of the registration statement, if such amendment, upon its face, appears to the Commission not to be incomplete or inaccurate in any material respect, shall become effective on such date as the Commission may determine, having due regard to the public interest and the protection of investors.

Amendment filed after effective date.

Determination of date, if not defective.

(d) If it appears to the Commission at any time that the registration statement includes any untrue statement of a material fact or

Stop order provisions.

omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, the Commission may, after notice by personal service or the sending of confirmed telegraphic notice, and after opportunity for hearing (at a time fixed by the Commission) within fifteen days after such notice by personal service or the sending of such telegraphic notice, issue a stop order suspending the effectiveness of the registration statement. When such statement has been amended in accordance with such stop order the Commission shall so declare and thereupon the stop order shall cease to be effective.

Notice.

Investigations a u -
thorized.
Powers of Commis-
sion.

(e) The Commission is hereby empowered to make an examination in any case in order to determine whether a stop order should issue under subsection (d). In making such examination the Commission or any officer or officers designated by it shall have access to and may demand the production of any books and papers of, and may administer oaths and affirmations to and examine, the issuer, underwriter, or any other person, in respect of any matter relevant to the examination, and may, in its discretion, require the production of a balance sheet exhibiting the assets and liabilities of the issuer, or its income statement, or both, to be certified to by a public or certified accountant approved by the Commission. If the issuer or underwriter shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of a stop order.

Grounds for issuance
of stop order.

Service of notice.

(f) Any notice required under this section shall be sent to or served on the issuer, or, in case of a foreign government or political subdivision thereof, to or on the underwriter, or, in the case of a foreign or Territorial person, to or on its duly authorized representative in the United States named in the registration statement, properly directed in each case of telegraphic notice to the address given in such statement.

Court review of Com-
mission's orders.

COURT REVIEW OF ORDERS

Petition allowed to
appropriate circuit
court of appeals, etc.

SEC. 9. (a) Any person aggrieved by an order of the Commission may obtain a review of such order in the Circuit Court of Appeals of the United States, within any circuit wherein such person resides or has his principal place of business, or in the Court of Appeals of the District of Columbia, by filing in such court, within sixty days after the entry of such order, a written petition praying that the order of the Commission be modified or be set aside in whole or in part. A copy of such petition shall be forthwith served upon the Commission, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the order complained of was entered. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission. The finding of the Commission as to the facts, if supported by evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by evidence, shall be conclu-

Copy thereof to Com-
mission.

Proceedings and evi-
dence.

sive, and its recommendation, if any, for the modification or setting aside of the original order. The jurisdiction of the court shall be exclusive and its judgment and decree, affirming, modifying, or setting aside, in whole or in part, any order of the Commission, shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 346 and 347).

(b) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

INFORMATION REQUIRED IN PROSPECTUS

SEC. 10. (a) A prospectus—

(1) when relating to a security other than a security issued by a foreign government or political subdivision thereof, shall contain the same statements made in the registration statement, but it need not include the documents referred to in paragraphs (28) to (32), inclusive, of Schedule A;

(2) when relating to a security issued by a foreign government or political subdivision thereof shall contain the same statements made in the registration statement, but it need not include the documents referred to in paragraphs (13) and (14) of Schedule B.

(b) Notwithstanding the provisions of subsection (a)—

(1) when a prospectus is used more than thirteen months after the effective date of the registration statement, the information in the statements contained therein shall be as of a date not more than twelve months prior to such use.

(2) there may be omitted from any prospectus any of the statements required under such subsection (a) which the Commission may by rules or regulations designate as not being necessary or appropriate in the public interest or for the protection of investors.

(3) any prospectus shall contain such other information as the Commission may by rules or regulations require as being necessary or appropriate in the public interest or for the protection of investors.

(4) in the exercise of its powers under paragraphs (2) and (3) of this subsection, the Commission shall have authority to classify prospectuses according to the nature and circumstances of their use, and, by rules and regulations and subject to such terms and conditions as it shall specify therein, to prescribe as to each class the form and contents which it may find appropriate to such use and consistent with the public interest and the protection of investors.

(c) The statements or information required to be included in a prospectus by or under authority of subsection (a) or (b), when written, shall be placed in a conspicuous part of the prospectus in type as large as that used generally in the body of the prospectus.

(d) In any case where a prospectus consists of a radio broadcast, copies thereof shall be filed with the Commission under such rules and regulations as it shall prescribe. The Commission may by rules and regulations require the filing with it of forms of prospectuses used in connection with the sale of securities registered under this title.

Jurisdiction of court.

Certiorari to Supreme Court.

U.S.C., p. 906.

Commission's order not stayed.

Information required in prospectus.

Domestic securities.

Post, p. 91.

Foreign government, etc., securities.

Post, p. 92.

Statement in prospectus used more than 13 months.

Post, p. 906.

Statements that may be omitted.

Additional information required.

Classification of prospectuses.

Regulations governing form, etc., of classes.

Printing requirement.

Radio broadcasts. Copies to be filed.

CIVIL LIABILITIES ON ACCOUNT OF FALSE REGISTRATION STATEMENT

Civil liabilities for false registration statement.

Post, p. 907.

SEC. 11. (a) In case any part of the registration statement, when such part became effective, contained an untrue statement of a material fact or omitted to state a material fact required to be stated therein or necessary to make the statements therein not misleading, any person acquiring such security (unless it is proved that at the time of such acquisition he knew of such untruth or omission) may, either at law or in equity, in any court of competent jurisdiction, sue—

Responsibility of signator.
Director, partner, etc.

(1) every person who signed the registration statement;
(2) every person who was a director of (or person performing similar functions) or partner in, the issuer at the time of the filing of the part of the registration statement with respect to which his liability is asserted;

Prospective director, partner, etc.

(3) every person who, with his consent, is named in the registration statement as being or about to become a director, person performing similar functions, or partner;

Accountant's, etc., statements.

(4) every accountant, engineer, or appraiser, or any person whose profession gives authority to a statement made by him, who has with his consent been named as having prepared or certified any part of the registration statement, or as having prepared or certified any report or valuation which is used in connection with the registration statement, with respect to the statement in such registration statement, report, or valuation, which purports to have been prepared or certified by him;

Underwriter to such security.

Exemption, if burden of proof sustained.

(5) every underwriter with respect to such security.

(b) Notwithstanding the provisions of subsection (a) no person, other than the issuer, shall be liable as provided therein who shall sustain the burden of proof—

Resignation, etc., before effective date of statement.

(1) that before the effective date of the part of the registration statement with respect to which his liability is asserted (A) he had resigned from or had taken such steps as are permitted by law to resign from, or ceased or refused to act in, every office, capacity, or relationship in which he was described in the registration statement as acting or agreeing to act, and (B) he had advised the Commission and the issuer in writing that he had taken such action and that he would not be responsible for such part of the registration statement; or

Notification to Commission, etc., accordingly.

(2) that if such part of the registration statement became effective without his knowledge, upon becoming aware of such fact he forthwith acted and advised the Commission, in accordance with paragraph (1), and, in addition, gave reasonable public notice that such part of the registration statement had become effective without his knowledge; or

Advised commission of false statement.

Public notice, additional.

(3) that (A) as regards any part of the registration statement not purporting to be made on the authority of an expert, and not purporting to be a copy of or extract from a report or valuation of an expert, and not purporting to be made on the authority of a public official document or statement, he had, after reasonable investigation, reasonable ground to believe and did believe, at the time such part of the registration statement became effective, that the statements therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading; and (B) as regards any part of the registration statement purporting to be made upon his authority as an expert or purporting to be a copy of or extract from a report or valuation of himself as an expert, (i) he had, after reasonable

Belief in probity of statements, not expert, etc.

No material fact omitted.

Statement made as expert true.

investigation, reasonable ground to believe and did believe, at the time such part of the registration statement became effective, that the statements therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, or (ii) such part of the registration statement did not fairly represent his statement as an expert or was not a fair copy of or extract from his report or valuation as an expert; and (C) as regards any part of the registration statement purporting to be made on the authority of an expert (other than himself) or purporting to be a copy of or extract from a report or valuation of an expert (other than himself), he had reasonable ground to believe and did believe, at the time such part of the registration statement became effective, that the statements therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, and that such part of the registration statement fairly represented the statement of the expert or was a fair copy of or extract from the report or valuation of the expert; and (D) as regards any part of the registration statement purporting to be a statement made by an official person or purporting to be a copy of or extract from a public official document, he had reasonable ground to believe and did believe, at the time such part of the registration statement became effective, that the statements therein were true, and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, and that such part of the registration statement fairly represented the statement made by the official person or was a fair copy of or extract from the public official document.

No omitted nor misleading statements.

Registration statement at variance, etc

Statement of expert (other than himself).
Post, p. 907.

Public officials or documents.
Post, p. 907.

(c) In determining, for the purpose of paragraph (3) of subsection (b) of this section, what constitutes reasonable investigation and reasonable ground for belief, the standard of reasonableness shall be that required of a person occupying a fiduciary relationship.

Reasonable investigation or ground for belief.
Post, p. 907.

(d) If any person becomes an underwriter with respect to the security after the part of the registration statement with respect to which his liability is asserted has become effective, then for the purposes of paragraph (3) of subsection (b) of this section such part of the registration statement shall be considered as having become effective with respect to such person as of the time when he became an underwriter.

Becoming underwriter after liability attaches.

(e) The suit authorized under subsection (a) may be either (1) to recover the consideration paid for such security with interest thereon, less the amount of any income received thereon, upon the tender of such security, or (2) for damages if the person suing no longer owns the security.

Suits authorized herein.
Security payment.
Post, p. 907.

Damages.

(f) All or any one or more of the persons specified in subsection (a) shall be jointly and severally liable, and every person who becomes liable to make any payment under this section may recover contribution as in cases of contract from any person who, if sued separately, would have been liable to make the same payment, unless the person who has become liable was, and the other was not, guilty of fraudulent misrepresentation.

Liability, joint and several.

Contribution.

Exception.

(g) In no case shall the amount recoverable under this section exceed the price at which the security was offered to the public.

Recovery limitation.

Civil liabilities connected with prospectuses and communications.

Sales through interstate commerce and mails.

Ante, p. 77.
Through false prospectuses, etc.
Ante, p. 75.

CIVIL LIABILITIES ARISING IN CONNECTION WITH PROSPECTUSES AND COMMUNICATIONS

SEC. 12. Any person who—

(1) sells a security in violation of section 5, or

(2) sells a security (whether or not exempted by the provisions of section 3, other than paragraph (2) of subsection (a) thereof), by the use of any means or instruments of transportation or communication in interstate commerce or of the mails, by means of a prospectus or oral communication, which includes an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements, in the light of the circumstances under which they were made, not misleading (the purchaser not knowing of such untruth or omission), and who shall not sustain the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of such untruth or omission,

Recovery by purchaser.

shall be liable to the person purchasing such security from him, who may sue either at law or in equity in any court of competent jurisdiction, to recover the consideration paid for such security with interest thereon, less the amount of any income received thereon, upon the tender of such security, or for damages if he no longer owns the security.

LIMITATION OF ACTIONS

Limitation of actions.

Post, p. 908.

SEC. 13. No action shall be maintained to enforce any liability created under section 11 or section 12 (2) unless brought within two years after the discovery of the untrue statement or the omission, or after such discovery should have been made by the exercise of reasonable diligence, or, if the action is to enforce a liability created under section 12 (1), unless brought within two years after the violation upon which it is based. In no event shall any such action be brought to enforce a liability created under section 11 or section 12 (1) more than ten years after the security was bona fide offered to the public.

CONTRARY STIPULATIONS VOID

Contrary stipulations void.

SEC. 14. Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of this title or of the rules and regulations of the Commission shall be void.

LIABILITY OF CONTROLLING PERSONS

Liability of controlling persons.

Post, p. 908.

SEC. 15. Every person who, by or through stock ownership, agency, or otherwise, or who, pursuant to or in connection with an agreement or understanding with one or more other persons by or through stock ownership, agency, or otherwise, controls any person liable under section 11 or 12, shall also be liable jointly and severally with and to the same extent as such controlled person to any person to whom such controlled person is liable.

ADDITIONAL REMEDIES

Remedies to be additional to existing rights, etc.

SEC. 16. The rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity.

FRAUDULENT INTERSTATE TRANSACTIONS

Fraudulent interstate transactions.

SEC. 17. (a) It shall be unlawful for any person in the sale of any securities by the use of any means or instruments of transportation

or communication in interstate commerce or by the use of the mails, directly or indirectly—

- (1) to employ any device, scheme, or artifice to defraud, or
- (2) to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or
- (3) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

Unlawful practices, transactions, etc., in sale of securities.

(b) It shall be unlawful for any person, by the use of any means or instruments of transportation or communication in interstate commerce or by the use of the mails, to publish, give publicity to, or circulate any notice, circular, advertisement, newspaper, article, letter, investment service, or communication which, though not purporting to offer a security for sale, describes such security for a consideration received or to be received, directly or indirectly, from an issuer, underwriter, or dealer, without fully disclosing the receipt, whether past or prospective, of such consideration and the amount thereof.

Unlawful advertisement of securities.

Receipt of consideration and amount to be disclosed.

(c) The exemptions provided in section 3 shall not apply to the provisions of this section.

Exempted securities, *Ante*, p. 75.

STATE CONTROL OF SECURITIES

SEC. 18. Nothing in this title shall affect the jurisdiction of the securities commission (or any agency or office performing like functions) of any State or Territory of the United States, or the District of Columbia, over any security or any person.

State control of securities.

Jurisdiction of commissions.

SPECIAL POWERS OF COMMISSION

SEC. 19. (a) The Commission shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this title, including rules and regulations governing registration statements and prospectuses for various classes of securities and issuers, and defining accounting and trade terms used in this title. Among other things, the Commission shall have authority, for the purposes of this title, to prescribe the form or forms in which required information shall be set forth, the items or details to be shown in the balance sheet and earning statement, and the methods to be followed in the preparation of accounts, in the appraisal or valuation of assets and liabilities, in the determination of depreciation and depletion, in the differentiation of recurring and nonrecurring income, in the differentiation of investment and operating income, and in the preparation, where the Commission deems it necessary or desirable, of consolidated balance sheets or income accounts of any person directly or indirectly controlling or controlled by the issuer, or any person under direct or indirect common control with the issuer; but insofar as they relate to any common carrier subject to the provisions of section 20 of the Interstate Commerce Act, as amended, the rules and regulations of the Commission with respect to accounts shall not be inconsistent with the requirements imposed by the Interstate Commerce Commission under authority of such section 20. The rules and regulations of the Commission shall be effective upon publication in the manner which the Commission shall prescribe.

Special powers of Commission.

Prescribe regulations, *Post*, p. 908.

Registration statements and prospectuses.

Prescribe forms.

Preparation of accounts, appraising, etc.

Common carrier.

Rules affecting, *Vol. 24, p. 386; U.S.C., p. 1668.*

Rules effective on publication.

(b) For the purpose of all investigations which, in the opinion of the Commission, are necessary and proper for the enforcement of this title, any member of the Commission or any officer or officers

Power to summon witnesses, production of books, etc.

designated by it are empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books, papers, or other documents which the Commission deems relevant or material to the inquiry. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States or any Territory at any designated place of hearing.

INJUNCTIONS AND PROSECUTION OF OFFENSES

Injunctions and prosecution of offenses.

Investigations authorized.

SEC. 20. (a) Whenever it shall appear to the Commission, either upon complaint or otherwise, that the provisions of this title, or of any rule or regulation prescribed under authority thereof, have been or are about to be violated, it may, in its discretion, either require or permit such person to file with it a statement in writing, under oath, or otherwise, as to all the facts and circumstances concerning the subject matter which it believes to be in the public interest to investigate, and may investigate such facts.

Injunctions.

(b) Whenever it shall appear to the Commission that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this title, or of any rule or regulation prescribed under authority thereof, it may in its discretion, bring an action in any district court of the United States, United States court of any Territory, or the Supreme Court of the District of Columbia to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices to the Attorney General who may, in his discretion, institute the necessary criminal proceedings under this title. Any such criminal proceeding may be brought either in the district wherein the transmittal of the prospectus or security complained of begins, or in the district wherein such prospectus or security is received.

Evidence to Attorney General.

Venue.

Jurisdiction of district court to issue writs of mandamus.

(c) Upon application of the Commission the district courts of the United States, the United States courts of any Territory, and the Supreme Court of the District of Columbia, shall also have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this title or any order of the Commission made in pursuance thereof.

HEARINGS BY COMMISSION

Hearings by Commission.

SEC. 21. All hearings shall be public and may be held before the Commission or an officer or officers of the Commission designated by it, and appropriate records thereof shall be kept.

JURISDICTION OF OFFENSES AND SUITS

Jurisdiction of offenses and suits.

SEC. 22. (a) The district courts of the United States, the United States courts of any Territory, and the Supreme Court of the District of Columbia shall have jurisdiction of offenses and violations under this title and under the rules and regulations promulgated by the Commission in respect thereto, and, concurrent with State and Territorial courts, of all suits in equity and actions at law brought to enforce any liability or duty created by this title. Any such suit or action may be brought in the district wherein the defendant is found or is an inhabitant or transacts business, or in the district where the sale took place, if the defendant participated therein, and process in such cases may be served in any other district of which the defendant

Service of process.

is an inhabitant or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 128 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 225 and 347). No case arising under this title and brought in any State court of competent jurisdiction shall be removed to any court of the United States. No costs shall be assessed for or against the Commission in any proceeding under this title brought by or against it in the Supreme Court or such other courts.

Judgment subject to review.
Vol. 36, pp. 1133, 1157.
U.S.C., pp. 895, 906.

No court assessments against Commission.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any of the said United States courts, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides, upon application by the Commission may issue to such person an order requiring such person to appear before the Commission, or one of its examiners designated by it, there to produce documentary evidence if so ordered, or there to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Punishment for disobeying subpoena, etc.

(c) No person shall be excused from attending and testifying or from producing books, papers, contracts, agreements, and other documents before the Commission, or in obedience to the subpoena of the Commission or any member thereof or any officer designated by it, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

No person excused from testifying, etc.

Personal immunity.

Perjury.

UNLAWFUL REPRESENTATIONS

SEC. 23. Neither the fact that the registration statement for a security has been filed or is in effect nor the fact that a stop order is not in effect with respect thereto shall be deemed a finding by the Commission that the registration statement is true and accurate on its face or that it does not contain an untrue statement of fact or omit to state a material fact, or be held to mean that the Commission has in any way passed upon the merits of, or given approval to, such security. It shall be unlawful to make, or cause to be made, to any prospective purchaser any representation contrary to the foregoing provisions of this section.

Unlawful representations.

PENALTIES

SEC. 24. Any person who willfully violates any of the provisions of this title, or the rules and regulations promulgated by the Commission under authority thereof, or any person who willfully, in a registration statement filed under this title, makes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than \$5,000 or imprisoned not more than five years, or both.

Penalties.

JURISDICTION OF OTHER GOVERNMENT AGENCIES OVER SECURITIES

SEC. 25. Nothing in this title shall relieve any person from submitting to the respective supervisory units of the Government of

Jurisdiction of other Government agencies not impaired.

the United States information, reports, or other documents that are now or may hereafter be required by any provision of law.

SEPARABILITY OF PROVISIONS

Separability of provisions.

SEC. 26. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SCHEDULE A

Schedule A.
Information to be included.

Name of issuer.

State, etc.

Location of issuer's business office.
United States agency, if foreign issuer.

Names and addresses of corporation directors, partners, etc.

Underwriters.

Stockholders.

Schedule of securities.

Character of business.

Capitalization, etc.

Outstanding options.

Capital stock.

Funded debt, etc.

Statement, if substitution permitted.

(1) The name under which the issuer is doing or intends to do business;

(2) the name of the State or other sovereign power under which the issuer is organized;

(3) the location of the issuer's principal business office, and if the issuer is a foreign or territorial person, the name and address of its agent in the United States authorized to receive notice;

(4) the names and addresses of the directors or persons performing similar functions, and the chief executive, financial and accounting officers, chosen or to be chosen if the issuer be a corporation, association, trust, or other entity; of all partners, if the issuer be a partnership; and of the issuer, if the issuer be an individual; and of the promoters in the case of a business to be formed, or formed within two years prior to the filing of the registration statement;

(5) the names and addresses of the underwriters;

(6) the names and addresses of all persons, if any, owning of record or beneficially, if known, more than 10 per centum of any class of stock of the issuer, or more than 10 per centum in the aggregate of the outstanding stock of the issuer as of a date within twenty days prior to the filing of the registration statement;

(7) the amount of securities of the issuer held by any person specified in paragraphs (4), (5), and (6) of this schedule, as of a date within twenty days prior to the filing of the registration statement, and, if possible, as of one year prior thereto, and the amount of the securities, for which the registration statement is filed, to which such persons have indicated their intention to subscribe;

(8) the general character of the business actually transacted or to be transacted by the issuer;

(9) a statement of the capitalization of the issuer, including the authorized and outstanding amounts of its capital stock and the proportion thereof paid up, the number and classes of shares in which such capital stock is divided, par value thereof, or if it has no par value, the stated or assigned value thereof, a description of the respective voting rights, preferences, conversion and exchange rights, rights to dividends, profits, or capital of each class, with respect to each other class, including the retirement and liquidation rights or values thereof;

(10) a statement of the securities, if any, covered by options outstanding or to be created in connection with the security to be offered, together with the names and addresses of all persons, if any, to be allotted more than 10 per centum in the aggregate of such options;

(11) the amount of capital stock of each class issued or included in the shares of stock to be offered;

(12) the amount of the funded debt outstanding and to be created by the security to be offered, with a brief description of the date, maturity, and character of such debt, rate of interest, character of amortization provisions, and the security, if any, therefor. If substitution of any security is permissible, a summarized statement of

the conditions under which such substitution is permitted. If substitution is permissible without notice, a specific statement to that effect;

(13) the specific purposes in detail and the approximate amounts to be devoted to such purposes, so far as determinable, for which the security to be offered is to supply funds, and if the funds are to be raised in part from other sources, the amounts thereof and the sources thereof, shall be stated;

(14) the remuneration, paid or estimated to be paid, by the issuer or its predecessor, directly or indirectly, during the past year and ensuing year to (a) the directors or persons performing similar functions, and (b) its officers and other persons, naming them wherever such remuneration exceeded \$25,000 during any such year;

(15) the estimated net proceeds to be derived from the security to be offered;

(16) the price at which it is proposed that the security shall be offered to the public or the method by which such price is computed and any variation therefrom at which any portion of such security is proposed to be offered to any persons or classes of persons, other than the underwriters, naming them or specifying the class. A variation in price may be proposed prior to the date of the public offering of the security, but the Commission shall immediately be notified of such variation;

(17) all commissions or discounts paid or to be paid, directly or indirectly, by the issuer to the underwriters in respect of the sale of the security to be offered. Commissions shall include all cash, securities, contracts, or anything else of value, paid, to be set aside, disposed of, or understandings with or for the benefit of any other persons in which any underwriter is interested, made, in connection with the sale of such security. A commission paid or to be paid in connection with the sale of such security by a person in which the issuer has an interest or which is controlled or directed by, or under common control with, the issuer shall be deemed to have been paid by the issuer. Where any such commission is paid the amount of such commission paid to each underwriter shall be stated;

(18) the amount or estimated amounts, itemized in reasonable detail, of expenses, other than commissions specified in paragraph (17) of this schedule, incurred or borne by or for the account of the issuer in connection with the sale of the security to be offered or properly chargeable thereto, including legal, engineering, certification, authentication, and other charges;

(19) the net proceeds derived from any security sold by the issuer during the two years preceding the filing of the registration statement, the price at which such security was offered to the public, and the names of the principal underwriters of such security;

(20) any amount paid within two years preceding the filing of the registration statement or intended to be paid to any promoter and the consideration for any such payment;

(21) the names and addresses of the vendors and the purchase price of any property, or good will, acquired or to be acquired, not in the ordinary course of business, which is to be defrayed in whole or in part from the proceeds of the security to be offered, the amount of any commission payable to any person in connection with such acquisition, and the name or names of such person or persons, together with any expense incurred or to be incurred in connection with such acquisition, including the cost of borrowing money to finance such acquisition;

Detailed amounts and purposes.

Remuneration paid by issuer, etc., to its directors, officers, etc.

Estimated net proceeds.

Price security offered to public, etc.

Variation to be reported to Commission.

Commissions, discounts, etc.

Other expenses.

Net proceeds from previous sales.

Payment to promoter.

Vendors, names, addresses, purchase price of property, etc.

Cost of financing.

Interest of every stockholder holding more than 10 per cent of any class.

(22) full particulars of the nature and extent of the interest, if any, of every director, principal executive officer, and of every stockholder holding more than 10 per centum of any class of stock or more than 10 per centum in the aggregate of the stock of the issuer, in any property acquired, not in the ordinary course of business of the issuer, within two years preceding the filing of the registration statement or proposed to be acquired at such date;

Names, etc., of counsel.

(23) the names and addresses of counsel who have passed on the legality of the issue;

Material contracts, not made in ordinary business.

(24) dates of and parties to, and the general effect concisely stated of every material contract made, not in the ordinary course of business, which contract is to be executed in whole or in part at or after the filing of the registration statement or which contract has been made not more than two years before such filing. Any management contract or contract providing for special bonuses or profit-sharing arrangements, and every material patent or contract for a material patent right, and every contract by or with a public utility company or an affiliate thereof, providing for the giving or receiving of technical or financial advice or service (if such contract may involve a charge to any party thereto at a rate in excess of \$2,500 per year in cash or securities or anything else of value), shall be deemed a material contract;

Management contract, special bonuses, or profit sharing, etc., deemed material contract.

Balance sheets. Contents.

(25) a balance sheet as of a date not more than ninety days prior to the date of the filing of the registration statement showing all of the assets of the issuer, the nature and cost thereof, whenever determinable, in such detail and in such form as the Commission shall prescribe (with intangible items segregated), including any loan in excess of \$20,000 to any officer, director, stockholder or person directly or indirectly controlling or controlled by the issuer, or person under direct or indirect common control with the issuer. All the liabilities of the issuer in such detail and such form as the Commission shall prescribe, including surplus of the issuer showing how and from what sources such surplus was created, all as of a date not more than ninety days prior to the filing of the registration statement. If such statement be not certified by an independent public or certified accountant, in addition to the balance sheet required to be submitted under this schedule, a similar detailed balance sheet of the assets and liabilities of the issuer, certified by an independent public or certified accountant, of a date not more than one year prior to the filing of the registration statement, shall be submitted;

Certificate of public accountant.

Profit and loss statement.

(26) a profit and loss statement of the issuer showing earnings and income, the nature and source thereof, and the expenses and fixed charges in such detail and such form as the Commission shall prescribe for the latest fiscal year for which such statement is available and for the two preceding fiscal years, year by year, or, if such issuer has been in actual business for less than three years, then for such time as the issuer has been in actual business, year by year. If the date of the filing of the registration statement is more than six months after the close of the last fiscal year, a statement from such closing date to the latest practicable date. Such statement shall show what the practice of the issuer has been during the three years or lesser period as to the character of the charges, dividends or other distributions made against its various surplus accounts, and as to depreciation, depletion, and maintenance charges, in such detail and form as the Commission shall prescribe, and if stock dividends or avails from the sale of rights have been credited to income, they shall be shown separately with a statement of the basis upon which the credit is computed. Such statement shall also differentiate

between any recurring and nonrecurring income and between any investment and operating income. Such statement shall be certified by an independent public or certified accountant;

Certificate of public accountant.

(27) if the proceeds, or any part of the proceeds, of the security to be issued is to be applied directly or indirectly to the purchase of any business, a profit and loss statement of such business certified by an independent public or certified accountant, meeting the requirements of paragraph (26) of this schedule, for the three preceding fiscal years, together with a balance sheet, similarly certified, of such business, meeting the requirements of paragraph (25) of this schedule of a date not more than ninety days prior to the filing of the registration statement or at the date such business was acquired by the issuer if the business was acquired by the issuer more than ninety days prior to the filing of the registration statement;

If proceeds are to be applied to purchase of any business, statement of such business to issue.

(28) a copy of any agreement or agreements (or, if identical agreements are used, the forms thereof) made with any underwriter, including all contracts and agreements referred to in paragraph (17) of this schedule;

Agreements with any underwriter.

(29) a copy of the opinion or opinions of counsel in respect to the legality of the issue, with a translation of such opinion, when necessary, into the English language;

Counsel's opinion as to legality of issue.

(30) a copy of all material contracts referred to in paragraph (24) of this schedule, but no disclosure shall be required of any portion of any such contract if the Commission determines that disclosure of such portion would impair the value of the contract and would not be necessary for the protection of the investors;

Copy of material contracts; restriction.

(31) unless previously filed and registered under the provisions of this title, and brought up to date, (a) a copy of its articles of incorporation, with all amendments thereof and of its existing by-laws or instruments corresponding thereto, whatever the name, if the issuer be a corporation; (b) copy of all instruments by which the trust is created or declared, if the issuer is a trust; (c) a copy of its articles of partnership or association and all other papers pertaining to its organization, if the issuer is a partnership, unincorporated association, joint-stock company, or any other form of organization; and

Copy of articles of incorporation, etc.

(32) a copy of the underlying agreements or indentures affecting any stock, bonds, or debentures offered or to be offered.

Copy of underlying indentures affecting stock, etc.

In case of certificates of deposit, voting trust certificates, collateral trust certificates, certificates of interest or shares in unincorporated investment trusts, equipment trust certificates, interim or other receipts for certificates, and like securities, the Commission shall establish rules and regulations requiring the submission of information of a like character applicable to such cases, together with such other information as it may deem appropriate and necessary regarding the character, financial or otherwise, of the actual issuer of the securities and/or the person performing the acts and assuming the duties of depositor or manager.

Rules and regulations to be established.

SCHEDULE B

Schedule B.

- (1) Name of borrowing government or subdivision thereof;
- (2) specific purposes in detail and the approximate amounts to be devoted to such purposes, so far as determinable, for which the security to be offered is to supply funds, and if the funds are to be raised in part from other sources, the amounts thereof and the sources thereof, shall be stated;

Name of borrowing government, etc.
Purposes and amounts for which security offered is to supply funds.

Funded and floating debts.	(3) the amount of the funded debt and the estimated amount of the floating debt outstanding and to be created by the security to be offered, excluding intergovernmental debt, and a brief description of the date, maturity, character of such debt, rate of interest, character of amortization provisions, and the security, if any, therefor. If substitution of any security is permissible, a statement of the conditions under which such substitution is permitted. If substitution is permissible without notice, a specific statement to that effect;
Substitution conditions.	
Whether issuer has defaulted, etc.	(4) whether or not the issuer or its predecessor has, within a period of twenty years prior to the filing of the registration statement, defaulted on the principal or interest of any external security, excluding intergovernmental debt, and, if so, the date, amount, and circumstances of such default, and the terms of the succeeding arrangement, if any;
Intergovernmental debts excluded.	
Receipts and expenses, in detail.	(5) the receipts, classified by source, and the expenditures, classified by purpose, in such detail and form as the Commission shall prescribe for the latest fiscal year for which such information is available and the two preceding fiscal years, year by year;
Names, etc., of underwriters.	(6) the names and addresses of the underwriters;
United States agent.	(7) the name and address of its authorized agent, if any, in the United States;
Estimated net proceeds from sales in United States.	(8) the estimated net proceeds to be derived from the sale in the United States of the security to be offered;
Price.	(9) the price at which it is proposed that the security shall be offered in the United States to the public or the method by which such price is computed. A variation in price may be proposed prior to the date of the public offering of the security, but the Commission shall immediately be notified of such variation;
Commissions paid.	(10) all commissions paid or to be paid, directly or indirectly, by the issuer to the underwriters in respect of the sale of the security to be offered. Commissions shall include all cash, securities, contracts, or anything else of value, paid, to be set aside, disposed of, or understandings with or for the benefit of any other persons in which the underwriter is interested, made, in connection with the sale of such security. Where any such commission is paid, the amount of such commission paid to each underwriter shall be stated;
Other expenses.	(11) the amount or estimated amounts, itemized in reasonable detail, of expenses, other than the commissions specified in paragraph (10) of this schedule, incurred or borne by or for the account of the issuer in connection with the sale of the security to be offered or properly chargeable thereto, including legal, engineering, certification, and other charges;
Names, etc., of counsel.	(12) the names and addresses of counsel who have passed upon the legality of the issue;
Copy of any underwriter's agreement as to United States sales.	(13) a copy of any agreement or agreements made with any underwriter governing the sale of the security within the United States; and
Counsel's opinion as to legality of issue.	(14) an agreement of the issuer to furnish a copy of the opinion or opinions of counsel in respect to the legality of the issue, with a translation, where necessary, into the English language. Such opinion shall set out in full all laws, decrees, ordinances, or other acts of Government under which the issue of such security has been authorized.

Corporation of Foreign Bondholders, 1933.

"Corporation of Foreign Security Holders" created.

TITLE II

SECTION 201. For the purpose of protecting, conserving, and advancing the interests of the holders of foreign securities in default, there is hereby created a body corporate with the name "Corporation

of Foreign Security Holders" (herein called the "Corporation"). The principal office of the Corporation shall be located in the District of Columbia, but there may be established agencies or branch offices in any city or cities of the United States under rules and regulations prescribed by the board of directors.

SEC. 202. The control and management of the Corporation shall be vested in a board of six directors, who shall be appointed and hold office in the following manner: As soon as practicable after the date this Act takes effect the Federal Trade Commission (hereinafter in this title called "Commission") shall appoint six directors, and shall designate a chairman and a vice chairman from among their number. After the directors designated as chairman and vice chairman cease to be directors, their successors as chairman and vice chairman shall be elected by the board of directors itself. Of the directors first appointed, two shall continue in office for a term of two years, two for a term of four years, and two for a term of six years, from the date this Act takes effect, the term of each to be designated by the Commission at the time of appointment. Their successors shall be appointed by the Commission, each for a term of six years from the date of the expiration of the term for which his predecessor was appointed, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of such predecessor. No person shall be eligible to serve as a director who within the five years preceding has had any interest, direct or indirect, in any corporation, company, partnership, bank or association which has sold, or offered for sale any foreign securities. The office of a director shall be vacated if the board of directors shall at a meeting specially convened for that purpose by resolution passed by a majority of at least two thirds of the board of directors, remove such member from office, provided that the member whom it is proposed to remove shall have seven days' notice sent to him of such meeting and that he may be heard.

SEC. 203. The Corporation shall have power to adopt, alter, and use a corporate seal; to make contracts; to lease such real estate as may be necessary for the transaction of its business; to sue and be sued, to complain and to defend, in any court of competent jurisdiction, State or Federal; to require from trustees, financial agents, or dealers in foreign securities information relative to the original or present holders of foreign securities and such other information as may be required and to issue subpoenas therefor; to take over the functions of any fiscal and paying agents of any foreign securities in default; to borrow money for the purposes of this title, and to pledge as collateral for such loans any securities deposited with the Corporation pursuant to this title; by and with the consent and approval of the Commission to select, employ, and fix the compensation of officers, directors, members of committees, employees, attorneys, and agents of the Corporation, without regard to the provisions of other laws applicable to the employment and compensation of officers or employees of the United States; to define their authority and duties, require bonds of them and fix the penalties thereof, and to dismiss at pleasure such officers, employees, attorneys, and agents; and to prescribe, amend, and repeal, by its board of directors, bylaws, rules, and regulations governing the manner in which its general business may be conducted and the powers granted to it by law may be exercised and enjoyed, together with provisions for such committees and the functions thereof as the board of directors

Principal office, agencies.

Control vested in board of directors.
Federal Trade Commission to appoint six directors, designate a chairman, etc.

Post, p. 308.

Appointment of successors.

Tenure of office.

Vacancies.

Removals.

Corporate powers.

To require information relative to foreign securities holders, etc.

To take over functions of agent of defaulted foreign securities.
Borrow and pledge for such loans.

Officers, employees, etc.

Prescribe, etc., rules for conduct of business.

Determine manner
obligations incurred
and expenses allowed.

Authority of board
over foreign securities.
Call meetings of hold-
ers of.
Action on defaulted
securities.

Appoint committees
to represent such hold-
ers.

Carry out arrange-
ments for resuming
payments.

Collecting, etc., funds
derived from foreign
securities.

Collect, etc., informa-
tion respecting foreign
securities.

Securing simple
forms, etc.

Act as representative
of holders.

To keep and publish
an audited general ac-
count and balance
sheet.

may deem necessary for facilitating its business under this title. The board of directors of the Corporation shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid.

SEC. 204. The board of directors may—

(1) Convene meetings of holders of foreign securities.

(2) Invite the deposit and undertake the custody of foreign securities which have defaulted in the payment either of principal or interest, and issue receipts or certificates in the place of securities so deposited.

(3) Appoint committees from the directors of the Corporation and/or all other persons to represent holders of any class or classes of foreign securities which have defaulted in the payment either of principal or interest and determine and regulate the functions of such committees. The chairman and vice chairman of the board of directors shall be ex officio chairman and vice chairman of each committee.

(4) Negotiate and carry out, or assist in negotiating and carrying out, arrangements for the resumption of payments due or in arrears in respect of any foreign securities in default or for rearranging the terms on which such securities may in future be held or for converting and exchanging the same for new securities or for any other object in relation thereto; and under this paragraph any plan or agreement made with respect to such securities shall be binding upon depositors, providing that the consent of holders resident in the United States of 60 per centum of the securities deposited with the Corporation shall be obtained.

(5) Undertake, superintend, or take part in the collection and application of funds derived from foreign securities which come into the possession of or under the control or management of the Corporation.

(6) Collect, preserve, publish, circulate, and render available in readily accessible form, when deemed essential or necessary, documents, statistics, reports, and information of all kinds in respect of foreign securities, including particularly records of foreign external securities in default and records of the progress made toward the payment of past-due obligations.

(7) Take such steps as it may deem expedient with the view of securing the adoption of clear and simple forms of foreign securities and just and sound principles in the conditions and terms thereof.

(8) Generally, act in the name and on behalf of the holders of foreign securities the care or representation of whose interests may be entrusted to the Corporation; conserve and protect the rights and interests of holders of foreign securities issued, sold, or owned in the United States; adopt measures for the protection, vindication, and preservation or reservation of the rights and interests of holders of foreign securities either on any default in or on breach or contemplated breach of the conditions on which such foreign securities may have been issued, or otherwise; obtain for such holders such legal and other assistance and advice as the board of directors may deem expedient; and do all such other things as are incident or conducive to the attainment of the above objects.

SEC. 205. The board of directors shall cause accounts to be kept of all matters relating to or connected with the transactions and business of the Corporation, and cause a general account and balance sheet of the Corporation to be made out in each year, and cause all

accounts to be audited by one or more auditors who shall examine the same and report thereon to the board of directors.

SEC. 206. The Corporation shall make, print, and make public an annual report of its operations during each year, send a copy thereof, together with a copy of the account and balance sheet and auditor's report, to the Commission and to both Houses of Congress, and provide one copy of such report but not more than one on the application of any person and on receipt of a sum not exceeding \$1: *Provided*, That the board of directors in its discretion may distribute copies gratuitously.

Annual report of operations.

Proviso.
Free distribution.

SEC. 207. The Corporation may in its discretion levy charges, assessed on a pro rata basis, on the holders of foreign securities deposited with it: *Provided*, That any charge levied at the time of depositing securities with the Corporation shall not exceed one fifth of 1 per centum of the face value of such securities: *Provided further*, That any additional charges shall bear a close relationship to the cost of operations and negotiations including those enumerated in sections 203 and 204 and shall not exceed 1 per centum of the face value of such securities.

Pro rata levy on holders of foreign securities.

Proviso.
Charge limitation.

Additional charges.

SEC. 208. The Corporation may receive subscriptions from any person, foundation with a public purpose, or agency of the United States Government, and such subscriptions may, in the discretion of the board of directors, be treated as loans repayable when and as the board of directors shall determine.

Subscription may be received from any foundation, etc.

SEC. 209. The Reconstruction Finance Corporation is hereby authorized to loan out of its funds not to exceed \$75,000 for the use of the Corporation.

Reconstruction Finance Corporation to advance funds for Corporation use.

Unlawful acts.

SEC. 210. Notwithstanding the foregoing provisions of this title, it shall be unlawful for, and nothing in this title shall be taken or construed as permitting or authorizing, the Corporation in this title created, or any committee of said Corporation, or any person or persons acting for or representing or purporting to represent it—

(a) to claim or assert or pretend to be acting for or to represent the Department of State or the United States Government;

Claiming to represent Government or State Department.

(b) to make any statements or representations of any kind to any foreign government or its officials or the officials of any political subdivision of any foreign government that said Corporation or any committee thereof or any individual or individuals connected therewith were speaking or acting for the said Department of State or the United States Government; or

Statements to that effect to foreign Government.

(c) to do any act directly or indirectly which would interfere with or obstruct or hinder or which might be calculated to obstruct, hinder or interfere with the policy or policies of the said Department of State or the Government of the United States or any pending or contemplated diplomatic negotiations, arrangements, business or exchanges between the Government of the United States or said Department of State and any foreign government or any political subdivision thereof.

Interference, etc., with Government policies.

SEC. 211. This title shall not take effect until the President finds that its taking effect is in the public interest and by proclamation so declares.

Title not effective until President so declares.

SEC. 212. This title may be cited as the "Corporation of Foreign Bondholders Act, 1933."

Citation of title.

Approved, May 27, 1933.

[CHAPTER 39.]

AN ACT

May 27, 1933.
[H.R. 5152.]
[Public, No. 23.]

Granting the consent of Congress to the State Highway Commission of Virginia to replace and maintain a bridge across Northwest River in Norfolk County, Virginia, on State Highway Route Numbered 27.

Northwest River.
Virginia may bridge,
in Norfolk County.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State Highway Commission of Virginia, and its successors, to replace and operate a free highway bridge and approaches thereto across the Northwest River, at a point suitable to the interests of navigation, at or near Norfolk County, Virginia, on State Highway Route Numbered 27, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Construction.
Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 27, 1933.

[CHAPTER 40.]

AN ACT

May 27, 1933.
[H.R. 5173.]
[Public, No. 24.]

Granting the consent of Congress to the State Highway Commission of Virginia to maintain a bridge already constructed to replace a weak structure in the same location, across the Staunton and Dan Rivers, in Mecklenburg County, Virginia, on United States Route Numbered 15.

Staunton and Dan
Rivers.
Bridge across, by
Virginia, legalized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State Highway Commission of Virginia, and its successors, to maintain and operate, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, a bridge and approaches thereto already constructed to replace an inadequate structure already constructed across the Staunton and Dan Rivers, at their mouths—Clarksville, in Mecklenburg County, which bridge is hereby declared to be a lawful structure to the same extent and in the same manner as if it had been constructed in accordance with the provisions of said Act of March 23, 1906.

Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 27, 1933.

[CHAPTER 41.]

AN ACT

May 27, 1933.
[H.R. 5476.]
[Public, No. 25.]

To extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Georgia.

Savannah River.
Time extended for
bridging, at Burtons
Ferry, Ga.
Vol. 45, p. 751; Vol. 47,
p. 135, amended.
Post, p. 946.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for commencing and completing the construction of a bridge authorized by Act of Congress approved May 26, 1928, heretofore revived and reenacted by Act of Congress approved April 22, 1932, to be built by the South Carolina and Georgia State Highway Departments across the Savannah River at or near Burtons Ferry, near Sylvania, Georgia, are hereby extended one and three years, respectively, from the date of approval hereof.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 27, 1933.

[CHAPTER 42.]

AN ACT

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1933, and June 30, 1934, and for other purposes.

May 29, 1933.
[H. R. 5390.]
[Public, No. 26.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1933, and June 30, 1934, and for other purposes, namely:

Third Deficiency Act,
fiscal year 1933.

LEGISLATIVE

Legislative.

SENATE

Senate.

To pay to Nieves Maria P. C. Walsh, widow of Honorable Thomas J. Walsh, late a Senator from the State of Montana, \$9,000.

Thomas J. Walsh.
Pay to widow.

To pay Alice C. Howell, widow of Honorable R. B. Howell, late a Senator from the State of Nebraska, \$9,000.

Robert B. Howell.
Pay to widow.

For miscellaneous items, exclusive of labor, fiscal year 1933, \$20,000.

Miscellaneous items.

Police force for Senate Office Building, under the Sergeant at Arms: Fifteen privates at the rate of \$1,620 per annum each, fiscal year 1934, \$22,275.

Senate Office Building.
Additional police force.

HOUSE OF REPRESENTATIVES

House of Representatives.

To pay Lois Slayton Woodworth Briggs, widow of Clay Stone Briggs, late a Representative from the State of Texas, \$8,500, to be disbursed by the Sergeant at Arms of the House.

Clay Stone Briggs.
Pay to widow.

Contingent expenses: For miscellaneous items, exclusive of salaries and labor unless specifically ordered by the House of Representatives, including reimbursement to the official stenographers to committees for the amounts actually and necessarily paid out by them for transcribing hearings, and including materials for folding, fiscal year 1933, the sum \$15,000 is transferred and made available from the unexpended balance of the appropriation "Clerk hire, members and delegates, 1933."

Miscellaneous items.

The amount which may be expended for labor, tools, and machinery for furniture repair shops during the fiscal year 1933 is hereby increased from \$22,500 to \$24,000.

Sum from "Clerk hire, 1933," made available.
Vol. 47, p. 389.

Furniture, etc.
Amount for, increased.

ARCHITECT OF THE CAPITOL

Architect of the Capitol.

Capitol power plant: For an additional amount for lighting, heating, and power for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and so forth, including the same objects specified under this head in the Legislative Appropriation Act for the fiscal year 1933, \$30,000.

Capitol power plant.
Maintenance.

Senate Office Building: For labor and materials and other expenses incidental thereto, for additional painting in the Senate Office Building, to remain available during the fiscal year 1934, to be expended under the direction and supervision of the Committee on Rules, acting through the Architect of the Capitol, who shall be its executive agent, \$5,000.

Senate Office Building.
Painting, etc.

Government Printing Office.

GOVERNMENT PRINTING OFFICE

Leave of absence.
Payable from working capital.
Post, p. 832.

Not exceeding \$400,000 of the working capital of the Government Printing Office for the fiscal year 1934 shall be available for the purpose of enabling the Public Printer to comply with the provisions of law granting fifteen days' annual leave of absence to employees with pay.

Interior Department.

DEPARTMENT OF THE INTERIOR

Indian Affairs Bureau.

BUREAU OF INDIAN AFFAIRS

Truxton Canyon Reservation, Ariz.
Eradicating scabies in livestock.
From tribal funds.

Eradication of scabies, Truxton Canyon Reservation, Arizona (tribal funds): For assisting in the eradication of scabies in livestock of the Indians of the Truxton Canyon Reservation, Arizona, fiscal years 1933 and 1934, \$10,000, payable from tribal funds on deposit to the credit of said Indians.

Menominee Indians, Wis.
Attorneys.
Vol. 46, p. 1468.

Attorney's Fees and Expenses, Menominee Tribe, Wisconsin (tribal funds): The unexpended balance of the \$20,000 of Menominee tribal funds authorized to be expended by the Act of March 2, 1931 (46 Stat., p. 1468), for employment of attorneys to formulate any claims the Menominee Tribe might have against the Government of the United States, and for expenses of such attorneys in connection with their services, is hereby continued available for the same purposes until June 30, 1934.

Reclamation Bureau.

BUREAU OF RECLAMATION

Palo Verde Valley, Calif.
Protecting lands from overflow.
Vol. 47, p. 535.

Palo Verde Valley, California: The unexpended balance of the appropriation of \$50,000 for the protection of Palo Verde Valley, California, contained in the Second Deficiency Act, fiscal year 1932, approved July 1, 1932, shall remain available for the same purposes during the fiscal year 1934.

Department of Justice.

DEPARTMENT OF JUSTICE

CONTINGENT EXPENSES

Department contingent expenses.
Travel and miscellaneous.
Vol. 47, p. 491.

The sum of \$3,500 is hereby transferred from the appropriation "Salaries, fees, and expenses of marshals, United States courts, 1933", to the appropriation "Traveling and miscellaneous expenses, Department of Justice, 1933."

United States courts.

UNITED STATES COURTS

Conciliation commissioners.
Post, p. 542.

Compensation and expenses of conciliation commissioners: For fees of conciliation commissioners, and per diem allowance and traveling expenses of supervising conciliation commissioners, as authorized by the Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States', approved July 1, 1898, and Acts amendatory thereof and supplementary thereto", approved March 3, 1933, the sum of \$25,000 is transferred and made available until June 30, 1934, from the appropriation "Salaries, fees, and expenses of marshals, United States courts, 1933."

Vol. 47, p. 1470.

Transfer from "marshals, 1933."
Vol. 47, p. 491.

Department of Labor.

DEPARTMENT OF LABOR

Immigration Bureau.

BUREAU OF IMMIGRATION

Joseph Vigliotti, refund.
Vol. 47, p. 1768.

For refund to Joseph Vigliotti, of Detroit, Michigan, as authorized by Private Act Numbered 318, approved March 4, 1933, \$1,500.

DEPARTMENT OF STATE

Department of State.

Seventh International Conference of American States, Montevideo, Uruguay: Not to exceed \$70,000 of any appropriation made for the Department of State for the fiscal year 1934 is hereby made available for the participation by the United States in the Seventh International Conference of American States to be held in the city of Montevideo, Uruguay, including personal services without reference to the Classification Act of 1923, as amended, and rent, stenographic reporting and translating services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5); traveling expenses (and by indirect routes if specifically authorized by the Secretary of State); hire of automobiles; purchase of necessary books and documents; stationery; official cards; newspapers and periodicals; printing and binding; entertainment; equipment; and such other expenses as may be authorized by the Secretary of State, to remain available until June 30, 1934.

Seventh International Conference of American States.
Vol. 47, p. 1371.

Personal services.
Vol. 42, p. 1488.
U.S.C., p. 65; Supp. VI, p. 31.
R.S., sec. 3709, p. 733;
U.S.C., p. 1309.

Salaries of Foreign Service officers while receiving instructions and in transit: The sum of \$60,000 is hereby transferred from the appropriation "Office and living quarters, Foreign Service, 1933", to the appropriation "Salaries of Foreign Service officers while receiving instructions and in transit, 1933."

Foreign Service officers.
Instruction and transit pay, 1933.
Vol. 47, p. 478.

Salaries of Foreign Service officers while receiving instructions and in transit: The sum of \$20,000 is hereby transferred from the appropriation "Contingent expenses, Foreign Service, 1934", to the appropriation "Salaries of Foreign Service officers while receiving instructions and in transit, 1934."

Fiscal year 1934.
Vol. 47, p. 1375.

WAR DEPARTMENT

War Department.

CORPS OF ENGINEERS

Engineer Corps.

Flood control, Lowell Creek, Alaska: For necessary maintenance of the flood-control works at Lowell Creek, Seward, Alaska, authorized by an Act approved February 14, 1933 (47 Stat., p. 802), to be available until June 30, 1934, \$21,000.

Lowell Creek, Alaska.
Flood control.
Vol. 47, p. 802.

RECONSTRUCTION FINANCE CORPORATION

Reconstruction Finance Corporation.

That paragraph (6) of section 201 (a) of the Emergency Relief and Construction Act of 1932 is amended so as to read as follows:

Ante, p. 20.
Post, pp. 120, 283.

"(6) to make loans to nonprofit corporations, with or without capital stock, organized for the purpose of financing the repair or reconstruction of buildings damaged by earthquake, fire, tornado, or cyclone in the year 1933 and deemed by the Reconstruction Finance Corporation economically useful. Obligations accepted hereunder shall be collateralized (a) in the case of loans for the repair or reconstruction of private property, by the obligations of the owner of such property secured by a paramount lien except as to taxes and special assessments on the property repaired or reconstructed, and (b) in the case of municipalities or political subdivisions of States or their public agencies, by an obligation of such municipality, political subdivision, or public agency. The corporation shall not deny an otherwise acceptable application for loans for repair or reconstruction of the buildings of municipalities, political subdivisions, or their public agencies because of constitutional or other legal inhibitions affecting the collateral. The collateral obligations

Loans for damage repairs, 1933.

Acceptable collateral.
Private property.

Municipalities, etc.
Applications not to be denied by constitutional, etc., inhibitions.

Maturities; security. may have maturities not exceeding ten years. Loans under this paragraph shall be fully and adequately secured. No loan here-
 Limitation on aggregate amount. under shall be made after December 31, 1933. The aggregate of the loans made under this paragraph shall not exceed \$5,000,000."

Judgments and authorized claims.

TITLE II—JUDGMENTS AND AUTHORIZED CLAIMS

Damage claims.

DAMAGE CLAIMS

Payment of.
 Vol. 42, p. 1066.

U.S.C., p. 989.

SECTION 1. For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments under the provisions of the Act entitled "An Act to provide for a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case", approved December 28, 1922 (U.S.C., title 31, secs. 215-217), and certified to the Seventy-third Congress in a communication from the President of the United States to the President of the Senate, dated May 8, 1933, under the following departments, namely:

Post Office Department, \$4,227.38;

Treasury Department, \$292.54;

In all, \$4,519.92.

Judgments, United States Courts.

JUDGMENTS, UNITED STATES COURTS

Payment of.

Vol. 24, p. 505.
 Vol. 36, p. 1138.
 U.S.C., pp. 887, 898,
 938.

Columbia Planograph Company.

SEC. 2. For payment of the final judgment, including costs of suit, rendered under the provisions of the Act of March 3, 1887, entitled "An Act to provide for the bringing of suits against the Government of the United States", as amended by the Judicial Code, approved March 3, 1911 (U.S.C., title 28, sec. 41, par. 20; sec. 258; secs. 761-765), in favor of the Columbia Planograph Company, a corporation (Supreme Court of the District of Columbia, Law Number 76808), and certified (under the Department of Commerce) to the Seventy-third Congress in a communication from the President of the United States to the Speaker of the House of Representatives, dated April 27, 1933, \$670, together with such additional sum as may be necessary to pay interest on such judgment at the rate of 4 per centum per annum from the date thereof until the time this appropriation is made.

Interest.

Judgments rendered by district courts.

Vol. 43, p. 1112.
 U.S.C., p. 1529.

The Delaware, Lackawanna, and Western Railroad Company.
 Collision damages.

Larney B. Shaw.

For the payment of judgments, including costs of suits, rendered against the Government of the United States by United States district courts under the provisions of an Act entitled "An Act authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (U.S.C., title 46, secs. 781-789), and certified to the Seventy-third Congress in communications from the President of the United States to the President of the Senate and the Speaker of the House of Representatives, dated May 8, 1933, and April 27, 1933, respectively, under the following departments, namely:

Navy Department: The Delaware, Lackawanna, and Western Railroad Company, (United States District Court, Eastern District of New York, March 23, 1933, damages due to collision between the ferryboat Orange and the United States ship Transfer), \$1,561; Larney B. Shaw (United States District Court, Eastern District of Virginia, March 21, 1933, damages due to collision between the wooden barge Evelyn L. Shaw and the Navy barge YC-270), \$1,500; in all under the Navy Department, \$3,061.

Treasury Department: Chester A. Poling, Incorporated (United States District Court, Eastern District of New York, November 22, 1932, damages due to collision between the lighter Poling Brothers Numbered 1 and the Coast Guard vessel Trippe), \$11,215.02; Seacoast Trawling Company (United States District Court, District of Massachusetts, March 6, 1933, damages due to collision between the fishing vessel Juneal and the Coast Guard patrol boat C.G. 212), \$945.42; the city of New York (United States District Court, Southern District of New York, No. 98-207, March 17, 1933, damages due to collision between the Ferryboat Queens and the Coast Guard cutter Manhattan), \$3,632.14; in all, under the Treasury Department, \$15,792.58.

Chester A. Poling,
Incorporated.

Seacoast Trawling
Company.

Total, judgments under Public Vessels Act, \$18,853.58, together with such additional sum as may be necessary to pay interest on any such judgment where specified therein and at the rate provided by law.

Total, under Public
Vessels Act.
Interest.

For the payment of the final judgment, including costs of suit, rendered against the Government, under the provisions of the Acts of May 1, 1926 (44 Stat. 1464), and February 26, 1927 (44 Stat. 1793), transmitted to the Seventy-third Congress, first session, in a communication from the President of the United States, to the President of the Senate, dated May 8, 1933, in favor of the Kursheedt Manufacturing Company (United States District Court, Southern District of New York, Number 92-260, February 21, 1933, damages to cargo due to collision between steamship Almirante and steamship Hisko), under the Navy Department, \$1,008.48.

Kursheedt Manufac-
turing Company, colli-
sion damages.
Vol. 44, p. 1464, 1793.

None of the judgments contained under this caption shall be paid until the right of appeal shall have expired except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

Time of payment.

JUDGMENTS, COURT OF CLAIMS

Judgments, Court of
Claims.

SEC. 3. For the payment of the judgments rendered by the Court of Claims as set forth in the schedule transmitted to the Seventy-third Congress, first session, in a communication from the President of the United States to the President of the Senate, dated May 8, 1933, under the following departments, namely:

Payment of.

Navy Department: Peter G. Hale (February 6, 1933, L-423, allowance for dependent), \$3,375.14.

Peter G. Hale.

War Department: Hodgson Oil and Refining Company (March 23, 1933, 17381, 17395, and 17398, sale of cotton linters), \$29,843.25; Buckeye Cotton Oil Company (March 23, 1933, 17495, sale of cotton linters), \$541,359.57; Planters' Cotton Oil Company (March 23, 1933, 17385, sale of cotton linters), \$36,197.29; Planters' Manufacturing Company (March 23, 1933, 17442, sale of cotton linters), \$33,057.71; Daniel DeBardeleben (February 6, 1933, 41824, difference in pay), \$974.89; Leland Oil Works (March 23, 1933, D-1095, sale of cotton linters), \$52,592.46; Port Gibson Oil Works (March 23, 1933, D-1100, sale of cotton linters), \$21,776.94; Pittsburgh and Midway Coal Mining Company (February 6, 1933, J-574, penalties deducted under purchase order for coal), \$493.30; in all under War Department, \$716,295.41.

Hodgson Oil and Re-
fining Company.

Buckeye Cotton Oil
Company.
Planters' Cotton Oil
Company.
Planters' Manufac-
turing Company.

Daniel DeBardele-
ben.
Leland Oil Works.

Port Gibson Oil
Works.
Pittsburgh and Mid-
way Coal Mining Com-
pany.

Total, judgments, Court of Claims, \$719,670.55: *Provided*, That none of the judgments contained under this caption which have not been affirmed by the Supreme Court or otherwise become final and conclusive against the United States shall be paid until the expiration of the time within which application may be made for a writ of certiorari under subdivision (b), section 3, of the Act

Proviso.
Time of payment.

Vol. 43, p. 939.
U.S.C., p. 900.

entitled "An Act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes", approved February 13, 1925 (U.S.C., title 28, sec. 288).

Interest. Payment of interest wherever provided for judgments contained in this Act shall not in any case continue for more than thirty days after the date of approval of the Act.

Audited claims.

AUDITED CLAIMS

Payment of.

SEC. 4. For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (U.S.C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1930 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (U.S.C., title 5, sec. 266), in the schedules transmitted to the Seventy-third Congress, first session, by the President of the United States in a communication to the President of the Senate, dated May 8, 1933, there is appropriated as follows:

Vol. 18, p. 110.
U.S.C., p. 1022.

Vol. 23, p. 254.
U.S.C., p. 43.

Legislative establishment.

LEGISLATIVE ESTABLISHMENT

For public printing and binding, Government Printing Office, \$59.70.

Independent offices.

INDEPENDENT OFFICES

For Interstate Commerce Commission, \$1.75.

For medical and hospital services, Veterans' Bureau, \$4,715.

For military and naval compensation, Veterans' Administration, \$178.44.

For salaries and expenses, Veterans' Bureau, \$11.25.

For vocational rehabilitation, Veterans' Bureau, \$108.40.

For Army pensions, \$95.71.

Department of Agriculture.

DEPARTMENT OF AGRICULTURE

For salaries and expenses, Bureau of Animal Industry, \$28.62.

Department of Commerce.

DEPARTMENT OF COMMERCE

For air-navigation facilities, \$727.04.

For enforcement of wireless communication laws, \$31,924.27.

For scientific library, Patent Office, \$25.

Department of the Interior.

DEPARTMENT OF THE INTERIOR

For general expenses, Bureau of Education, \$2.75.

For conservation of health among Indians, \$75.

For pay of Indian police, \$43.78.

Department of Justice.

DEPARTMENT OF JUSTICE

For books, Department of Justice, \$2.50.

For detection and prosecution of crimes, \$22.50.

For salaries, fees, and expenses of marshals, United States courts, ^{Audited claims—}
 \$427.02. _{Continued.}

For fees of commissioners, United States courts, \$1,335.75.
 For fees of jurors and witnesses, United States courts, \$6.40.
 For books for judicial officers, \$127.
 For United States Penitentiary, Atlanta, Georgia, \$94.47.

DEPARTMENT OF LABOR

Department of Labor.

For expenses of regulating immigration, \$2,000.

NAVY DEPARTMENT

Navy Department.

For engineering, Bureau of Engineering, \$897.85.
 For pay of the Navy, \$1,548.25.
 For pay, subsistence, and transportation, Navy, \$2,635.48.
 For maintenance, Bureau of Supplies and Accounts, \$12.50.
 For aviation, Navy, \$7,000.
 For pay, Marine Corps, \$80.54.

DEPARTMENT OF STATE

Department of State.

For relief and protection of American seamen, \$27.
 For transportation of Foreign Service officers, \$408.48.

TREASURY DEPARTMENT

Treasury Department.

For salaries and wages, mint service, major institutions, \$51.91.
 For collecting revenue from customs, \$4.
 For enforcement of Narcotic and National Prohibition Acts, internal revenue, \$150.02.
 For pay and allowances, Coast Guard, \$3,975.22.
 For fuel and water, Coast Guard, \$5.
 For Coast Guard, \$855.06.
 For pay of other employees, Public Health Service, 75 cents.
 For pay of personnel and maintenance of hospitals, Public Health Service, \$1.04.
 For field investigations of public health, \$1.
 For furniture and repairs of same for public buildings, \$12.36.
 For general expenses of public buildings, \$1.
 For operating supplies for public buildings, \$1.42.
 For repairs and preservation of public buildings, \$1.19.
 For marine hospital, Carville, Louisiana, \$120.86.

WAR DEPARTMENT

War Department.

For pay, and so forth of the Army, \$26,774.34.
 For pay of the Army, \$10,906.83.
 For mileage of the Army, \$37.50.
 For clothing and equipage, \$42.71.
 For Army transportation, \$41.31.
 For pay of National Guard for armory drills, \$253.62.
 For supplies, services and transportation, Quartermaster Corps, \$181.39.
 For subsistence of the Army, \$6.75.
 For general appropriations, Quartermaster Corps, \$956.14.
 For replacing ordnance and ordnance stores, \$175.34.
 For replacing clothing and equipage, \$1.12.

Audited claims—
Continued.

- For terminal storage and shipping buildings, \$5,324.49.
- For registration and selection for military service, \$448.70.
- For increase of compensation, Military Establishment, \$2,437.49.
- For citizens' military training camps, \$1.
- For mileage to officers and contract surgeons, \$36.99.
- For organized reserves, \$51.33.
- For arrears of pay, bounty, and so forth, \$84.93.
- For reserve officers' training corps, \$42.
- For pay, and so forth, of the Army, War with Spain, \$15.52.
- For regular supplies of the Army, \$941.65.
- For seacoast defenses, ordnance, \$250.21.
- For arming, equipping, and training the National Guard, \$195.
- For headstones for graves of soldiers, \$1.47.
- For Rainy Lake reference (State transfer to War, Act May 21, 1920), \$9.04.

Vol. 41, p. 607.

Post Office Department.
Postal service.

POST OFFICE DEPARTMENT—POSTAL SERVICE

(Out of the postal revenues)

- For city delivery carriers, \$87.16.
- For clerks, contract stations, \$1.83.
- For clerks, first- and second-class post offices, \$7.09.
- For foreign mail transportation, \$51.43.
- For freight, express, or motor transportation of equipment, and so forth, 38 cents.
- For indemnities, domestic mail, \$168.07.
- For indemnities, international mail, \$36.66.
- For miscellaneous items, first- and second-class post offices, \$60.
- For railroad transportation and mail-messenger service, \$17.42.
- For rent, light, and fuel, \$261.72.
- For separating mails, \$249.
- For special delivery fees, \$70.01.
- Total, audited claims, section 4, \$110,030.92.

Claims certified by
Accounting Office.

Vol. 18, p. 110.
U.S.C., p. 1022.

Vol. 23, p. 254.
U.S.C., p. 43.

Sec. 5. For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (U.S.C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1930 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (U.S.C., title 5, sec. 266), as set forth in the schedule transmitted to the Seventy-third Congress, first session, by the President of the United States in a communication to the President of the Senate, dated May 8, 1933, there is appropriated as follows:

Navy Department.

NAVY DEPARTMENT

- For pay, subsistence, and transportation, Navy, \$8,732.43.
- For pay of the Navy, \$4,836.67.
- Total, audited claims, section 5, \$13,569.10.

Short title.

SHORT TITLE

This Act may be cited as the "Third Deficiency Act, fiscal year 1933."

Approved, May 29, 1933.

[CHAPTER 43.]

AN ACT

To authorize the Comptroller General to allow claim of district numbered 13, Choctaw County, Oklahoma, for payment of tuition for Indian pupils.

May 29, 1933.
[S. 73.]
[Public, No. 27.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General is hereby authorized and directed to allow payment of claims of the public school district numbered 13, Choctaw County, Oklahoma, for tuition of Indian pupils during the fiscal year 1931, in the sum not to exceed \$3,435.61 from the appropriation entitled "Indian Schools, Five Civilized Tribes, Oklahoma, 1931."

Choctaw County,
Okla.
Claim of, for tuition
of Indians, allowed.
Appropriation avail-
able.
Vol. 46, p. 233.

Approved, May 29, 1933.

[CHAPTER 44.]

JOINT RESOLUTION

Granting the consent of Congress to a compact or agreement between the State of Kansas and the State of Missouri authorizing the acceptance for and on behalf of the States of Kansas and Missouri of title to a toll bridge across the Missouri River from a point in Platte County, Missouri, to a point at or near Kansas City, in Wyandotte County, Kansas, and specifying the conditions thereof.

May 29, 1933.
[H.J. Res. 159.]
[Pub. Res., No. 8.]

Whereas by an Act of Congress approved May 22, 1928, a franchise was granted to the Interstate Bridge Company for the construction of a toll bridge across the Missouri River at or near Kansas City, Kansas, which has been extended by the Acts of March 2, 1929, and June 30, 1930, and which is now owned by the Regional Bridge Company, a corporation organized and existing under the laws of the State of Delaware, as assignee of the Interstate Bridge Company; and

Missouri River.
Consent granted to
agreement by Kansas
and Missouri for ac-
ceptance of bridge
across.
Vol. 45, pp. 704, 1530;
Vol. 46, p. 835.

Whereas authority has been granted the State Highway Commission of Kansas by an act of the Legislature of the State of Kansas, approved March 24, 1933, and published in the official State paper on March 27, 1933, and to the State Highway Commission of Missouri by an identical act, mutatis mutandis, of the General Assembly of the State of Missouri, approved April 17, 1933, to include in the highway systems of the respective States of Kansas and Missouri any toll bridge across any river forming a common boundary between the two States; to join in entering into contracts with the owner of any such toll bridge and with the holders of any bonds issued in connection with the construction of such bridge, by the terms of which the State Highway Commissions of Kansas and Missouri shall maintain, operate, and insure such bridge, and fix and collect and apply tolls thereon, and shall construct, maintain, and operate as free State highways, approaches thereto, and shall make and treat as part of the highway system of their respective States such entire bridge and any part of such approaches lying within their respective States; and to accept conveyance of title to and ownership of any such bridge or part thereof situated within their respective States, subject to any encumbrance against any such bridge and pledge of its tolls previously executed; and

Whereas Regional Bridge Company has obtained an agreement from the Reconstruction Finance Corporation of the United States to aid in financing the construction of a bridge under the franchise granted by the Act of May 22, 1928, and extensions thereof, under authority of the Act of Congress known as the "Emergency Relief and Construction Act of 1932", by purchasing at par the bonds of Regional Bridge Company, secured by mortgage on such bridge,

in the amount of \$600,000, upon condition that certain requirements be met and agreed to by the States of Kansas and Missouri; and

Whereas the Legislature of the State of Kansas and the General Assembly of the State of Missouri, to make effective the acts of their respective legislative bodies herein cited and to meet the requirements imposed by the Reconstruction Finance Corporation have each adopted the following resolution:

Whereas Regional Bridge Company, a corporation organized and existing under the laws of the State of Delaware, is the owner and holder of a franchise granted by the Congress of the United States to construct (according to plans approved by the War Department of the United States), maintain, and operate a toll bridge across the Missouri River from a point at or near Kansas City in Wyandotte County, Kansas, to a point in Platte County, Missouri; and

Whereas Regional Bridge Company desires to commence the construction of such bridge as soon as the same is fully financed; and

Whereas Reconstruction Finance Corporation of the United States has agreed with Regional Bridge Company to aid in financing the construction of such bridge, under authority of the Act of Congress known as the "Emergency Relief and Construction Act of 1932", by purchasing at par the bonds of Regional Bridge Company, secured by mortgage on such bridge, in the amount of \$600,000; but

Whereas Reconstruction Finance Corporation has imposed certain requirements, to be met and agreed to by the States of Missouri and Kansas, as conditions precedent to its purchase of such bonds; and

Whereas inasmuch as such bridge will form an important link in and improvement to the highway systems of the States of Missouri and Kansas, and will be of benefit and advantage to the citizens of both, and the public, and inasmuch as Regional Bridge Company, by resolution duly passed by the unanimous vote of its stockholders, has agreed to transfer and convey such bridge, free of cost, to the State Highway Commissions of Missouri and of Kansas, on behalf of such States of Missouri and Kansas, jointly, such conveyance to be made as soon as such mortgage shall have been properly recorded in both Missouri and Kansas, subject to the right of and duty upon Regional Bridge Company fully to complete the construction of such bridge, it is to the interest and benefit of the States of Missouri and Kansas, and the citizens of both, that the States of Missouri and Kansas meet and agree to the requirements of the Reconstruction Finance Corporation, as conditions precedent to the purchase of such bonds: Now, therefore

In consideration of the benefits and advantages accruing to the States of Missouri and Kansas, and the citizens of both, and in consideration of the adoption of this resolution by both the States of Missouri and Kansas, the States of Missouri and Kansas, hereby enter into the following compact and agreement:

Be it resolved by the Senate of the State of Kansas, the House of Representatives agreeing thereto:

SECTION 1. Regional Bridge Company, its successors and assigns, shall be, and it is hereby, authorized to construct, maintain, and operate such bridge across the Missouri River from a point at or near Kansas City, in Wyandotte County, Kansas, to a point in Platte County, Missouri, according to plans approved by the War

Regional Bridge
Company.
Construction of
bridge by.

Department of the United States; and the said States hereby authorize Regional Bridge Company to enter upon and use for the purpose of constructing, maintaining, and operating such bridge all necessary lands under water belonging to said States, and the fee to any lands so used shall upon such use be vested in such Regional Bridge Company:

SEC. 2. The State Highway Commission of Missouri and the State Highway Commission of Kansas shall be, and they are hereby, authorized and directed to accept, when tendered by Regional Bridge Company, conveyance of such bridge and franchise therefor to such State Highway Commission jointly, on behalf of the States of Missouri and Kansas. Such conveyance shall not be in assumption of such mortgage, but shall expressly be subject to such mortgage, and to the right and duty upon Regional Bridge Company fully to complete the construction of such bridge.

SEC. 3. The State Highway Commission of Missouri and the State Highway Commission of Kansas shall be, and they, and each of them, hereby are, authorized to maintain, operate, and insure such bridge and to fix and collect tolls thereon and apply such tolls, and to enter into any and all contracts with said Reconstruction Finance Corporation or any other party or parties considered by said highway commissions, or either of them, to be necessary or expedient for or in connection with the proper maintenance, operation, and insurance of such bridge and such fixing, collection, and application of tolls thereon, and to incur joint and several obligations under such contracts; and to construct and maintain, and to enter into any contracts, severally, with said Reconstruction Finance Corporation or any other party or parties, considered by said highway commissions or either of them to be necessary or expedient, for or in connection with the construction and maintenance of approaches to such bridge and roadways leading thereto, lying within their respective States. And said highway commissions, and each of them, are further authorized to make and treat as a part of the State highway system of their respective States the entire such bridge and that portion of the approaches thereto lying within their respective States, and to enter into contracts with the Reconstruction Finance Corporation or any other party or parties in respect thereto.

SEC. 4. Neither the State of Kansas nor the State of Missouri, nor any department or political subdivision thereof, shall construct or cause to be constructed, or grant any right, privilege, or franchise for the construction of, any bridge, ferry, tunnel, or other competing facility across or under the Missouri River within a distance of five miles from said bridge, measured along the meanderings of the thread of the stream of the Missouri River, until the construction costs of said bridge, with interest thereon, shall have been fully paid.

SEC. 5. To the faithful observance of this compact and agreement the States of Missouri and Kansas, by the adoption of this resolution, each pledges its good faith.

SEC. 6. This compact and agreement shall be in force and take effect from and after its adoption by the General Assembly of the State of Missouri, and approval by the Governor of Missouri, and its adoption by the Legislature of the State of Kansas, and approval by the Governor of Kansas, and publication in the official State paper of the State of Kansas, and upon its receiving the consent and approval of the Congress of the United States.

Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the aforesaid compact or agreement and

Acceptance by Kansas and Missouri.

Subject to mortgage.

Maintenance and operation.

Collection of tolls.

Contracts with Reconstruction Finance Corporation.

Bridge to be part of road systems of respective States.

Right to construct other bridges denied.

Pledge of good faith.

When agreement effective.

Consent of Congress given.

Provisos.
Rights of United
States.

to each and every term and provision thereof, and to all agreements to be made pursuant thereto by and between the said States or any agencies, commissions, or public or municipal bodies thereof: *Provided*, That nothing herein contained shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States or of any court, department, board, bureau, officer, or official of the United States, over or in regard to any navigable waters, or any commerce between the States or with foreign countries, or any bridge, railroad highway, pier, wharf, or other facility or improvement, or any other person, matter, or thing, forming the subject matter of the aforesaid compact or agreement or otherwise affected by the terms thereof: *And provided further*, That the right to alter, amend, or repeal this resolution or any part thereof is hereby expressly reserved.

Amendment.

Approved, May 29, 1933.

[CHAPTER 45.]

AN ACT

May 31, 1933.
[H.R. 4014.]
[Public, No. 28.]

To authorize appropriations to pay in part the liability of the United States to the Indian pueblos herein named, under the terms of the Act of June 7, 1924, and the liability of the United States to non-Indian claimants on Indian pueblo grants whose claims, extinguished under the Act of June 7, 1924, have been found by the Pueblo Lands Board to have been claims in good faith; to authorize the expenditure by the Secretary of the Interior of the sums herein authorized and of sums heretofore appropriated, in conformity with the Act of June 7, 1924, for the purchase of needed lands and water rights and the creation of other permanent economic improvements as contemplated by said Act; to provide for the protection of the watershed within the Carson National Forest for the Pueblo de Taos Indians of New Mexico and others interested, and to authorize the Secretary of Agriculture to contract relating thereto and to amend the Act approved June 7, 1924, in certain respects.

Indian pueblos in
New Mexico.
Payments author-
ized, in annual install-
ments, United States'
liability to pueblos
designated.
Vol. 43, p. 636.
Post, p. 277.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in fulfillment of the Act of June 7, 1924 (43 Stat. 636), there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sums hereinafter set forth, in compensation to the several Indian pueblos hereinafter named, in payment of the liability of the United States to the said pueblos as declared by the Act of June 7, 1924, which appropriations shall be made in equal annual installments as hereinafter specified, and shall be deposited in the Treasury of the United States and shall be expended by the Secretary of the Interior, subject to approval of the governing authorities of each pueblo in question, at such times and in such amounts as he may deem wise and proper; for the purchase of lands and water rights to replace those which have been divested from said pueblo under the Act of June 7, 1924, or for the purchase or construction of reservoirs, irrigation works, or other permanent improvements upon or for the benefit of the lands of said pueblos.

To be expended in
purchasing lands and
water rights, to replace
those divested from
said pueblos.

For construction,
etc., of reservoirs, etc.

Sums supplemental
to awards by Pueblo
Lands Board.

SEC. 2. In addition to the awards made by the Pueblo Lands Board, the following sums, to be used as directed in section 1 of this Act, and in conformity with the Act of June 7, 1924, be, and hereby are, authorized to be appropriated:

Pueblos enumerated.

Pueblo of Jemez, \$1,885; pueblo of Nambe, \$47,439.50; pueblo of Taos, \$84,707.09; pueblo of Santa Ana, \$2,908.38; pueblo of Santo Domingo, \$4,256.56; pueblo of Sandia, \$12,980.62; pueblo of San Felipe, \$14,954.53; pueblo of Isleta, \$47,751.31; pueblo of Picuris, \$66,574.40; pueblo of San Ildefonso, \$37,058.28; pueblo of San Juan, \$153,863.04; pueblo of Santa Clara, \$181,114.19; pueblo of Cochiti, \$37,826.37; pueblo of Pojoaque, \$68,562.61; in all, \$761,954.88:

Provided, however, That the Secretary of the Interior shall report back to Congress any errors or omissions in the foregoing authorizations measured by the present fair market value of the lands involved, as heretofore determined by the appraisals of said tracts by the appraisers appointed by the Pueblo Lands Board, with evidence supporting his report and recommendations.

Proviso.
Errors, etc., to be reported.

SEC. 3. Pursuant to the aforesaid Act of June 7, 1924, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum to compensate white settlers or non-Indian claimants who have been found by the Pueblo Lands Board, created under said Act of June 7, 1924, to have occupied and claimed land in good faith but whose claim has not been sustained and whose occupation has been terminated under said Act of June 7, 1924, for the fair market value of lands, improvements appurtenant thereto, and water rights. The non-Indian claimants, or their successors, as found and reported by said Pueblo Lands Board, to be compensated out of said appropriations to be disbursed under the direction of the Secretary of the Interior in the amounts due them as appraised by the appraisers appointed by said Pueblo Lands Board, as follows:

Appropriation authorized for non-Indian claimants for lands dispossessed.

Pueblos designated.

Within the pueblo of Tesuque, \$1,094.64; within the pueblo of Nambe, \$19,393.59; within the pueblo of Taos, \$14,064.57; within the Tenorio Tract, Taos Pueblo, \$43,165.26; within the pueblo of Santa Ana (El Ranchito grant), \$846.26; within the pueblo of Santo Domingo, \$66; within the pueblo of Sandia, \$5,354.46; within the pueblo of San Felipe, \$16,424.68; within the pueblo of Isleta, \$6,624.45; within the pueblo of Picuris, \$11,464.73; within the pueblo of San Ildefonso, \$16,209.13; within the pueblo of San Juan, \$19,938.22; within the pueblo of Santa Clara, \$35,350.88; within the pueblo of Cochiti, \$9,653.81; within the pueblo of Pojoaque, \$1,767.26; within the pueblo of Laguna, \$30,668.87; in all, \$232,086.80: *Provided, however,* That the Secretary of the Interior shall report back to Congress any errors in the amount of award measured by the present fair market value of the lands involved and any errors in the omissions of legitimate claimants for award, with evidence supporting his report and recommendations.

Proviso.
Errors, etc., to be reported.

SEC. 4. That for the purpose of safeguarding the interests and welfare of the tribe of Indians known as the Pueblo de Taos of New Mexico in the certain lands hereinafter described, upon which lands said Indians depend for water supply, forage for their domestic livestock, wood and timber for their personal use and as the scene of certain of their religious ceremonies, the Secretary of Agriculture may and he hereby is authorized and directed to designate and segregate said lands, which shall not thereafter be subject to entry under the land laws of the United States, and to thereafter grant to said Pueblo de Taos, upon application of the governor and council thereof, a permit to occupy said lands and use the resources thereof for the personal use and benefit of said tribe of Indians for a period of fifty years, with provision for subsequent renewals if the use and occupancy by said tribe of Indians shall continue, the provisions of the permit are met and the continued protection of the watershed is required by public interest. Such permit shall specifically provide for and safeguard all rights and equities hitherto established and enjoyed by said tribe of Indians under any contracts or agreements hitherto existing, shall authorize the free use of wood, forage, and lands for the personal or tribal needs of said Indians, shall define the conditions under which natural resources under the control of the Department of Agriculture not needed by said Indians shall be made available for commercial use by the Indians or others, and

Pueblo de Taos.
Certain lands to be segregated for benefit of Indians.

Established rights, etc., safeguarded.

Natural resources, not needed, available for commercial use.

Supervision.	shall establish necessary and proper safeguards for the efficient supervision and operation of the area for national forest purposes and all other purposes herein stated, the area referred to being described as follows:
Area described.	Beginning at the northeast corner of the Pueblo de Taos grant, thence northeasterly along the divide between Rio Pueblo de Taos and Rio Lucero and along the divide between Rio Pueblo de Taos and Red River to a point a half mile east of Rio Pueblo de Taos; thence southwesterly on a line half mile east of Rio Pueblo de Taos and parallel thereto to the northwest corner of township 25 north, range 15 east; thence south on the west boundary of township 25 north, range 15 east, to the divide between Rio Pueblo de Taos and Rio Fernandez de Taos; thence westerly along the divide to the east boundary of the Pueblo de Taos grant; thence north to the point of beginning; containing approximately thirty thousand acres, more or less.
Protection of purchases, etc.	SEC. 5. Except as otherwise provided herein the Secretary of the Interior shall disburse and expend the amounts of money herein authorized to be appropriated, in accordance with and under the terms and conditions of the Act approved June 7, 1924: <i>Provided, however,</i> That the Secretary be authorized to cause necessary surveys and investigations to be made promptly to ascertain the lands and water rights that can be purchased out of the foregoing appropriations and earlier appropriations made for the same purpose, with full authority to disburse said funds in the purchase of said lands and water rights without being limited to the appraised values thereof as fixed by the appraisers appointed by the Pueblo Lands Board appointed under said Act of June 7, 1924, and all prior Acts limiting the Secretary of the Interior in the disbursement of said funds to the appraised value of said lands as fixed by said appraisers of said Pueblo Lands Board be, and the same are, expressly repealed: <i>Provided further,</i> That the Secretary of the Interior be, and he is hereby, authorized to disburse a portion of said funds for the purpose of securing options upon said lands and water rights and necessary abstracts of title thereof for the necessary period required to investigate titles and which may be required before disbursement can be authorized: <i>Provided further,</i> That the Secretary of the Interior be, and he is hereby, authorized, out of the appropriations of the foregoing amounts and out of the funds heretofore appropriated for the same purpose, to purchase any available lands within the several pueblos which in his discretion it is desirable to purchase, without waiting for the issuance of final patents directed to be issued under the provisions of the Act of June 7, 1924, where the right of said pueblos to bring independent suits, under the provisions of the Act of June 7, 1924, has expired: <i>Provided further,</i> That the Secretary of the Interior shall not make any expenditures out of the pueblo funds resulting from the appropriations set forth herein, or prior appropriations for the same purpose, without first obtaining the approval of the governing authorities of the pueblo affected: <i>And provided further,</i> That the governing authorities of any pueblo may initiate matters pertaining to the purchase of lands in behalf of their respective pueblos, which matters, or contracts relative thereto, will not be binding or concluded until approved by the Secretary of the Interior.
Provisos. Surveys and investigations to be made.	
Purchases not limited to appraised values.	
Securing options, abstracts of title, etc.	
Purchase of available lands before issue of final patents in certain cases.	
Disbursements subject to approval of pueblo affected.	
Initiating land purchases by pueblo.	
Right to prosecute independent suits not abridged.	SEC. 6. Nothing in this Act shall be construed to prevent any pueblo from prosecuting independent suits as authorized under section 4 of the Act of June 7, 1924. The Secretary of the Interior is authorized to enter into contract with the several Pueblo Indian tribes, affected by the terms of this Act, in consideration of the

authorization of appropriations contained in section 2 hereof, providing for the dismissal of pending and the abandonment of contemplated original proceedings, in law or equity, by, or in behalf of said Pueblo Indian tribes, under the provisions of section 4 of the Act of June 7, 1924 (43 Stat. L. 636), and the pueblo concerned may elect to accept the appropriations herein authorized, in the sums herein set forth, in full discharge of all claims to compensation under the terms of said Act, notifying the Secretary of the Interior in writing of its election so to do: *Provided*, That if said election by said pueblo be not made, said pueblo shall have one year from the date of the approval of this Act within which to file any independent suit authorized under section 4 of the Act of June 7, 1924, at the expiration of which period the right to file such suit shall expire by limitation: *And provided further*, That no ejectment suits shall be filed against non-Indians entitled to compensation under this Act, in less than six months after the sums herein authorized are appropriated.

Pueblo may elect to accept authorized compensation.

Proviso.
Independent suits.
Filing if election not made.

Ejectment suits against non-Indians.

SEC. 7. Section 16 of the Act approved June 7, 1924, is hereby amended to read as follows:

Vol. 43, p. 641, amended.

“SEC. 16. That if the Secretary of the Interior deems it to be for the best interest of the Indians that any land adjudged by the court or said Lands Board against any claimant be sold, he may, with the consent of the governing authorities of the pueblo, order the sale thereof, under such regulations as he may make, to the highest bidder for cash; and if the buyer thereof be other than the losing claimant, the purchase price shall be used in paying to such losing claimant the adjudicated value of the improvements aforesaid, if found under the provisions of section 15 hereof, and the balance thereof, if any, shall be paid over to the proper officer, or officers, of the Indian community, but if the buyer be the losing claimant, and the value of his improvements has been adjudicated as aforesaid, such buyer shall be entitled to have credit upon his bid for the value of such improvements so adjudicated.”

Lands recovered from non-Indians may be re-sold.

SEC. 8. The attorney or attorneys for such Indian tribe or tribes shall be paid such fee as may be agreed upon by such attorney or attorneys and such Indian tribe or tribes, but in no case shall the fee be more than 10 per centum of the sum herein authorized to be appropriated for the benefit of such tribe or tribes, and such attorney's fees shall be disbursed by the Secretary of the Interior in accordance herewith out of any funds appropriated for said Indian tribe or tribes under the provisions of the Act of June 7, 1924 (43 Stat. L. 636), or this Act: *Provided however*, That 25 per centum of the amount agreed upon as attorneys' fees shall be retained by the Secretary of the Interior to be disbursed by him under the terms of the contract, subject to approval of the Secretary of the Interior, between said attorneys and said Indian tribes, providing for further services and expenses of said attorneys in furtherance of the objects set forth in section 19 of the Act of June 7, 1924.

Attorneys' fees.

Limitation.

Proviso.
Future services.

SEC. 9. Nothing herein contained shall in any manner be construed to deprive any of the Pueblo Indians of a prior right to the use of water from streams running through or bordering on their respective pueblos for domestic, stock-water, and irrigation purposes for the lands remaining in Indian ownership, and such water rights shall not be subject to loss by nonuse or abandonment thereof as long as title to said lands shall remain in the Indians.

Water rights not subject to loss through nonuse, etc.

SEC. 10. The sums authorized to be appropriated under the terms and provisions of section 2 of this Act shall be appropriated in three annual installments, beginning with the fiscal year 1937.

Compensation to be made in three annual installments.
Acts, p. 106.

Approved, May 31, 1933.

[CHAPTER 46.]

AN ACT

June 3, 1933.
[H.R. 4494.]
[Public, No. 29.]

Authorizing a per capita payment of \$100 to the members of the Menominee Tribe of Indians of Wisconsin from funds on deposit to their credit in the Treasury of the United States.

Menominee Indians of Wisconsin.
Per capita payments to, from tribal funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the fund in the Treasury of the United States on deposit to the credit of the Menominee Indians in the State of Wisconsin a sufficient sum to make therefrom a per capita payment or distribution of \$100, in three installments, \$50 immediately upon passage of this Act, \$25 on or about October 15, 1933, and \$25 on or about January 15, 1934, to each of the living members on the tribal roll of the Menominee Tribe of Indians of the State of Wisconsin, under such rules and regulations as the said Secretary may prescribe.

Approved, June 3, 1933.

[CHAPTER 47.]

JOINT RESOLUTION

June 5, 1933.
[S.J. Res. 43.]
[Pub. Res., No. 9.]

Authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Posheng Yen, a citizen of China.

Posheng Yen, a citizen of China.
Admitted to Military Academy.
Provisos.
No Federal expense.
Conditions.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to permit Posheng Yen to receive instruction at the United States Military Academy at West Point for the course beginning not later than July 1, 1934: *Provided,* That no expense shall be caused to the United States thereby, and that Posheng Yen shall agree to comply with all regulations for the police and discipline of the Academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction, and that said Posheng Yen shall not be admitted to the Academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the Academic Board: *Provided further,* That in the case of said Posheng Yen the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended: *Provided further,* That S.J. Res. 179, approved March 3, 1933, be, and the same is hereby, repealed.

Oath and service, waived.
R.S., secs. 1320, 1321, p. 227.

Existing law repealed.
Vol. 47, p. 1546.

Approved, June 5, 1933.

[CHAPTER 48.]

JOINT RESOLUTION

June 5, 1933.
[H.J. Res. 192.]
[Pub. Res., No. 10.]

To assure uniform value to the coins and currencies of the United States.

Uniform value of coins and currencies.
Preamble.

Whereas the holding of or dealing in gold affect the public interest, and are therefore subject to proper regulation and restriction; and Whereas the existing emergency has disclosed that provisions of obligations which purport to give the obligee a right to require payment in gold or a particular kind of coin or currency of the United States, or in an amount in money of the United States measured thereby, obstruct the power of the Congress to regulate the value of the money of the United States, and are inconsistent with the declared policy of the Congress to maintain at all times the equal power of every dollar, coined or issued by the United States, in the markets and in the payment of debts. Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) every provision contained in or made with respect to any obligation which purports to give the obligee a right to require payment in gold or a particular kind of coin or currency, or in an amount in money of the United States measured thereby, is declared to be against public policy; and no such provision shall be contained in or made with respect to any obligation hereafter incurred. Every obligation, heretofore or hereafter incurred, whether or not any such provision is contained therein or made with respect thereto, shall be discharged upon payment, dollar for dollar, in any coin or currency which at the time of payment is legal tender for public and private debts. Any such provision contained in any law authorizing obligations to be issued by or under authority of the United States, is hereby repealed, but the repeal of any such provision shall not invalidate any other provision or authority contained in such law.

(b) As used in this resolution, the term "obligation" means an obligation (including every obligation of and to the United States, excepting currency) payable in money of the United States; and the term "coin or currency" means coin or currency of the United States, including Federal Reserve notes and circulating notes of Federal Reserve banks and national banking associations.

SEC. 2. The last sentence of paragraph (1) of subsection (b) of section 43 of the Act entitled "An Act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", approved May 12, 1933, is amended to read as follows:

"All coins and currencies of the United States (including Federal Reserve notes and circulating notes of Federal Reserve banks and national banking associations) heretofore or hereafter coined or issued, shall be legal tender for all debts, public and private, public charges, taxes, duties, and dues, except that gold coins, when below the standard weight and limit of tolerance provided by law for the single piece, shall be legal tender only at valuation in proportion to their actual weight."

Approved, June 5, 1933, 4.40 p.m.

[CHAPTER 49.]

AN ACT

To provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to promote the establishment and maintenance of a national system of public employment offices there is hereby created in the Department of Labor a bureau to be known as the United States Employment Service, at the head of which shall be a director. The director shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of \$8,500 per annum.

(b) Upon the expiration of three months after the enactment of this Act the employment service now existing in the Department of Labor shall be abolished; and all records, files, and property (including office equipment) of the existing employment service

Clauses in obligations requiring gold, etc., payments declared contrary to public policy.

No future obligation to be so expressed.

Payments to be made in legal tender.

Conflicting provisions repealed. U.S.C. p. 1003. Other provisions not invalidated.

Term "obligation" defined.

"Coin or currency."

National Economic Emergency Act, amended. Ante, p. 52.

Coins and currencies as legal tender.

Abrased gold coins according to weight.

June 6, 1933.
[S. 510.]

[Public, No. 30.]

National cooperative employment service.

United States Employment Service created in Department of Labor.

Appointment, etc., of Director.

Existing service to be abolished; personnel and property transferred.

No salary, etc., changes.

Assistant directors, officers, etc.

Not subject to civil service nor Classification Acts.

Vol. 42, p. 1488; U.S.C., p. 65; Supp. VI, p. 31.

Other expenditures authorized.

Veteran employment service.

Appointments in.

Duty etc., of bureau to develop national employment, etc.

Veterans agencies.

To assist in coordinating employment offices, etc.

Hawaii and Alaska included.

State action to obtain benefits.

Appropriation for fiscal year 1934; thereafter. Post, p. 278.

Apportionment among States

Use in establishing, etc., public employment offices.

Payments to States. Restriction on.

shall thereupon be transferred to the United States Employment Service; and all the officers and employees of such service shall thereupon be transferred to the United States Employment Service created by this Act without change in classification or compensation.

SEC. 2. The Secretary of Labor is authorized, without regard to the civil service laws, to appoint and, without regard to the Classification Act of 1923, as amended, to fix the compensation of one or more assistant directors and such other officers, employees, and assistants, and to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere and for law books, books of reference, and periodicals) as may be necessary to carry out the provisions of this Act. In case of appointments for service in the veterans' employment service provided for in section 3 of this Act, the Secretary shall appoint only veterans of wars of the United States.

SEC. 3. (a) It shall be the province and duty of the bureau to promote and develop a national system of employment offices for men, women, and juniors who are legally qualified to engage in gainful occupations, to maintain a veterans' service to be devoted to securing employment for veterans, to maintain a farm placement service, to maintain a public employment service for the District of Columbia and, in the manner hereinafter provided, to assist in establishing and maintaining systems of public employment offices in the several States and the political subdivisions thereof in which there shall be located a veterans' employment service. The bureau shall also assist in coordinating the public employment offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedure, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the several States.

(b) Whenever in this Act the word "State" or "States" is used it shall be understood to include the Territories of Hawaii and Alaska.

SEC. 4. In order to obtain the benefits of appropriations apportioned under section 5, a State shall, through its legislature, accept the provisions of this Act and designate or authorize the creation of a State agency vested with all powers necessary to cooperate with the United States Employment Service under this Act.

SEC. 5. (a) For the purpose of carrying out the provisions of this Act there is hereby authorized to be appropriated (1) the sum of \$1,500,000 for the fiscal year ending June 30, 1934, (2) \$4,000,000 for each fiscal year thereafter up to and including the fiscal year ending June 30, 1938, (3) and thereafter such sums annually as the Congress may deem necessary. Seventy-five per centum of the amounts appropriated under this Act shall be apportioned by the director among the several States in the proportion which their population bears to the total population of the States of the United States according to the next preceding United States census, to be available for the purpose of establishing and maintaining systems of public employment offices in the several States and the political subdivisions thereof in accordance with the provisions of this Act. No payment shall be made in any year out of the amount of such appropriations apportioned to any State until an equal sum has been appropriated or otherwise made available for that year by the State, or by any agency thereof, including

appropriations made by local subdivisions, for the purpose of maintaining public employment offices as a part of a State-controlled system of public employment offices; except that the amounts so appropriated by the State shall not be less than 25 per centum of the apportionment according to population made by the director for such State for the current year, and in no event less than \$5,000. The balance of the amounts appropriated under this Act shall be available for all the purposes of this Act other than for apportionment among the several States as herein provided.

(b) The amounts apportioned to any State for any fiscal year shall be available for payment to and expenditure by such State, for the purposes of this Act, until the close of the next succeeding fiscal year; except that amounts apportioned to any State for any fiscal year preceding the fiscal year during which is commenced the first regular session of the legislature of such State held after the enactment of this Act shall remain available for payment to and expenditure by such State until the close of the fiscal year next succeeding that in which such session is commenced. Subject to the foregoing limitations, any amount so apportioned unexpended at the end of the period during which it is available for expenditure under this Act shall, within sixty days thereafter, be reapportioned for the current fiscal year among all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and treasurers of the States in the same manner, as if it were being apportioned under this Act for the first time.

SEC. 6. Within sixty days after any appropriation has been made under authority of this Act the director shall make the apportionment thereof as provided in section 5 and shall certify to the Secretary of the Treasury and to the treasurers of the several States the amount apportioned to each State for the fiscal year for which the appropriation has been made.

SEC. 7. Within sixty days after any appropriation has been made under the authority of this Act, and as often thereafter while such appropriation remains available as he deems advisable, the director shall ascertain as to each of the several States (1) whether the State has, through its legislature or its governor, as the case may be, accepted the provisions of this Act and designated or authorized the creation of an agency to cooperate with the United States Employment Service in the administration of this Act in compliance with the provisions of section 4 of this Act; and (2) the amounts, if any, which have been appropriated or otherwise made available by such State and by any agency thereof, including appropriations made by local subdivisions, in compliance with the provisions of section 5 of this Act. If the director finds that a State has complied with the requirements of such sections, and if plans have been submitted and approved in compliance with the provisions of section 8 of this Act, the director shall determine the amount of the payments, if any, to which the State is entitled under the provisions of section 5, and certify such amount to the Secretary of the Treasury. Such certificate shall be sufficient authority to the Secretary of the Treasury to make payments to the State in accordance therewith.

SEC. 8. Any State desiring to receive the benefits of this Act shall, by the agency designated to cooperate with the United States Employment Service, submit to the director detailed plans for carrying out the provisions of this Act within such State. In those States where a State board, department, or agency exists which is charged with the administration of State laws for vocational rehabilitation of physically handicapped persons, such plans shall include provision for cooperation between such board, department, or agency and

Minimum.

Administration, etc., expenses.

Apportionments available through succeeding fiscal year; exception.

Reapportionment of unexpended balances.

Certification of apportionments.

Director to ascertain measures taken by States.

Funds made available by States, etc.

Director to certify to Treasury on compliance by States.

Certificate to be sufficient warrant.

States to submit details for making provisions effective.

State providing vocational rehabilitation.

- Approval if plans conform to provisions of Act.
- State agencies to report operations, etc.
- Efficiency of office to be ascertained by director.
- Revocation, etc., of certificate.
- Notice required.
- Appeal to Secretary of Labor allowed.
- Expenditures in State by Director.
- To establish State system of employment.
- When State system exists, but cooperative requirements not met. *Ante*, p. 114.
- Termination of authority to extend benefits.
- Federal Advisory Council. Composition, purposes, etc.
- Appointment, without pay.
- Travel and subsistence allowed.
- Access to files, records, etc.
- the agency designated to cooperate with the United States Employment Service under this Act. If such plans are in conformity with the provisions of this Act and reasonably appropriate and adequate to carry out its purposes, they shall be approved by the director and due notice of such approval shall be given to the State agency.
- SEC. 9. Each State agency cooperating with the United States Employment Service under this Act shall make such reports concerning its operations and expenditures as shall be prescribed by the director. It shall be the duty of the director to ascertain whether the system of public employment offices maintained in each State is conducted in accordance with the rules and regulations and the standards of efficiency prescribed by the director in accordance with the provisions of this Act. The director may revoke any existing certificates or withhold any further certificate provided for in section 7, whenever he shall determine, as to any State, that the cooperating State agency has not properly expended the moneys paid to it or the moneys herein required to be appropriated by such State, in accordance with plans approved under this Act. Before any such certificate shall be revoked or withheld from any State, the director shall give notice in writing to the State agency stating specifically wherein the State has failed to comply with such plans. The State agency may appeal to the Secretary of Labor from the action of the director in any such case, and the Secretary of Labor may either affirm or reverse the action of the director with such directions as he shall consider proper.
- SEC. 10. During the current fiscal year and the two succeeding fiscal years the Director is authorized to expend in any State so much of the sum apportioned to such State according to population, and so much of the unapportioned balance of the appropriation made under the provisions of section 5 as he may deem necessary, as follows:
- (a) In States where there is no State system of public employment offices, in establishing and maintaining a system of public employment offices under the control of the Director.
- (b) In States where there is a State system of public employment offices, but where the State has not complied with the provisions of section 4, in establishing a cooperative Federal and State system of public employment offices to be maintained by such officer or board and in such manner as may be agreed upon by and between the Governor of the State and the Director.
- The authority contained in this section shall terminate at the expiration of the period specified in the first paragraph of this section, and thereafter no assistance shall be rendered such States until the legislatures thereof provide for cooperation with the United States Employment Service as provided in section 4 of this Act.
- SEC. 11 (a) The director shall establish a Federal Advisory Council composed of men and women representing employers and employees in equal numbers and the public for the purpose of formulating policies and discussing problems relating to employment and insuring impartiality, neutrality, and freedom from political influence in the solution of such problems. Members of such council shall be selected from time to time in such manner as the director shall prescribe and shall serve without compensation, but when attending meetings of the council they shall be allowed necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, within the limitations prescribed by law for civilian employees in the executive branch of the Government. The council shall have access to all files and records of the United States Em-

ployment Service. The director shall also require the organization of similar State advisory councils composed of men and women representing employers and employees in equal numbers and the public.

State councils to be organized.

(b) In carrying out the provisions of this Act the director is authorized and directed to provide for the giving of notice of strikes or lockouts to applicants before they are referred to employment.

Notices of strikes, etc.

SEC. 12. The director, with the approval of the Secretary of Labor, is hereby authorized to make such rules and regulations as may be necessary to carry out the provisions of this Act.

Rules to be prescribed.

SEC. 13. The Postmaster General is hereby authorized and directed to extend to the United States Employment Service and to the system of employment offices operated by it in conformity with the provisions of this Act, and to all State employment systems which receive funds appropriated under authority of this Act, the privilege of free transmission of official mail matter.

Franking privilege extended.

Approved, June 6, 1933.

[CHAPTER 50.]

AN ACT

To amend the Act approved July 3, 1930 (46 Stat. 1005), authorizing commissioners or members of international tribunals to administer oaths, and so forth.

June 7, 1933.

[S. 1581.]

[Public, No. 31.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 3, 1930 (46 Stat. 1005), authorizing commissioners or members of international tribunals to administer oaths, and so forth, be, and the same is hereby, amended by adding at the end thereof the following additional sections:

Testimony before International tribunals. Vol. 46, p. 1005, amended. Post, p. 279.

“SEC. 5. That the agent of the United States before any international tribunal or commission, whether previously or hereafter established, in which the United States participates as a party whenever he desires to obtain testimony or the production of books and papers by witnesses may apply to the United States district court for the district in which such witness or witnesses reside or may be found, for the issuance of subpoenas to require their attendance and testimony before the United States district court for that district and the production therein of books and papers, relating to any matter or claim in which the United States on its own behalf or on behalf of any of its nationals is concerned as a party claimant or respondent before such international tribunal or commission.

Authority of United States agent.

“SEC. 6. That any United States district court to which such application shall be made shall have authority to issue or cause to be issued such subpoenas upon the same terms as are applicable to the issuance of subpoenas in suits pending in the United States district court, and the clerk thereof shall have authority to administer oaths respecting testimony given therein, and the marshal thereof shall serve such subpoenas upon the person or persons to whom they are directed. The hearing of witnesses and taking of their testimony and the production of books and papers pursuant to such subpoenas shall be before the United States district court for that district or before a commissioner or referee appointed by it for the taking of such testimony, and the examination may be oral or upon written interrogatories and may be conducted by the agent of the United States or his representative. Reasonable notice thereof shall be given to the agent or agents of the opposing government or governments concerned in such proceedings who shall have the right to be

Application for issue of subpoenas.

District courts to enforce compliance.

Service of writ.

Hearings before court.

Examinations.

Reasonable notice to opposing governments.

Certified transcript
to agents of both
parties.

present in person or by representative and to examine or cross-examine such witnesses at such hearing. A certified transcript of such testimony and any proceedings arising out of the issuance of such subpoenas shall be forwarded by the clerk of the district court to the agent of the United States and also to the agent or agents of the opposing government or governments, without cost.

Perjury.
Punishment for.

"SEC. 7. That every person knowingly or willfully swearing or affirming falsely in any testimony taken in response to such subpoenas shall be deemed guilty of perjury, and shall, upon conviction thereof, suffer the penalty provided by the laws of the United States for that offense when committed in its courts of justice. Any failure to attend and testify as a witness or to produce any book or paper which is in the possession or control of such witness, pursuant to such subpoena, may be regarded as a contempt of the court and shall be punishable as a contempt by the United States district court in the same manner as is provided by the laws of the United States for that offense in any other proceedings in its courts of justice.

Failure to comply
with subpoena deemed
contempt.

Jurisdiction of D.C.
Supreme Court.

"SEC. 8. For the purposes of sections 5, 6, and 7 of this Act, the Supreme Court of the District of Columbia shall be considered to be a district court of the United States."

Approved, June 7, 1933.

[CHAPTER 51.]

AN ACT

June 9, 1933.
[S. 1273.]
[Public, No. 32.]

To amend an Act (Public, Numbered 431, Seventy-second Congress) to identify The Dalles Bridge Company.

The Dalles Bridge
Company.
Identification of.
Vol. 47, p. 1552,
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act to authorize the construction of certain bridges over navigable waters of the United States, approved March 4, 1933 (Public, Numbered 431, Seventy-second Congress), be amended by adding to section 2a the words "a Washington corporation", immediately following the words "The Dalles Bridge Company."

Approved, June 9, 1933.

[CHAPTER 52.]

AN ACT

June 9, 1933.
[S. 1815.]
[Public, No. 33.]

To extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Owensboro, Kentucky.

Ohio River.
Time extended for
bridging at Owensboro,
Ky.
Vol. 47, p. 291,
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Ohio River at or near Owensboro, Kentucky, authorized to be built by the State Highway Commission of Kentucky by an Act of Congress approved June 9, 1932, are hereby extended one and three years, respectively, from June 9, 1933.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 9, 1933.

[CHAPTER 53.]

AN ACT

Amending section 1 of the Act entitled "An Act to provide for stock-raising homesteads, and for other purposes", approved December 29, 1916 (ch. 9, par. 1, 39 Stat. 862), and as amended February 28, 1931 (ch. 328, 46 Stat. 1454).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to provide for stock-raising homesteads, and for other purposes", approved December 29, 1916 (ch. 9, par. 1, 39 Stat. 862), and as amended February 28, 1931 (ch. 328, 46 Stat. 1454), be amended to read as follows:

"From and after December 29, 1916, it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding six hundred and forty acres of unappropriated unreserved public lands in reasonably compact form: *Provided, however,* That the land so entered shall theretofore have been designated by the Secretary of the Interior as 'stock-raising lands': *Provided further,* That for the purposes of this section lands withdrawn or reserved solely as valuable for oil or gas shall not be deemed to be appropriated or reserved: *Provided further,* That the provisions of this section shall not apply to naval petroleum reserves and naval oil-shale reserves: *And provided further,* That should said lands be within the limits of the geological structure of a producing oil or gas field entry can only be allowed, in the discretion of the Secretary of the Interior, in the absence of objection after due notice by the lessee or permittee, and any patent therefor shall contain a reservation to the United States of all minerals in said lands and the right to prospect for, mine, and remove the same."

Approved, June 9, 1933.

[CHAPTER 55.]

AN ACT

To authorize the Reconstruction Finance Corporation to subscribe for preferred stock and purchase the capital notes of insurance companies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the continuance of the existing emergency heretofore recognized by Public No. 1 of the 73d Congress or until this Act shall be declared no longer operative by proclamation of the President, and notwithstanding any other provision of any other law, if, in the opinion of the Secretary of the Treasury, any insurance company of any State of the United States is in need of funds for capital purposes either in connection with the organization of such company or otherwise, he may, with the approval of the President, request the Reconstruction Finance Corporation to subscribe for preferred stock of any class, exempt from assessment or additional liability, in such insurance company, or to make loans secured by such stock as collateral, and the Reconstruction Finance Corporation may comply with such request. The Reconstruction Finance Corporation may, with the approval of the Secretary of the Treasury and under such rules and regulations as he may prescribe, sell in the open market the whole or any part of the preferred stock of any such insurance company acquired by the corporation pursuant to this section. The total face amount of loans outstanding, preferred stock subscribed for, and capital notes purchased and held by the Reconstruction

June 9, 1933.
[S. 604.]
[Public, No. 34.]

Public lands.
Stockraising home-
stead entries.
Vol. 39, p. 862;
Vol. 46, p. 1454.
U.S.C., p. 1348; Supp.
VI, p. 778.

Entry on unappropriated, etc., lands.

Area.
Provisos.
Classification of
lands.
Oil and gas lands
available.

Naval petroleum reserves, etc., excluded.

Lands within geological structure.

June 10, 1933.
[S. 1064.]
[Public, No. 35.]

Insurance companies.
Reconstruction Finance Corporation may subscribe to non-assessable preferred stock of; make loans to.
Ante, p. 1.

Approval of President required.

Subsequent resale authorized.

Restriction on total face value of Corporation's holdings.

Amount of obligations authorized to issue, increased.
Vol. 47, p. 9.

Purchase of notes, when State laws prohibit preferred-stock issues, etc.

Post, p. 1111.

Conditions of purchase or loans by Corporation.

Company must show unimpaired capital stock.

New capital may be furnished.

Proviso.

Loans upon preferred stock or capital notes.

Compensation of Company officers, etc., limited.

Agreements required of Company.

"Compensation", construed.

Renewals of loans by Corporation; when shall be denied.

If compensation of officer, etc., excessive.

Agreement not to increase, required.

Emergency Relief and Construction Act of 1932, amendment.
Ante, pp. 20, 99.
Post, p. 283.

Finance Corporation, under the provisions of this section and section 2, shall not exceed at any one time \$50,000,000, and the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this section and section 2.

SEC. 2. In the event that any such insurance company shall be incorporated under the laws of any State which does not permit it to issue preferred stock, exempt from assessment or additional liability, or if such laws permit such issue of preferred stock only by unanimous consent of stockholders, or upon notice of more than twenty days, the Reconstruction Finance Corporation is authorized for the purposes of this Act to purchase the legally issued capital notes of such insurance company or to make loans secured by such notes as collateral, which may be subordinated in whole or in part or to any degree to claims of other creditors.

SEC. 3. The Reconstruction Finance Corporation shall not subscribe for or purchase any preferred stock or capital notes of any applicant insurance company, (1) until the applicant shows to the satisfaction of the Corporation that it has unimpaired capital stock, or that it will furnish new capital which will be subordinate to the preferred stock or capital notes to be subscribed for or purchased by the Corporation, equal to the amount of said preferred stock or capital notes so subscribed for or purchased by the Corporation: *Provided*, That the Corporation may make loans upon said preferred stock or capital notes, if, in its opinion, such loans will be adequately secured by said stock or capital notes, and/or such other forms of security as the Corporation may require; (2) if at the time of such subscription, purchase, or loan any officer, director, or employee of the applicant is receiving total compensation in a sum in excess of \$17,500 per annum from the applicant and/or any of its affiliates, and (3) unless at such time the applicant agrees to the satisfaction of the Corporation not to increase the compensation of any of its officers, directors, or employees, and not to retire any of its stock, notes, bonds, or debentures issued for capital purposes, while any part of the preferred stock, notes, bonds, or debentures of such company is held by the Corporation. For the purposes of this section, the term "compensation" includes any salary, fee, bonus, commission, or other payment, direct or indirect, in money or otherwise, for personal services.

SEC. 4. The Reconstruction Finance Corporation shall not make, renew, or extend any loan under the Reconstruction Finance Corporation Act, as amended, or under the Emergency Relief and Construction Act of 1932, (1) if at the time of making, renewing, or extending such loan any officer, director, or employee of the applicant is receiving compensation at a rate in excess of what appears reasonable to the Reconstruction Finance Corporation, and (2) unless at such time the applicant agrees to the satisfaction of the Corporation not to increase the compensation of any of its officers, directors, or employees to any amount in excess of what appears reasonable to the Reconstruction Finance Corporation while such loan is outstanding and unpaid. For the purposes of this section the term "compensation" includes any salary, fee, bonus, commission, or other payment, direct or indirect, in money or otherwise for personal services.

SEC. 5. That the second and third sentences of paragraph (6) of section 201 (a) of the Emergency Relief and Construction Act of 1932, as amended, are hereby amended to read as follows: "Obliga-

tions accepted hereunder shall be collateralized (a) in the case of loans for the repair or reconstruction of private property, by the obligations of the owner of such property secured by a paramount lien except as to taxes and special assessments on the property repaired or reconstructed, or on other property of the borrower, and (b) in the case of municipalities or political subdivisions of States or their public agencies, including public-school boards and public-school districts, by an obligation of such municipality, political subdivision, public agency, public-school board, or public-school district. The Corporation shall not deny an otherwise acceptable application for loans for repair or construction of the buildings of municipalities, political subdivisions, public agencies, public-school boards, or public-school districts because of constitutional or other legal inhibitions affecting the collateral."

SEC. 6. The fourth sentence of paragraph (6) of section 201 (a) of such Act, as amended, is hereby amended by striking out the period at the end thereof and inserting in lieu thereof the following: "in case of loans made under clause (a) of this paragraph, and not exceeding twenty years in case of loans made under clause (b)."

SEC. 7. The fifth sentence of paragraph (6) of section 201 (a) of such Act, as amended, is hereby amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and, in case of loans made under clause (b), shall be deemed to be so secured if, in the opinion of the Reconstruction Finance Corporation, such loans will be repaid from any source, including taxation, within a reasonable period, not exceeding twenty years."

SEC. 8. The seventh sentence of paragraph (6) of section 201 (a) of such Act, as amended, is hereby amended to read as follows: "The aggregate of loans made under clause (a) shall not exceed \$5,000,000, and the aggregate of loans made under clause (b) shall not exceed \$12,000,000."

SEC. 9. The first sentence in section 201 (a) of such Act, as amended, which follows paragraph (6) thereof is hereby amended by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: "except that for the purposes of clause (b) of paragraph (6) of this subsection a project shall be deemed to be self-liquidating if the construction cost thereof will be returned by any means, including taxation, within a reasonable period, not exceeding twenty years."

SEC. 10. That an Act entitled "An Act to provide emergency financing facilities for financial institutions, to aid in financing agriculture, commerce, and industry, and for other purposes", approved January 22, 1932, and amended by an Act approved July 21, 1932, be further amended by adding at the end of section 5 thereof the following: "Provided further, That the Corporation may make said loans to trustees of railroads which proceed to reorganize under section 77 of the Bankruptcy Act of March 3, 1933."

SEC. 11. As used in this Act the term "insurance company" shall include any corporation engaged in the business of insurance or in the writing of annuity contracts, irrespective of the nature thereof, and operating under the supervision of a State superintendent or department of insurance in any of the States of the United States.

SEC. 12. Section 5 of the Reconstruction Finance Corporation Act, as amended, is amended by adding at the end thereof the following new paragraph:

"The Reconstruction Finance Corporation is further authorized and empowered to make loans if adequately secured to any State insurance fund established or created by the laws of any State for the

Loans for repair of earthquake damages. 1933.

Private property. Other property of borrower as collateral.

Municipalities, etc.

Public school boards and districts.

Application for, not denied by constitutional, etc., inhibitions affecting collateral.

Maturities of collateral obligations. *Ante*, pp. 20, 99, 120. *Post*, p. 283.

Security; loans to municipalities, etc.

When deemed fully secured.

Ante, pp. 20, 99, 120. *Post*, p. 283. Aggregate of loans. Amount increased.

Vol. 47, p. 712. Self-liquidating projects.

Municipalities, etc.

Reconstruction Finance Corporation Act amendment. Vol. 47, pp. 8, 709.

Railroad reorganization. Vol. 47, p. 1474. Loans to trustees authorized.

"Insurance company", construed.

Vol. 47, p. 8.

Loans to State insurance fund.

"State", construed.

Vol. 47, p. 8.

Loans to fund created to insure repayment of public money of State, etc.

Time of loans; terms and conditions.

Assignment of rights accruing on liquidation, etc., of depository.

"State", construed.

Amendment. Separability of provisions.

purpose of paying or insuring payment of compensation to injured workmen and those disabled as a result of disease contracted in the course of their employment, or to their dependents. As used in this paragraph, the term 'State' includes the several States and Alaska, Hawaii, and Puerto Rico."

SEC. 13. Section 5 of the Reconstruction Finance Corporation Act, as amended, is amended by adding at the end thereof the following new paragraph:

"The Reconstruction Finance Corporation is further authorized and empowered to make loans if adequately secured to any fund created by any State for the purpose of insuring the repayment of deposits of public moneys of such State or any of its political subdivisions in banks or depositories qualified under the law of such State to receive such deposits. Such loans may be made at any time prior to January 23, 1934, and upon such terms and conditions as the corporation may prescribe; except that any fund which receives a loan under this paragraph shall be required to assign to the corporation, to the extent of such loan, all amounts which may be received by such fund as dividends or otherwise from the liquidation of any such bank or depository in which deposits of such public moneys were made. As used in this paragraph, the term 'State' includes the several States and Alaska, Hawaii, and Puerto Rico."

SEC. 14. The right to alter or amend or repeal this Act is hereby expressly reserved. If any provision of this Act, or the application thereof to any person, firm, association, or corporation, is held invalid, the remainder of the Act, and the application of such provision to any other person, firm, association, or corporation, shall not be affected thereby.

Approved, June 10, 1933.

[CHAPTER 56.]

AN ACT

June 10, 1933.

[S. 1562.]

[Public, No. 36.]

Granting the consent of Congress to the Levy Court of Sussex County, Delaware, to reconstruct, maintain, and operate a free highway bridge across the Deeps Creek at Cherry Tree Landing, Sussex County, Delaware.

Deeps Creek, Del. Sussex County may bridge, at Cherry Tree Landing.

Construction. Vol. 34, p. 84.

Amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Levy Court of Sussex County, Delaware, its successors and assigns, to reconstruct, maintain, and operate a free highway bridge and approaches thereunto across the Deeps Creek, being a part of a navigable river from Concord, Delaware, to the Chesapeake Bay, at a point suitable to the interests of navigation, at or near Cherry Tree Landing, in the county of Sussex, State of Delaware, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved.

Approved, June 10, 1933.

[CHAPTER 57.]

AN ACT

For the protection of Government records.

June 10, 1933.

[H. R. 4220.]

[Public, No. 37.]

Government records. Penalty for publication of certain, without authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever, by virtue of his employment by the United States, shall obtain from another or shall have custody of or access to, or shall have had custody

of or access to, any official diplomatic code or any matter prepared in any such code, or which purports to have been prepared in any such code, and shall willfully, without authorization or competent authority, publish or furnish to another any such code or matter, or any matter which was obtained while in the process of transmission between any foreign government and its diplomatic mission in the United States, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

Approved, June 10, 1933.

[CHAPTER 58.]

AN ACT

To amend existing law in order to obviate the payment of one year's sea pay to surplus graduates of the Naval Academy.

June 10, 1933.

[H. R. 5012.]

[Public, No. 38.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the Act of August 5, 1882 (22 Stat. 285, ch. 391), as is contained in the proviso at the end of section 1057, title 34, United States Code, is hereby amended by repealing the words "and one year's sea pay", so that the said proviso will read as follows: "*Provided*, That if there be a surplus of graduates, those who do not receive such appointments shall be given a certificate of graduation and an honorable discharge."

Naval Academy.
Surplus graduates
not to receive one
year's sea pay.
Vol. 22, p. 285;
U.S.C., p. 1148.
Post, p. 307.

Approved, June 10, 1933.

[CHAPTER 59.]

AN ACT

To promote the foreign trade of the United States in apples and/or pears, to protect the reputation of American-grown apples and pears in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes.

June 10, 1933.

[H. R. 4812.]

[Public, No. 39.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person to ship or offer for shipment or for any carrier, or any steamship company, or any person to transport or receive for transportation to any foreign destination, except as provided in this Act, any apples and/or pears in packages which are not accompanied by a certificate issued under authority of the Secretary of Agriculture showing that such apples or pears are of a Federal or State grade which meets the minimum of quality established by the Secretary for shipment in export. The Secretary is authorized to prescribe, by regulations, the requirements, other than those of grade, which the fruit must meet before certificates are issued. The Secretary shall provide opportunity, by public hearing or otherwise, for interested persons to examine and make recommendation with respect to any standard of export proposed to be established or designated, or regulation prescribed, by the Secretary for the purposes of this Act.

Apples and pears,
American grown.
Shipment for export,
without certificate, un-
lawful.

Regulations to be
prescribed by Secre-
tary of Agriculture.

Hearings to deter-
mine standard of ex-
port.

Notice of standard.

SEC. 2. The Secretary shall give reasonable notice through one or more trade papers of the effective date of standards of export established or designated by him under this Act: *Provided*, That any apples or pears may be certified and shipped for export in fulfillment of any contract made within six months prior to the date of such shipment if the terms of such contract were in accordance with the grades and regulations of the Secretary in effect at the time the contract was made.

Proviso.
Prior contracts, ful-
filling authorized.

Standards or requirements of foreign governments.

SEC. 3. Where the government of the country to which the shipment is to be made has standards or requirements as to condition of apples or pears the Secretary may in addition to inspection and certification for compliance with the standards established or designated hereunder inspect and certify for determination as to compliance with the standards or requirements of such foreign government and may provide for special certificates in such cases.

Inspection to determine compliance.

Shipments less than carload lots.

SEC. 4. Apples or pears in less than carload lots as defined by the Secretary may, in his discretion, be shipped to any foreign country without complying with the provisions of this Act.

Fees for inspection, etc.

SEC. 5. For inspecting and certifying the grade, quality, and/or condition of apples and/or pears the Secretary shall cause to be collected a reasonable fee which shall as nearly as may be cover the cost of the service rendered: *Provided*, That when cooperative arrangements satisfactory to the Secretary, or his designated representative, for carrying out the purposes of this Act cannot be made the fees collected hereunder in such cases shall be available until expended to defray the cost of the service rendered, and in such cases the limitations on the amounts expended for the purchase and maintenance of motor-propelled passenger-carrying vehicles shall not be applicable: *Provided further*, That certificates issued by the authorized agents of the United States Department of Agriculture shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

Provisos.
Availability.

Admissibility of certificates as evidence.

Refusal to issue certificates if unlawful shipments made.

SEC. 6. After opportunity for hearing the Secretary is authorized to refuse the issuance of certificates under this Act for periods not exceeding ninety days to any person who ships or offers for shipment any apples and/or pears in foreign commerce in violation of any of the provisions of this Act. Any person or any common carrier or any transportation agency knowingly violating any of the provisions of this Act shall be fined not less than \$100 nor more than \$10,000 by a court of competent jurisdiction.

Penalty for violations.

Rules, etc., by Secretary.

SEC. 7. The Secretary may make such rules, regulations, and orders as may be necessary to carry out the provisions of this Act, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person, whether operating in one or more jurisdictions; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, binding, telegrams, telephones, law books, books of reference, publications, furniture, stationery, office equipment, travel, and other supplies and expenses including reporting services, as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and as may be appropriated for by Congress. This Act shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this Act; but it is intended that all such statutes shall remain in full force and effect except in so far as they are inconsistent herewith or repugnant hereto.

Cooperation with States, etc.

Appointment of officers, etc.

Expenditures for printing and binding, etc.

Statutes dealing with same subjects not abrogated.

Separability of Act.

SEC. 8. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

Terms construed.

"Person."

SEC. 9. That when used in this Act—

(1) The term "person" includes individuals, partnerships, corporations, and associations.

(2) The term "Secretary of Agriculture" means the Secretary of Agriculture of the United States.

"Secretary of Agriculture."

(3) Except as provided herein, the term "foreign commerce" means commerce between any State, or the District of Columbia, and any place outside of the United States or its possessions.

"Foreign commerce."

(4) The term "apples and/or pears" means fresh whole apples or pears, whether or not they have been in storage.

"Apples and/or pears."

Approved, June 10, 1933.

[CHAPTER 60.]

JOINT RESOLUTION

Extending for one year the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and of the Tripartite Claims Commission.

June 12, 1933.
[H. J. Res. 183.]
[Pub. Res., No. 11.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (g) of section 2 and subsection (f) of section 5 of the Settlement of War Claims Act of 1928, as amended by Public Resolution Numbered 27, Seventy-second Congress, approved June 14, 1932, are further amended, respectively, by striking out the words "five years" wherever such words appear therein and inserting in lieu thereof the words "six years."

Settlement of War Claims Act.
Time for making applications for payment, by American claimants, extended.
Vol. 47, p. 318, amended.
Post, p. 1019.

Approved, June 12, 1933.

[CHAPTER 61.]

AN ACT

To amend sections 4399, 4418, 4428, 4429, 4430, 4431, 4432, 4433, and and¹ 4434 of the Revised Statutes, as amended, relating to the construction and inspection of boilers, unfired pressure vessels, and the appurtenances thereof.

June 13, 1933.
[S. 1129.]
[Public, No. 40.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 4399, 4418, 4428, 4429, 4430, 4431, 4432, 4433, and 4434 of the Revised Statutes, as amended (U.S.C., title 46, secs. 361, 392, 406, 407, 408, 409, 410, 411, and 412), be, and the same are hereby, amended to read as follows:

Construction and inspection of boilers, unfired pressure vessels, etc.
R.S., secs. 4399, 4418, 4428-4434, pp. 852, 856, 858.
U.S.C., pp. 1489, 1492, 1494-1495.
Steam vessels defined.

"SEC. 4399. Every vessel subject to inspection propelled in whole or in part by steam or by any other form of mechanical or electrical power shall be considered a steam vessel within the meaning of and subject to all of the provisions of this Act: *Provided, however,* That motor boats as defined in the Act of June 9, 1910, are exempt from the provisions of this Act.

Proviso.
Motor boats exempt.
Vol. 36, p. 462; U.S.C. p. 1508.

"SEC. 4418. The local inspectors shall also inspect, before the same shall be used and once at least in every year thereafter, the boilers, unfired pressure vessels, and appurtenances thereof, also the propelling and auxiliary machinery, electrical apparatus and equipment, of all vessels subject to inspection; and the inspectors shall satisfy themselves by thorough examination that the same are in conformity with law and the rules and regulations of the board of supervising inspectors, and may be safely employed in the service proposed. No boiler, unfired pressure vessel, or appurtenances thereof shall be allowed to be used if constructed in whole or in part of defective material or which because of its form, design, workmanship, age, use, or for any other reason is unsafe. At each annual inspection all boilers, unfired pressure vessels, and main steam piping shall be subjected to hydrostatic tests or such other tests as may be prescribed by the board of supervising inspectors. The ratio of the hydrostatic test to the maximum working pressure shall be determined by action of the board of supervising inspectors.

Boilers, unfired pressure vessels, etc.
Vol. 33, p. 1027.

Propelling and auxiliary machinery, electrical equipment, etc.

Examination, etc., to be made.

Defective vessels, boilers, etc.

Hydrostatic tests. Ratio of, to be prescribed.

¹ So in original.

Material used to be inspected, stamped, etc.

"SEC. 4428. All boilers and unfired pressure vessels constructed of iron or steel plates or other approved metals for use on vessels subject to inspection shall be made of material that has been tested, inspected, and stamped in accordance with the requirements of this Act.

Punishment for faulty boiler, etc., construction.

"SEC. 4429. Any person, firm, or corporation who constructs a boiler, or steam pipe connecting the boilers, or an unfired pressure vessel for use on vessels subject to inspection, of iron or steel plates or other approved metals which have not been duly tested, inspected, and stamped according to the provisions of this Act and the requirements of the board of supervising inspectors; or who knowingly uses any defective material in the construction of such boiler, steam pipe, or pressure vessel; or who drifts any rivet hole to make it come fair; or who delivers any such boiler, steam pipe, or pressure vessel for use, knowing it to be defective in design, material, or construction, shall be fined \$1,000. Nothing in this Act shall be so construed as to prevent from being used on such vessels any boiler, steam generator, steam pipe, or unfired pressure vessel which may not be constructed of riveted iron or steel plates: *Provided*, That scientific data and facts are submitted to enable the board of supervising inspectors to satisfy themselves that such boiler, steam generator, or pressure vessel is equal in strength and as safe from explosion as one of the best quality of iron or steel plates of riveted construction:

Process other than riveting.

Provisos. Subject to approval of Board.

Temporary permits.

Provided, however, That the Secretary of Commerce may grant permission to use any boiler, steam generator, or unfired pressure vessel not of iron or steel plate riveted construction upon the certificate of the supervising inspector for the district wherein such boiler, steam generator, or pressure vessel is to be used, and other satisfactory proof that the use of the same is safe and efficient, said permit to be valid until the next regular meeting of the board of supervising inspectors who shall act thereon: *Provided further*, That such boilers, steam generators, or pressure vessels may be constructed with seamless shells or by means of any approved method of welding governed by the rules and regulations prescribed by the board of supervising inspectors.

Approved seamless shells.

Boiler plates, etc., inspection.

"SEC. 4430. All iron or steel plates, or other material used in the construction of boilers or unfired pressure vessels for use on vessels subject to inspection shall be tested and inspected in such manner as shall be prescribed by the board of supervising inspectors and approved by the Secretary of Commerce, so as to enable the inspectors to ascertain the tensile strength, homogeneity, toughness, and ability to withstand the effect of repeated heating and cooling; and no plate or other material shall be used in the construction of such boilers or pressure vessels which has not been tested, inspected, and approved under the rules and regulations of the board of supervising inspectors: *Provided, however*, That small unfired pressure vessels having diameters not exceeding thirty inches and subject to a maximum allowable working pressure not exceeding one hundred pounds per square inch shall be exempt from this requirement.

Tensile stress, etc., to be tested.

Use of unapproved material forbidden.

Proviso. Small unfired pressure vessels exempted.

Inspection at the mills, added.

"The Director of the Bureau of Navigation and Steamboat Inspection may, under the direction of the Secretary of Commerce, detail inspectors to inspect iron or steel plates or other material at the mills where the same are manufactured; and if such plates or material are found in accordance with the rules of the board of supervising inspectors, the inspector shall stamp the same with the initials of his name and the official stamp of the Bureau of Navigation and Steamboat Inspection, which stamp shall be authorized by the board of supervising inspectors; and material so stamped shall be accepted by the local inspectors of the various districts as being in full com-

Official stamp of approval.

Acceptance of, by local inspectors.

pliance with the requirements of this section regarding the test and inspection of such plates and material: *Provided*, That any person, firm, or corporation who affixes any false, forged, fraudulent, spurious, or counterfeit of the stamp herein authorized to be put on by an inspector shall be deemed guilty of a felony and shall be fined not less than \$1,000 nor more than \$5,000 and imprisoned not less than two years nor more than five years.

Proviso.
Counterfeiting, etc.,
stamp a felony.
Punishment for.

"SEC. 4431. Every plate of iron or steel, made for use in the construction of boilers, unfired pressure vessels, or riveted steam pipe shall be distinctly and permanently stamped by the manufacturer thereof, and, if practicable, in such places that the marks shall be left visible when such plates are assembled, with the name of the manufacturer, and the minimum tensile strength in pounds per square inch, and the inspectors shall keep a record in their office of the stamps upon all plates, material, and boilers which they inspect.

Stamping boiler
plates.
Pressure vessels
added.

"SEC. 4432. Any person, firm, or corporation who counterfeits, or causes to be counterfeited, any of the marks or stamps prescribed for iron or steel plates or other material tested and inspected under this Act, or who designedly stamps, or causes to be stamped falsely, any such plates or material; and every person who stamps or marks, or causes to be stamped or marked, any such plates or material with the name or trade-mark of another, with the intent to mislead or deceive, shall be fined \$2,000, and may in addition thereto, at the discretion of the court, be imprisoned not exceeding two years.

Punishment for
counterfeiting stamps
or marks.

"SEC. 4433. The board of supervising inspectors is hereby empowered to prescribe formulas, rules, and regulations for the design, material, and construction of boilers, unfired pressure vessels, and appurtenances thereof, and steam piping for use on vessels subject to the provisions of this Act. The maximum working pressure shall be determined by formulas prescribed by the board of supervising inspectors, and no such boiler, pressure vessel, or appurtenance thereof shall be designed or operated where the factor of safety is less than four: *Provided*, That the minimum thickness and maximum allowable working pressure of valves, fittings, and other appurtenances shall be determined by formulas prescribed by the board of supervising inspectors.

Pressure of steam
allowable.

Unfired pressure ves-
sels and materials in-
cluded.

Formulas to deter-
mine, prescribed.

Proviso.
Pressure of valves,
etc.

"SEC. 4434. The maximum allowable thickness of shell plates and the details of material, design, and construction of externally fired boilers shall be determined by action of the board of supervising inspectors."

Thickness of plates,
etc.
Vol. 35, p. 687.

All laws or parts of laws which may conflict with the provisions of this Act are hereby repealed.

Conflicting laws re-
pealed.

Approved, June 13, 1933.

[CHAPTER 62.]

AN ACT

To provide for the redemption of national-bank notes, Federal Reserve bank notes, and Federal Reserve notes which cannot be identified as to the bank of issue.

June 13, 1933.
[S. 1634.]
[Public, No. 41.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any national-bank notes, Federal Reserve bank notes, or Federal Reserve notes are presented to the Treasurer of the United States for redemption and such notes cannot be identified as to the bank of issue or the bank through which issued, the Treasurer of the United States may redeem such notes under such rules and regula-

National bank, etc.,
notes.
Redemption of
unidentifiable, author-
ized.

Cancellation, etc.

tions as the Secretary of the Treasury may prescribe, and the notes so redeemed shall be forwarded to the Comptroller of the Currency for cancellation and destruction.

Sums charged against deposits for retirement of national bank, etc., notes.

Vol. 26, p. 289.
U.S.C., p. 267.

SEC. 2. National-bank notes and Federal Reserve bank notes redeemed by the Treasurer of the United States under this Act shall be charged against the balance of deposits for the retirement of national-bank notes and Federal Reserve bank notes under the provisions of section 6 of the Act entitled "An Act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes", approved July 14, 1890 (U.S.C., title 12, sec. 122), and section 18 of the Federal Reserve Act (U.S.C., title 12, sec. 445); and charges for Federal Reserve notes redeemed by the Treasurer of the United States under this Act shall be apportioned among the twelve Federal Reserve banks in proportion to the amount of Federal Reserve notes of each Federal Reserve bank in circulation on the 31st day of December of the year preceding the date of redemption, and the amount so apportioned to each bank shall be charged by the Treasurer of the United States against deposit in the gold-redemption fund made by such bank or its Federal Reserve agent.

Vol. 38, p. 268.
U.S.C., p. 286.

Distribution of charges.

Approved, June 13, 1933.

[CHAPTER 63.]

AN ACT

June 13, 1933.

[H. R. 3511.]

[Public, No. 42.]

To authorize the creation of a game refuge in the Ouachita National Forest in the State of Arkansas.

Ouachita National Forest, Ark. Game refuge within, created.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of providing breeding places and for the protection and administration of game animals, birds, and fish, the President of the United States is hereby authorized, upon the recommendation of the Secretary of Agriculture, to establish by public proclamation certain specified areas within the Ouachita National Forest as game sanctuaries and refuges.

Administrative regulations to be made.

SEC. 2. That the Secretary of Agriculture shall execute the provisions of this Act, and he is hereby authorized to prescribe all general rules and regulations for the administration of such game sanctuaries and refuges, and violation of such rules and regulations shall be punished by fine of not more than \$500 or imprisonment for not more than six months or both.

Approved, June 13, 1933.

[CHAPTER 64.]

AN ACT

June 13, 1933.

[H. R. 5240.]

[Public, No. 43.]

To provide emergency relief with respect to home mortgage indebtedness, to refinance home mortgages, to extend relief to the owners of homes occupied by them and who are unable to amortize their debt elsewhere, to amend the Federal Home Loan Bank Act, to increase the market for obligations of the United States and for other purposes.

Home Owners' Loan Act of 1933.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Home Owners' Loan Act of 1933."

Definitions.

DEFINITIONS

"Board."

SEC. 2. As used in this Act—
(a) The term "Board" means the Federal Home Loan Bank Board created under the Federal Home Loan Bank Act.

(b) The term "Corporation" means the Home Owners' Loan Corporation created under section 4 of this Act.

"Corporation."

(c) The term "home mortgage" means a first mortgage on real estate in fee simple or on a leasehold under a renewable lease for not less than ninety-nine years, upon which there is located a dwelling for not more than four families, used by the owner as a home or held by him as his homestead, and having a value not exceeding \$20,000; and the term "first mortgage" includes such classes of first liens as are commonly given to secure advances on real estate under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby.

"Home mortgage."

"First mortgage."

(d) The term "association" means a Federal Savings and Loan Association chartered by the Board as provided in section 5 of this Act.

"Association."

REPEAL OF DIRECT LOAN PROVISION OF FEDERAL HOME LOAN BANK ACT

Federal Home Loan Bank Act.

SEC. 3. Subsection (d) of section 4 of the Federal Home Loan Bank Act (providing for direct loans to home owners) is hereby repealed.

Repeal of direct loan provision. Vol. 47, p. 727, repealed.

CREATION OF HOME OWNERS' LOAN CORPORATION

SEC. 4. (a) The Board is hereby authorized and directed to create a corporation to be known as the Home Owners' Loan Corporation, which shall be an instrumentality of the United States, which shall have authority to sue and to be sued in any court of competent jurisdiction, Federal or State, and which shall be under the direction of the Board and operated by it under such bylaws, rules, and regulations as it may prescribe for the accomplishment of the purposes and intent of this section. The members of the Board shall constitute the board of directors of the Corporation and shall serve as such directors without additional compensation.

Home Owners' Loan Corporation.

Creation of, as United States agent under direction, etc., of the Board.

Post, p. 506.

Board members to constitute board of directors of Corporation.

(b) The Board shall determine the minimum amount of capital stock of the Corporation and is authorized to increase such capital stock from time to time in such amounts as may be necessary, but not to exceed in the aggregate \$200,000,000. Such stock shall be subscribed for by the Secretary of the Treasury on behalf of the United States, and payments for such subscriptions shall be subject to call in whole or in part by the Board and shall be made at such time or times as the Secretary of the Treasury deems advisable. The Corporation shall issue to the Secretary of the Treasury receipts for payments by him for or on account of such stock, and such receipts shall be evidence of the stock ownership of the United States. In order to enable the Secretary of the Treasury to make such payments when called, the Reconstruction Finance Corporation is authorized and directed to allocate and make available to the Secretary of the Treasury the sum of \$200,000,000, or so much thereof as may be necessary, and for such purpose the amount of the notes, bonds, debentures, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered under section 9 of the Reconstruction Finance Corporation Act, as amended, to have outstanding at any one time, is hereby increased by such amounts as may be necessary.

Determination of amount, authorized capital stock.

Subscriptions by Secretary of the Treasury.

Receipts as evidence of stock ownership.

Payments to be made by allocations from Reconstruction Finance Corporation.

Notes, etc., of Corporation increased. Vol. 47, p. 9, amended.

(c) The Corporation is authorized to issue bonds in an aggregate amount not to exceed \$2,000,000,000, which may be sold by the Corporation to obtain funds for carrying out the purposes of this section, or exchanged as hereinafter provided. Such bonds shall be issued in such denominations as the Board shall prescribe, shall mature within a period of not more than eighteen years from the date of their issue, shall bear interest at a rate not to exceed 4 per centum

Corporation authorized to issue interest bearing bonds.

Post, pp. 643, 1263.

Denominations, maturity, etc.

Unconditional guar-
anty of interest.

Interest provisions.

Bonds to be tax ex-
empt.

Corporation, includ-
ing resources.

Real property ex-
cepted.

Exchange of Corpo-
ration bonds for home
mortgages, etc.

Cash advances, for
tax payments, repairs,
and incidentals.

Total advance not to
exceed 80 percent of
home value.

Acquired mortgage
to be carried as a first
lien or be refinanced;
basis.

Amortization pay-
ments.

Different periods al-
lowed.

Interest on unpaid
balance.

Extensions.

per annum, and shall be fully and unconditionally guaranteed as to interest only by the United States, and such guaranty shall be expressed on the face thereof. In the event that the Corporation shall be unable to pay upon demand, when due, the interest on any such bonds, the Secretary of the Treasury shall pay to the Corporation the amount of such interest, which is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, and the Corporation shall pay the amount of such interest to the holders of the bonds. Upon the payment of such interest by the Secretary of the Treasury the amount so paid shall become an obligation to the United States of the Corporation and shall bear interest at the same rate as that borne by the bonds upon which the interest has been so paid. The bonds issued by the Corporation under this subsection shall be exempt, both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States or any District, Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. The Corporation, including its franchise, its capital, reserves and surplus, and its loans and income, shall likewise be exempt from such taxation; except that any real property of the Corporation shall be subject to taxation to the same extent, according to its value, as other real property is taxed.

(d) The Corporation is authorized, for a period of three years after the date of enactment of this Act, (1) to acquire in exchange for bonds issued by it, home mortgages and other obligations and liens secured by real estate (including the interest of a vendor under a purchase-money mortgage or contract) recorded or filed in the proper office or executed prior to the date of the enactment of this Act, and (2) in connection with any such exchange, to make advances in cash to pay the taxes and assessments on the real estate, to provide for necessary maintenance and make necessary repairs, to meet the incidental expenses of the transaction, and to pay such amounts, not exceeding \$50, to the holder of the mortgage, obligation, or lien acquired as may be the difference between the face value of the bonds exchanged plus accrued interest thereon and the purchase price of the mortgage, obligation, or lien. The face value of the bonds so exchanged plus accrued interest thereon and the cash so advanced shall not exceed in any case \$14,000, or 80 per centum of the value of the real estate as determined by an appraisal made by the Corporation, whichever is the smaller. In any case in which the amount of the face value of the bonds exchanged plus accrued interest thereon and the cash advanced is less than the amount the home owner owes with respect to the home mortgage or other obligation or lien so acquired by the Corporation, the Corporation shall credit the difference between such amounts to the home owner and shall reduce the amount owed by the home owner to the Corporation to that extent. Each home mortgage or other obligation or lien so acquired shall be carried as a first lien or refinanced as a home mortgage by the Corporation on the basis of the price paid therefor by the Corporation, and shall be amortized by means of monthly payments sufficient to retire the interest and principal within a period of not to exceed fifteen years; but the amortization payments of any home owner may be made quarterly, semiannually, or annually, if in the judgment of the Corporation the situation of the home owner requires it. Interest on the unpaid balance of the obligation of the home owner to the Corporation shall be at a rate not exceeding 5 per centum per annum. The Corporation may at any time grant an extension of time to any home owner for the payment of any installment of principal or interest owed by him to the Corporation if, in

the judgment of the Corporation, the circumstances of the home owner and the condition of the security justify such extension, and no payment of any installment of principal shall be required during the period of three years from the date this Act takes effect if the home owner shall not be in default with respect to any other condition or covenant of his mortgage. As used in this subsection, the term "real estate" includes only real estate held in fee simple or on a leasehold under a lease renewable for not less than ninety-nine years, upon which there is located a dwelling for not more than four families used by the owner as a home or held by him as a homestead and having a value not exceeding \$20,000. No discrimination shall be made under this Act against any home mortgage by reason of the fact that the real estate securing such mortgage is located in a municipality, county, or taxing district which is in default upon any of its obligations.

Condition.

"Real estate" defined.

Default by municipality, etc., not to affect mortgage.

Cash loans on unencumbered property.

(e) The Corporation is further authorized, for a period of three years from the date of enactment of this Act, to make loans in cash subject to the same limitations and for the same purposes for which cash advances may be made under subsection (d) of this section, in cases where the property is not otherwise encumbered; but no such loan shall exceed 50 per centum of the value of the property securing the same as determined upon an appraisal made by the Corporation. Each such loan shall be secured by a duly recorded home mortgage, and shall bear interest at the same rate and shall be subject to the same provisions with respect to amortization and extensions as are applicable in the case of obligations refinanced under subsection (d) of this section.

Maximum.

Security Conditions.

(f) The Corporation is further authorized, for a period of three years from the date of enactment of this Act, in any case in which the holder of a home mortgage or other obligation or lien eligible for exchange under subsection (d) of this section does not accept the bonds of the Corporation in exchange as provided in such subsection and in which the Corporation finds that the home owner cannot obtain a loan from ordinary lending agencies, to make cash advances to such home owner in an amount not to exceed 40 per centum of the value of the property for the purposes specified in such subsection (d). Each such loan shall be secured by a duly recorded home mortgage and shall bear interest at a rate of interest which shall be uniform throughout the United States, but which in no event shall exceed a rate of 6 per centum per annum, and shall be subject to the same provisions with respect to amortization and extensions as are applicable in cases of obligations refinanced under subsection (d) of this section.

Cash advances when mortgage, etc., does not accept Corporation bonds in exchange, and home owner unable to borrow elsewhere.

Limitation.

Security.

Provisions respecting amortization, etc.

(g) The Corporation is further authorized, for a period of three years from the date of the enactment of this Act, to exchange bonds and to advance cash, subject to the limitations provided in subsection (d) of this section, to redeem or recover homes lost by the owners by foreclosure or forced sale by a trustee under a deed of trust or under power of attorney, or by voluntary surrender to the mortgagee within two years prior to such exchange or advance.

Cash advances for redemption of foreclosed homes.
Post, p. 645.

(h) The Board shall make rules for the appraisal of the property on which loans are made under this section so as to accomplish the purposes of this Act.

Rules for appraising, etc., directed.

(i) Any person indebted to the Corporation may make payment to it in part or in full by delivery to it of its bonds which shall be accepted for such purpose at face value.

Corporation bonds accepted in payment.

(j) The Corporation shall have power to select, employ, and fix the compensation of such officers, employees, attorneys, or agents as shall be necessary for the performance of its duties under this Act,

Personal services authorized.

without regard to the provisions of other laws applicable to the employment or compensation of officers, employees, attorneys, or agents of the United States. No such officer, employee, attorney, or agent shall be paid compensation at a rate in excess of the rate provided by law in the case of the members of the Board. The Corporation shall be entitled to the free use of the United States mails for its official business in the same manner as the executive departments of the Government, and shall determine its necessary expenditures under this Act and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other law governing the expenditure of public funds. The Corporation shall pay such proportion of the salary and expenses of the members of the Board and of its officers and employees as the Board may determine to be equitable, and may use the facilities of Federal Home Loan Banks, upon making reasonable compensation therefor as determined by the Board.

(k) The Board is authorized to make such bylaws, rules and regulations, not inconsistent with the provisions of this section, as may be necessary for the proper conduct of the affairs of the Corporation. The Corporation is further authorized and directed to retire and cancel the bonds and stock of the Corporation as rapidly as the resources of the Corporation will permit. Upon the retirement of such stock, the reasonable value thereof as determined by the Board shall be paid into the Treasury of the United States and the receipts issued therefor shall be canceled. The Board shall proceed to liquidate the Corporation when its purposes have been accomplished, and shall pay any surplus or accumulated funds into the Treasury of the United States. The Corporation may declare and pay such dividends to the United States as may be earned and as in the judgment of the Board it is proper for the Corporation to pay.

Federal Savings and Loan Associations.

FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Purposes of organization, operation, etc.

SEC. 5. (a) In order to provide local mutual thrift institutions in which people may invest their funds and in order to provide for the financing of homes, the Board is authorized, under such rules and regulations as it may prescribe, to provide for the organization, incorporation, examination, operation, and regulation of associations to be known as "Federal Savings and Loan Associations", and to issue charters therefor, giving primary consideration to the best practices of local mutual thrift and home-financing institutions in the United States.

Designation, powers, etc.

(b) Such associations shall raise their capital only in the form of payments on such shares as are authorized in their charter, which shares may be retired as is therein provided. No deposits shall be accepted and no certificates of indebtedness shall be issued except for such borrowed money as may be authorized by regulations of the Board.

Capital.

Retirement of shares.

Limitation.

Loans; security.

(c) Such associations shall lend their funds only on the security of their shares or on the security of first liens upon homes or combination of homes and business property within fifty miles of their home office: *Provided*, That not more than \$20,000 shall be loaned on the security of a first lien upon any one such property; except that not exceeding 15 per centum of the assets of such association may be loaned on other improved real estate without regard to said \$20,000 limitation, and without regard to said fifty-mile limit, but secured by first lien thereon: *And provided further*, That any portion of the assets of such associations may be invested in obligations of the United States or the stock or bonds of a Federal Home Loan Bank.

Provisos.

Maximum, on any one parcel.

Other real estate.

Each secured by first lien.

Investment of association assets.

(d) The Board shall have full power to provide in the rules and regulations herein authorized for the reorganization, consolidation, merger, or liquidation of such associations, including the power to appoint a conservator or a receiver to take charge of the affairs of any such association, and to require an equitable readjustment of the capital structure of the same; and to release any such association from such control and permit its further operation.

Rules for reorganization, etc., authorized.

(e) No charter shall be granted except to persons of good character and responsibility, nor unless in the judgment of the Board a necessity exists for such an institution in the community to be served, nor unless there is a reasonable probability of its usefulness and success, nor unless the same can be established without undue injury to properly conducted existing local thrift and home-financing institutions.

Provisions for granting charters.

(f) Each such association, upon its incorporation, shall become automatically a member of the Federal Home Loan Bank of the district in which it is located, or if convenience shall require and the Board approve, shall become a member of a Federal Home Loan Bank of an adjoining district. Such associations shall qualify for such membership in the manner provided in the Federal Home Loan Bank Act with respect to other members.

Incorporated association as member of Federal Home Loan Bank.

(g) The Secretary of the Treasury is authorized on behalf of the United States to subscribe for preferred shares in such associations which shall be preferred as to the assets of the association and which shall be entitled to a dividend, if earned, after payment of expenses and provision for reasonable reserves, to the same extent as other shareholders. It shall be the duty of the Secretary of the Treasury to subscribe for such preferred shares upon the request of the Board; but the subscription by him to the shares of any one association shall not exceed \$100,000, and no such subscription shall be called for unless in the judgment of the Board the funds are necessary for the encouragement of local home financing in the community to be served and for the reasonable financing of homes in such community. Payment on such shares may be called from time to time by the association, subject to the approval of the Board and the Secretary of the Treasury; but the amount paid in by the Secretary of the Treasury shall at no time exceed the amount paid in by all other shareholders, and the aggregate amount of shares held by the Secretary of the Treasury shall not exceed at any time the aggregate amount of shares held by all other shareholders. To enable the Secretary of the Treasury to make such subscriptions when called there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000,000, to be immediately available and to remain available until expended. Each such association shall issue receipts for such payments by the Secretary of the Treasury in such form as may be approved by the Board, and such receipts shall be evidence of the interest of the United States in such preferred shares to the extent of the amount so paid. Each such association shall make provision for the retirement of its preferred shares held by the Secretary of the Treasury, and beginning at the expiration of five years from the time of the investment in such shares, the association shall set aside one third of the receipts from its investing and borrowing shareholders to be used for the purpose of such retirement. In case of the liquidation of any such association the shares held by the Secretary of the Treasury shall be retired at par before any payments are made to other shareholders.

Secretary authorized to subscribe for association preferred stock.
Post, pp. 279, 647.

Limitations.

Not to exceed aggregate shares of all other holders.

Sum authorized.

Receipts.

Provision for retiring preferred shares held by Secretary.

Such shares retired at par in event of liquidation.

(h) Such associations, including their franchises, capital, reserves, and surplus, and their loans and income, shall be exempt from all taxation now or hereafter imposed by the United States, and all shares

Association, etc., to be tax free.

Exception

of such associations shall be exempt both as to their value and the income therefrom from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States; and no State, Territorial, county, municipal, or local taxing authority shall impose any tax on such associations or their franchise, capital, reserves, surplus, loans, or income greater than that imposed by such authority on other similar local mutual or cooperative thrift and home financing institutions.

Federal Home Loan member may convert into a Federal Savings and Loan Association.

(i) Any member of a Federal Home Loan Bank may convert itself into a Federal Savings and Loan Association under this Act upon a vote of its stockholders as provided by the law under which it operates; but such conversion shall be subject to such rules and regulations as the Board may prescribe, and thereafter the converted association shall be entitled to all the benefits of this section and shall be subject to examination and regulation to the same extent as other associations incorporated pursuant to this Act.

Post, pp. 645, 646.

Encouragement of saving and home financing.

ENCOURAGEMENT OF SAVING AND HOME FINANCING

Appropriation authorized.

Post, p. 276.

SEC. 6. To enable the Board to encourage local thrift and local home financing and to promote, organize, and develop the associations herein provided for or similar associations organized under local laws, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$150,000, to be immediately available and remain available until expended, subject to the call of the Board, which sum, or so much thereof as may be necessary, the Board is authorized to use in its discretion for the accomplishment of the purposes of this section without regard to the provisions of any other law governing the expenditure of public funds.

Applicability of provisions.

SEC. 7. The provisions of this Act shall apply to the continental United States, to the Territories of Alaska and Hawaii, and to Puerto Rico and the Virgin Islands.

Penalties.

PENALTIES

False statements, misrepresentations, etc.

SEC. 8. (a) Whoever makes any statement, knowing it to be false, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of the Home Owners' Loan Corporation or the Board or an association upon any application, advance, discount, purchase, or repurchase agreement, or loan, under this Act, or any extension thereof by renewal deferment, or action or otherwise, or the acceptance, release, or substitution of security therefor, shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both.

Forgery, counterfeiting, etc.

(b) Whoever (1) falsely makes, forges, or counterfeits any note, debenture, bond, or other obligation or coupon, in imitation of or purporting to be a note, debenture, bond, or other obligation, or coupon, issued by the Home Owners' Loan Corporation or an association; or (2) passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited note, debenture, bond, or other obligation, or coupon, purporting to have been issued by the Home Owners' Loan Corporation or an association, knowing the same to be false, forged, or counterfeited; or (3) falsely alters any note, debenture, bond or other obligation, or coupon, issued or purporting to have been issued by the Home Owners' Loan Corporation or an association; or (4) passes, utters, or publishes, or attempts to pass, utter, or publish, as true any falsely altered or spurious note, debenture, bond, or other obligation, or coupon, issued or purporting to have been issued by the Home Owners' Loan Corporation or an

association, knowing the same to be falsely altered or spurious, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than five years, or both.

(c) Whoever, being connected in any capacity with the Board or the Home Owners' Loan Corporation or an association (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to it or pledged or otherwise intrusted to it; or (2) with intent to defraud the Board or the Home Owners' Loan Corporation or an association, or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiners of the Board or the Home Owners' Loan Corporation or an association, makes any false entry in any book, report, or statement of or to the Board or the Home Owners' Loan Corporation or an association, or, without being duly authorized, draws any order or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, mortgage, judgment, or decree thereof, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than five years, or both.

(d) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U.S.C., title 18, secs. 202 to 207, inclusive), insofar as applicable, are extended to apply to contracts or agreements of the Home Owners' Loan Corporation and an association under this Act, which, for the purposes hereof, shall be held to include advances, loans, discounts, and purchase and repurchase agreements; extensions and renewals thereof; and acceptances, releases, and substitutions of security therefor.

(e) No person, partnership, association, or corporation shall make any charge in connection with a loan by the Corporation or an exchange of bonds or cash advance under this Act except ordinary charges authorized and required by the Corporation for services actually rendered for examination and perfecting of title, appraisal, and like necessary services. Any person, partnership, association, or corporation violating the provisions of this subsection shall, upon conviction thereof, be fined not more than \$10,000, or imprisoned not more than five years, or both.

SEPARABILITY PROVISION

SEC. 9. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Approved, June 13, 1933.

[CHAPTER 65.]

AN ACT

Granting the consent of Congress to the State of Oregon to construct, maintain, and operate a toll bridge across the Umpqua River at or near Reedsport, Douglas County, Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Oregon to construct, maintain, and operate a bridge and approaches thereto across the Umpqua River, at a point suitable to the interests of navigation, at or near Reedsport, Douglas County, Oregon, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Embezzlement, etc.

Acceptance, etc., of consideration by Members of Congress.
Vol. 35, pp. 1108-1109.
U.S.C., p. 475.

Exactng charges for designated services.

Post, p. 647.

Separability of provisions.

June 13, 1933.
[S. 1745.]

[Public, No. 44.]

Umpqua River.
Oregon may bridge,
at Reedsport.

Post, p. 804.

Construction.
Vol. 34, p. 84.

Rates of tolls applied to operation, sinking fund, etc.

Maintenance as free bridge after amortizing costs, etc.

Record of expenditures and receipts to be kept.

Amendment.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed fifteen years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 13, 1933.

[CHAPTER 66.]

AN ACT

June 13, 1933.

[S. 1746.]

[Public, No. 45.]

Granting the consent of Congress to the State of Oregon to construct, maintain, and operate a toll bridge across Yaquina Bay at or near Newport, Lincoln County, Oregon.

Yaquina Bay, Oregon may bridge, at Newport.
Post, p. 804.

Construction.
Vol. 34, p. 84.

Rates of tolls applied to operation, sinking fund, etc.

Maintenance as free bridge after amortizing costs, etc.

Record of expenditures and receipts to be kept.

Amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Oregon to construct, maintain, and operate a bridge and approaches thereto across Yaquina Bay, at a point suitable to the interests of navigation, at or near Newport, Lincoln County, Oregon, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed fifteen years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 13, 1933.

[CHAPTER 67.]

AN ACT

Granting the consent of Congress to the State of Oregon to construct, maintain, and operate a toll bridge across Coos Bay at or near North Bend, Coos County, Oregon.

June 13, 1933.
[S. 1748.]
[Public, No. 46.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Oregon to construct, maintain, and operate a bridge and approaches thereto across Coos Bay, at a point suitable to the interests of navigation, at or near North Bend, Coos County, Oregon, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Coos Bay.
Oregon may bridge,
at North Bend.
Post, p. 804.

Construction.
Vol. 34, p. 84.

Rates of tolls applied
to operation, sinking
fund, etc.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed fifteen years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge, and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Maintenance as free
bridge after amortizing
costs, etc.

Record of expendi-
tures and receipts to be
kept.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 13, 1933.

[CHAPTER 68.]

AN ACT

Granting the consent of Congress to the State of Oregon to construct, maintain, and operate a toll bridge across the Siuslaw River at or near Florence, Lane County, Oregon.

June 13, 1933.
[S. 1749.]
[Public, No. 47.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Oregon to construct, maintain, and operate a bridge and approaches thereto across the Siuslaw River, at a point suitable to the interests of navigation, at or near Florence, Lane County, Oregon, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Siuslaw River.
Oregon may bridge,
at Florence.

Construction.
Vol. 34, p. 84.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges but within a period of not to

Rates of toll applied
to operation, sinking
fund, etc.

Maintenance as free bridge after amortizing costs, etc.

Record of expenditures and receipts to be kept.

Amendment.

exceed fifteen years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 13, 1933.

[CHAPTER 69.]

AN ACT

June 13, 1933.

[S. 1783.]

[Public, No. 48.]

Granting the consent of Congress to the Overseas Road and Toll Bridge District, a political subdivision of the State of Florida, to construct, maintain, and operate bridges across the navigable waters in Monroe County, Florida, from Lower Matecumbe Key to No Name Key:

Navigable waters in Monroe County, Fla. Overseas Road and Toll Bridge District may bridge Lower Matecumbe Key to No Name Key.

Connecting high-ways, etc.

Construction. Vol. 34, p. 84.

Rates of toll applied to operation, sinking fund, etc.

Maintenance as free bridge after amortizing costs, etc.

Record of expenditures and receipts to be kept.

Amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Overseas Road and Toll Bridge District, a political subdivision of the State of Florida, to construct, maintain, and operate bridges and approaches thereto across the navigable waters in Monroe County in the State of Florida, at points suitable to the interests of navigation, between Lower Matecumbe Key and No Name Key (including such toll highways, bridges, viaducts, causeways, fills, embankments, roads, trestles, and other appurtenant structures as may be necessary to connect certain of the present termini of State road numbered 4-A in such manner as to complete a system of highways and bridges extending from Miami to Key West, via Key Largo), in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

SEC. 2. If tolls are charged for the use of such bridges, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridges and their approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridges and their approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed forty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridges shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridges and their approaches under economical management. An accurate record of the costs of the bridges and their approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 13, 1933.

[CHAPTER 70.]

AN ACT

To extend the mining laws of the United States to the Death Valley National Monument in California.

June 13, 1933.
[H. R. 3659.]
[Public, No. 49.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the mining laws of the United States be, and they are hereby, extended to the area included within the Death Valley National Monument in California, or as it may hereafter be extended, subject, however, to the surface use of locations, entries, or patents under general regulations to be prescribed by the Secretary of the Interior.

Death Valley National Monument, Calif. Mining laws extended to. Subject to surface use, etc.

Approved, June 13, 1933.

[CHAPTER 71.]

AN ACT

To amend an Act entitled "An Act creating the Great Lakes Bridge Commission and authorizing said Commission and its successors to construct, maintain, and operate a bridge across the Saint Clair River at or near Port Huron, Michigan", approved June 25, 1930, and to extend the times for commencing and completing construction of said bridge.

June 13, 1933.
[H. R. 5495.]
[Public, No. 50.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of an Act entitled "An Act creating the Great Lakes Bridge Commission and authorizing said Commission and its successors to construct, maintain, and operate a bridge across the Saint Clair River at or near Port Huron, Michigan", approved June 25, 1933,¹ be, and the same is hereby, amended so as to read as follows:

Great Lakes Bridge Commission Act amendments. Vol. 46, p. 810, amended.

"SEC. 4. The Commission and its successors and assigns are hereby authorized to provide for the payment of the cost of the bridge and its approaches and the ferry or ferries and the necessary lands, easements, and appurtenances thereto by an issue or issues of bonds of the Commission, upon approval by the Michigan Public Utilities Commission, bearing interest at not more than 6 per centum per annum, payable annually or at shorter intervals, maturing not more than thirty years from their date of issuance, such bonds and the interest thereon, and any premium to be paid for retirement thereof before maturity, to be payable solely from the sinking fund provided in accordance with this Act. Such bonds may be registerable as to principal alone or both principal and interest, and shall be in such form not inconsistent with this Act, and be payable at such place or places as the Commission may determine. The Commission may repurchase and may reserve the right to redeem all or any of said bonds before maturity at prices not exceeding one hundred and five and accrued interest. The Commission may enter into an agreement with any bank or trust company in the United States as trustee having the power to make such agreement, setting forth the duties of the Commission in respect of the construction, maintenance, operation, repair, and insurance of the bridge and/or the ferry or ferries, the conservation and application of all funds, the safeguarding of moneys on hand or on deposit, and the rights and remedies of said trustee and the holders of the bonds, restricting the individual right of action of the bondholders as is customary in trust agreements respecting bonds of corporations. Such trust agreement may contain such provision for protecting and enforcing the rights and remedies of the trustee and the bondholders as may be reasonable and proper and not inconsistent with the law and also a provision for approval by the original purchasers of the bonds

Bond issue to cover cost.

Interest, maturity, etc.

Registering bonds.

Redemption, etc.

Trust agreement.

¹So in original.

Security, etc., provisions. of the employment of consulting engineers and of the security given by bridge contractors and by any bank or trust company in which the proceeds of bonds or of bridge and/or ferry tolls or other moneys of the Commission shall be deposited, and may provide that no contract for construction shall be made without the approval of the consulting engineers. The bridge constructed under the authority of this Act shall be deemed to be an instrumentality for international commerce authorized by the Government of the United States, and said bridge and ferry or ferries and the income derived therefrom shall be exempt from all Federal, State, municipal, and local taxation. Said bonds shall be sold in such manner and at such price as the Commission may determine, such price to be not less than the price at which the interest yield basis will equal 6 per centum per annum as computed from standard tables of bond values, and the face amount thereof shall be so calculated as to produce, at the price of their sale, the estimated cost of the bridge and its approaches, and the land, easements, and appurtenances used in connection therewith and, in the event the ferry or ferries are to be acquired, also the estimated cost of such ferry or ferries and the lands, easements, and appurtenances used in connection therewith. The cost of the bridge and ferry or ferries shall be deemed to include interest during construction of the bridge, and for twelve months thereafter, and all engineering, legal, architectural, traffic surveying, and other expenses incident to the construction of the bridge or the acquisition of the ferry or ferries, and the acquisition of the necessary property, and incident to the financing thereof, including the cost of acquiring existing franchises, rights, plans, and works of and relating to the bridge, now owned by any person, firm, or corporation, and the cost of purchasing all or any part of the shares of stock of any such corporate owner if in the judgment of the commission such purchases should be found expedient. If the proceeds of the bonds issued shall exceed the cost as finally determined, the excess shall be placed in the sinking fund hereinafter provided. Prior to the preparation of definitive bonds the Commission may under like restrictions issue temporary bonds with or without coupons, exchangeable for definitive bonds upon the issuance of the latter."

Bridge deemed instrumentality for international commerce.

Income exempt from Federal, etc., taxes.

Sale price of bonds.

To cover cost, etc.

Ferries and other items.

Interest.

Excess of bond sale over cost, placed in sinking fund.

Temporary bond issue.

Vol. 46, p. 813, amended.

Capital stock, etc., ownership prohibited.

No compensation.

Employment of secretary, experts, etc.; compensation.

Dissolution of Commission.

Public hearing.

SEC. 2. That section 9 of said Act, approved June 25, 1930, be, and the same is hereby, amended so as to read as follows:

"SEC. 9. The Commission shall have no capital stock or shares of interest or participation, and all revenues and receipts thereof shall be applied to the purposes specified in this Act. The members of the Commission shall not be entitled to any compensation for their services but may employ a secretary, treasurer, engineers, attorneys, and such other experts, assistants, and employees as they may deem necessary, who shall be entitled to receive such compensation as the Commission may determine. After all bonds and interest thereon shall have been paid and all other obligations of the Commission paid or discharged, or provision for all such payment shall have been made as hereinbefore provided, and after the bridge shall have been conveyed to the United States interests and the Canadian interests as herein provided, and any ferry or ferries shall have been sold, the Commission shall be dissolved and shall cease to have further existence by an order of the State highway commissioner of Michigan made upon his own initiative or upon application of the Commission or any member or members thereof, but only after a public hearing in the city of Port Huron, notice of the time and place of which hearing and the purpose thereof shall have been published once, at least thirty days before the date thereof,

in a newspaper published in the city of Port Huron, Michigan, and a newspaper published in the city of Sarnia, Ontario. At the time of such dissolution all moneys in the hands of or to the credit of the Commission shall be divided into two equal parts, one of which shall be paid to said United States interests and the other to said Canadian interests."

Division of money, in hand.

SEC. 3. That the times for commencing and completing the construction of said bridge, heretofore extended by Acts of Congress approved February 28, 1931, and June 9, 1932, are hereby further extended one and three years, respectively, from the date of approval hereof.

Times for bridging, extended. Vol. 46, pp. 809, 1458; Vol. 47, p. 290.

SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 13, 1933.

[CHAPTER 72.]

AN ACT

To amend the Reconstruction Finance Corporation Act, as amended, to provide for loans to closed building and loan associations.

June 14, 1933. [S. 1648.] [Public, No. 51.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 5 of the Reconstruction Finance Corporation Act, as amended, is amended to read as follows:

Reconstruction Finance Corporation Act amendment. Vol. 47, pp. 6, 795.

"SEC. 5. To aid in financing agriculture, commerce, and industry, including facilitating the exportation of agricultural and other products, the Corporation is authorized and empowered to make loans, upon such terms and conditions not inconsistent with this Act as it may determine, to any bank, savings bank, trust company, building and loan association, insurance company, mortgage-loan company, credit union, Federal land bank, joint-stock land bank, Federal intermediate credit bank, agricultural credit corporation, livestock credit corporation, organized under the laws of any State or of the United States, including loans secured by the assets of any bank, savings bank, or building and loan association that is closed, or in process of liquidation to aid in the reorganization or liquidation of such banks or building and loan associations, upon application of the receiver or liquidating agent of such bank or building and loan association, and any receiver of any national bank is hereby authorized to contract for such loans and to pledge any assets of the bank for securing the same.

Loans to closed building and loan associations authorized. Terms and conditions.

Application of receiver.

Approved, June 14, 1933.

[CHAPTER 73.]

AN ACT

Creating the Saint Lawrence Bridge Commission and authorizing said Commission and its successors to construct, maintain, and operate a bridge across the Saint Lawrence River at or near Ogdensburg, New York.

June 14, 1933. [H.R. 5329.] [Public, No. 52.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate international commerce, the Saint Lawrence Bridge Commission (hereinafter created, and hereinafter referred to as the "Commission") and its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Saint Lawrence River at or near the city of Ogdensburg, New York, at a point suitable to the interests

Saint Lawrence River. Saint Lawrence Bridge Commission may bridge, at Ogdensburg, N. Y. Post, p. 927.

Construction. Vol. 34, p. 84. Approval by Canada required.	of navigation, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, subject to the conditions and limitations contained in this Act, and subject to the approval of the proper authorities in the Dominion of Canada. For like purposes said Commission and its successors and assigns are hereby authorized to purchase, maintain, and operate all or any ferries across the Saint Lawrence River within five miles of the location which shall be selected for said bridge, subject to the conditions and limitations contained in this Act, and subject to the approval of the proper authorities in the Dominion of Canada.
Operation of ferries.	
Right to acquire real estate, etc., in New York for location, etc.	SEC. 2. There is hereby conferred upon the Commission and its successors and assigns all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use such real estate and other property in the State of New York as may be needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of New York, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes in such State; and the Commission and its successors and assigns may exercise in the Dominion of Canada all rights, powers, and authority which shall be granted or permitted to the Commission by the proper authorities of the Dominion of Canada or of the Province of Ontario, including the entering upon lands and acquiring, condemning, occupying, possessing, and using such real estate and other property in the Dominion of Canada as may be needed for such location, construction, operation, and maintenance of such bridge.
Condemnation proceedings.	
Right to acquire real estate in Canada.	
Tolls authorized.	SEC. 3. The Commission and its successors and assigns are hereby authorized to fix and charge tolls for transit over such bridge and such ferry or ferries in accordance with the provisions of this Act.
Bond issue to cover cost.	SEC. 4. The Commission and its successors and assigns are hereby authorized to provide for the payment of the cost of the bridge and its approaches and the ferry or ferries and the necessary lands, easements, and appurtenances thereto by an issue or issues of negotiable bonds of the Commission, bearing interest at not more than 6 per centum per annum, the principal and interest of which bonds and any premium to be paid for retirement thereof before maturity shall be payable solely from the sinking fund provided in accordance with this Act. Such bonds may be registerable as to principal alone or both principal and interest, shall be in such form not inconsistent with this Act, shall mature at such time or times not exceeding thirty years from their respective dates, shall be in such denominations, shall be executed in such manner and be payable in such medium and at such place or places as the Commission may determine. The Commission may repurchase and may reserve the right to redeem all or any of said bonds before maturity in such manner and at such price or prices, not exceeding one hundred and five and accrued interest, as may be fixed by the Commission prior to the issuance of the bonds. The Commission may enter into an agreement with any bank or trust company in the United States as trustee having the power to make such agreement, setting forth the duties of the Commission in respect of the construction, maintenance, operation, repair, and insurance of the bridge and/or the ferry or ferries, the conservation and application of all funds, the safeguarding of moneys on hand or on deposit, and the rights and remedies of said trustee and the holders of the
Interest rate, maturity, etc.	
Registering bonds.	
Redemption, etc.	
Trust agreement.	

bonds, restricting the individual right of action of the bondholders as is customary in trust agreements respecting bonds of corporations. Such trust agreements may contain such provisions for protecting and enforcing the rights and remedies of the trustee and the bondholders as may be reasonable and proper and not inconsistent with the law and also provisions for approval by the original purchasers of the bonds of the employment of consulting engineers and of the security given by the bridge contractors and by any bank or trust company in which the proceeds of bonds or of bridge or ferry tolls or other moneys of the Commission shall be deposited, and may provide that no contract for construction shall be made without the approval of the consulting engineers. The bridge constructed under the authority of this Act shall be deemed to be an instrumentality for international commerce authorized by the Government of the United States, and said bridge and ferry or ferries and the bonds issued in connection therewith and the income derived therefrom shall be exempt from all Federal, State, municipal, and local taxation. Said bonds shall be sold in such manner and at such time or times and at such price as the Commission may determine, but no such sale shall be made at a price so low as to require the payment of more than 6 per centum interest on the money received therefor, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, and the face amount thereof shall be so calculated as to produce, at the price of their sale, the cost of the bridge and its approaches, and the land, easements, and appurtenances used in connection therewith and, in the event the ferry or ferries are to be acquired, also the cost of such ferry or ferries and the lands, easements, and appurtenances used in connection therewith. The cost of the bridge and ferry or ferries shall be deemed to include interest during construction of the bridge, and for twelve months thereafter, and all engineering, legal, architectural, traffic surveying, and other expenses incident to the construction of the bridge or the acquisition of the ferry or ferries, and the acquisition of the necessary property, and incident to the financing thereof, including the cost of acquiring existing franchises, rights, plans, and works of and relating to the bridge, now owned by any person, firm, or corporation, and the cost of purchasing all or any part of the shares of stock of any such corporate owner if, in the judgment of the Commission, such purchases should be found expedient. If the proceeds of the bonds issued shall exceed the cost as finally determined, the excess shall be placed in the sinking fund hereinafter provided. Prior to the preparation of definitive bonds the Commission may, under like restrictions, issue temporary bonds or interim certificates with or without coupons of any denomination whatsoever, exchangeable for definitive bonds when such bonds have been executed and are available for delivery.

SEC. 5. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of depreciating, maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to pay the principal and interest of such bonds as the same shall fall due and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity as herein provided. All tolls and other revenues from said bridge are hereby pledged to such uses and to the application thereof hereinafter in this section required. After payment or provision for payment therefrom of all such cost of maintaining, repairing, and operating and the reservation of an

Provisions governing.

Purpose of bridge, etc., in international commerce.

Income exempt from Federal, etc., taxes.

Sale price of bonds.

Items included in cost.

Excess of sale over cost, placed in sinking fund.
Issue of temporary bonds.

Tolls adjusted to provide for maintenance, sinking fund, etc.

Record of expenditures and receipts.

Classification of traffic for toll adjustment.

Exemptions from tolls.

Maintenance of ferries not mandatory.

Ferry tolls.

Allocated to ferry maintenance, sinking fund, etc.

Record of expenditures and receipts.

Acquisition by New York, etc., of United States interests.

By Canada, etc., of Canadian interests.

Conditions.

If acquisition unauthorized, Commission to continue ownership, etc.

amount of money estimated to be sufficient for the same purpose during an ensuing period of not more than six months, the remainder of tolls collected shall be placed in the sinking fund, at intervals to be determined by the Commission prior to the issuance of the bonds. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested. The Commission shall classify in a reasonable way all traffic over the bridge, so that the tolls shall be so fixed and adjusted by it as to be uniform in the application thereof to all traffic falling within any such reasonable class, regardless of the status or character of any person, firm, or corporation participating in such traffic, and shall prevent all use of such bridge for traffic except upon payment of the tolls so fixed and adjusted. No toll shall be charged officials or employees of the Commission or of the Governments of the United States or Canada while in the discharge of their duties.

SEC. 6. Nothing herein contained shall require the Commission or its successors to maintain or operate any ferry or ferries purchased hereunder, but in the discretion of the Commission or its successors any ferry or ferries so purchased, with the appurtenances and property thereto connected and belonging, may be sold or otherwise disposed of or may be abandoned and/or dismantled whenever in the judgment of the Commission or its successors it may seem expedient so to do. The Commission and its successors may fix such rates of toll for the use of such ferry or ferries as it may deem proper, subject to the same conditions as are hereinabove required as to tolls for traffic over the bridge. All tolls collected for the use of the ferry or ferries and the proceeds of any sale or disposition of any ferry or ferries shall be used, so far as may be necessary, to pay the cost of maintaining, repairing, and operating the same, and any residue thereof shall be paid into the sinking fund hereinabove provided for bonds. An accurate record of the cost of purchasing the ferry or ferries, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 7. After payment of the bonds and interest, or after a sinking fund sufficient for such payment shall have been provided and shall be held for that purpose, the Commission shall deliver deeds or other suitable instruments of conveyance of the interest of the Commission in and to the bridge, that part within the United States to the State of New York or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereinafter referred to as the "United States interests") and that part within Canada to the Dominion of Canada or to such Province, municipality, or agency thereof as may be authorized by or pursuant to law to accept the same (hereinafter referred to as the "Canadian interests"), under the condition that the bridge shall thereafter be free of tolls and be properly maintained, operated, and repaired by the United States interests and the Canadian interests, as may be agreed upon; but if either the United States interests or the Canadian interests shall not be authorized to accept or shall not accept the same under such conditions, then the bridge shall continue to be owned, maintained, operated, and repaired by the Commission, and the rates of tolls shall be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management, until such time as both the United

States interests and the Canadian interests shall be authorized to accept and shall accept such conveyance under such conditions. If at the time of such conveyance the Commission or its successors shall not have disposed of such ferry or ferries, the same shall be disposed of by sale as soon as practicable, at such price and upon such terms as the Commission or its successors may determine, but in making any such sale preference shall be given to the Canadian interests and thereafter to the United States interests before any sale except to such respective interests.

Upon later conveyance, ferries to be sold.

Preference to Canadian interests.

SEC. 8. For the purpose of carrying into effect the objects stated in this Act there is hereby created the Saint Lawrence Bridge Commission, and by that name, style, and title said body shall have perpetual succession; may contract and be contracted with, sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity; may make and have a common seal; may purchase or otherwise acquire and hold or dispose of real estate and other property; may accept and receive donations or gifts of money or other property and apply same to the purposes of this Act; and shall have and possess all powers necessary, convenient, or proper for carrying into effect the objects stated in this Act.

Saint Lawrence Bridge Commission created.

Rights at law.

The Commission shall consist of eleven persons appointed by the Governor of New York. Such Commission shall be a body corporate and politic constituting a public-benefit corporation. Any vacancy occurring in said commission shall be filled by the Governor. Each member of the Commission and their respective successors shall qualify by giving such bond as may be fixed by the Chief of the Bureau of Public Roads of the Department of Agriculture, conditioned for the faithful performance of all duties required by this Act. The Commission shall elect a chairman and a vice chairman from its members, and may establish rules and regulations for the government of its own business. Five members shall constitute a quorum for the transaction of business.

Composition.

Vacancies.

Bond required of members.

Election of chairman, etc.

SEC. 9. The Commission shall have no capital stock or shares of interest or participation, and all revenues and receipts thereof shall be applied to the purposes specified in this Act. The members of the Commission shall be entitled to a per diem compensation for their services of \$10 for each day actually spent in the business of the Commission, but the maximum compensation of the chairman in any year shall not exceed \$2,500 and of each other member shall not exceed \$500. The members of the Commission shall also be entitled to receive traveling expense allowance of 10 cents a mile for each mile actually traveled on the business of the Commission. The Commission may employ a secretary, treasurer, engineers, attorneys, and such other experts, assistants, and employees as they may deem necessary, who shall be entitled to receive such compensation as the Commission may determine. All salaries and expenses shall be paid solely from the funds provided under the authority of this Act. After all bonds and interest thereon shall have been paid and all other obligations of the Commission paid or discharged, or provision for all such payment shall have been made as hereinbefore provided, and after the bridge shall have been conveyed to the United States interests and the Canadian interests as herein provided, and any ferry or ferries shall have been sold, the Commission shall be dissolved and shall cease to have further existence by an order of the Chief of the Bureau of Public Roads made upon his own initiative or upon application of the Commission or any member or members thereof, but only after a public hearing in the city of Ogdensburg, notice of the time and place of which hearing

Capital stock, etc., ownership, by Commission forbidden.

Compensation, etc.

Employment of secretary, experts, etc.

Funds available.

Dissolution of Commission.

Public hearing, etc.

and the purpose thereof shall have been published once, at least thirty days before the date thereof, in a newspaper published in the city of Ogdensburg, New York, and a newspaper published in Prescott, Ontario. At the time of such dissolution all moneys in the hands of or to the credit of the Commission shall be divided into two equal parts, one of which shall be paid to said United States interests and the other to said Canadian interests.

Division of moneys in hand.

Creating a liability not herein specified, unlawful.

Personal liability.

No Federal liability.

Enforcing provisions herein.

Amendment.

SEC. 10. Nothing herein contained shall be construed to authorize or permit the Commission or any member thereof to create any obligation or incur any liability other than such obligations and liabilities as are dischargeable solely from funds provided by this Act. No obligation created or liability incurred pursuant to this Act shall be an obligation or liability of any member or members of the Commission, but shall be chargeable solely to the funds herein provided, nor shall any indebtedness created pursuant to this Act be an indebtedness of the United States.

SEC. 11. All provisions of this Act may be enforced, or the violation thereof prevented by mandamus, injunction, or other appropriate remedy brought by the attorney general for the State of New York, the United States district attorney for the district in which the bridge may be located in part, or by the solicitor general of the Dominion of Canada in any court having competent jurisdiction of the subject matter and of the parties.

SEC. 12. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 14, 1933.

[CHAPTER 76.]

AN ACT

June 15, 1933.

[S. 554.]

[Public, No. 53.]

Providing for per capita payments to the Seminole Indians in Oklahoma from funds standing to their credit in the Treasury.

Seminole Indians, Okla. Per capita payments to, from tribal funds.

Provisos. Rules, etc., for.

Restricted Indians.

Exempt from prior debts.

Expenses of distribution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Seminole Tribe of Indians of Oklahoma entitled under existing law to share in the funds of said tribe, or to their lawful heirs, out of any money belonging to said tribe in the United States Treasury or deposited in any bank or held by an official under the jurisdiction of the Secretary of the Interior, not to exceed \$35 per capita: *Provided*, That said payment shall be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That in cases where such enrolled members, or their heirs, are Indians who belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members or their heirs as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this Act: *And provided further*, That the Secretary of the Interior is hereby authorized to use not to exceed \$2,000 out of said Seminole tribal funds for the payment of salaries of necessary employes and other expenses for the distribution of said per capita payments.

Approved, June 15, 1933.

[CHAPTER 77.]

AN ACT

Providing for the establishment of a term of the District Court of the United States for the Southern District of Florida at Orlando, Florida.

June 15, 1933.
[S. 687.]
[Public, No. 54.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a term of the District Court of the United States for the Southern District of Florida shall be held annually at Orlando, Florida, on the first Monday in October: *Provided*, That suitable rooms and accommodations for holding court at Orlando are furnished without expense to the United States.

United States
Courts,
Vol. 36, p. 1108;
U.S.C., p. 878.
Florida southern judicial district.
Terms of court.
Proviso.
Rooms at Orlando.

Approved, June 15, 1933.

[CHAPTER 78.]

AN ACT

To authorize the Secretary of War to grant a right of way to The Dalles Bridge Company.

June 15, 1933.
[S. 804.]
[Public, No. 55.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and empowered to grant to The Dalles Bridge Company, a corporation organized and existing under the laws of the State of Washington, its successors and assigns, a permanent right of way, in such location and under such terms and conditions as may be approved by the Secretary of War, over and across the Celilo Canal and other Government lands along the Columbia River near The Dalles, Oregon, for bridge and highway purposes, with full power to locate, construct, and operate a bridge, approaches and approach highways, and adjuncts: *Provided*, That the land shall not be used for other purposes and when the property shall cease to be so used it shall revert to the United States: *Provided further*, That the right to compel the removal of said bridge, approaches and approach highways, and adjuncts is hereby reserved in the Secretary of War, whenever he may determine the interests of the Government so requires, and which said removal is to be without expense to the Government as a condition of this grant.

Celilo Canal, Oreg.
Right of way granted
across, to The Dalles
Bridge Company.

Provisos.
Use for bridge purposes.

Right to remove
bridge, etc., reserved.

Approved, June 15, 1933.

[CHAPTER 79.]

AN ACT

To amend the Act entitled "An Act to provide relief in the existing national emergency in banking, and for other purposes", approved March 9, 1933.

June 15, 1933.
[S. 1425.]
[Public, No. 56.]

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 to provide relief in the existing national emergency in banking, and for other purposes", approved March 9, 1933, is amended by—

(a) striking out the whole of section 301 of title III thereof and inserting in lieu thereof the following:

"SEC. 301. Notwithstanding any other provision of law, any national banking association may, with the approval of the Comptroller of the Currency and by vote of shareholders owning a majority of the stock of such association, upon not less than five days' notice, given by registered mail pursuant to action taken by its board of directors, issue preferred stock of one or more classes, in

Emergency Bank
Act, amendment.
Ante, p. 5, amended.

Preferred stock.
Issue of more than
one class, by vote of
shareholders, permitted.

Amount, par value,
etc.

Payment.

Subsection repealed.
Ante, p. 5.
Paying dividends
upon preferred stock.

Voting, etc., rights.

Retirement provi-
sions.

Personal liability.

such amount and with such par value as shall be approved by said Comptroller, and make such amendments to its articles of association as may be necessary for this purpose; but, in the case of any newly organized national banking association which has not yet issued common stock, the requirement of notice to and vote of shareholders shall not apply. No issue of preferred stock shall be valid until the par value of all stock so issued shall be paid in."

(b) striking out the whole of subsection (a) of section 302 of the said title III and inserting in lieu thereof the following:

"Notwithstanding any other provision of law, whether relating to restriction upon the payment of dividends upon capital stock or otherwise, the holders of such preferred stock shall be entitled to receive such cumulative dividends at a rate not exceeding 6 per centum per annum and shall have such voting and conversion rights and such control of management, and such stock shall be subject to retirement in such manner and upon such conditions, as may be provided in the articles of association with the approval of the Comptroller of the Currency. The holders of such preferred stock shall not be held individually responsible as such holders for any debts, contracts, or engagements of such association, and shall not be liable for assessments to restore impairments in the capital of such association as now provided by law with reference to holders of common stock."

Approved, June 15, 1933.

[CHAPTER 80.]

AN ACT

June 15, 1933.

[S. 1650.]

[Public, No. 57.]

Amending section 74 of the Judicial Code, as amended (U.S.C., Annotated title 28, sec. 147).

United States courts.
Vol. 36, p. 1108, Vol.
41, p. 1146, amended.
Connecticut judicial
district.

Term of court.

Columbia added.

Proviso.
Rooms at Norwalk
and Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Connecticut shall constitute one judicial district to be known as the "district of Connecticut." Terms of the district court shall be held at New Haven on the second Tuesday in February and the third Tuesday in September; at Hartford on the second Tuesday in May and the first Tuesday in December; at Norwalk on the third Tuesday in April; and at Columbia on the first Tuesday in September: *Provided,* That suitable rooms and accommodations shall be furnished for the holdings of said court and for the use of the officers of said court at Norwalk and Columbia free of expense to the Government of the United States.

Approved, June 15, 1933.

[CHAPTER 81.]

AN ACT

June 15, 1933.

[S. 1747.]

[Public, No. 58.]

Granting the consent of Congress to the State of Oregon to construct, maintain, and operate a toll bridge across Alsea Bay at or near Waldport, Lincoln County, Oregon.

Alsea Bay, Oreg.
Oregon may bridge
at Waldport.
Post, p. 804.

Construction.
Vol. 34, p. 84.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Oregon to construct, maintain, and operate a bridge and approaches thereto across Alsea Bay, at a point suitable to the interests of navigation, at or near Waldport, Lincoln County, Oregon, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act,

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed fifteen years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Rates of toll applied to operation, sinking fund, etc.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 15, 1933.

[CHAPTER 82.]

AN ACT

To authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary in 1936 of the independence of Texas, and of the noble and heroic sacrifices of her pioneers, whose revered memory has been an inspiration to her sons and daughters during the past century.

June 15, 1933.
[S. 1808.]

[Public, No. 59.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the one hundredth anniversary in 1936 of the independence of Texas and of the noble and heroic sacrifices of her pioneers, whose memory has been an inspiration to her sons and daughters during the past century, there shall be coined at the mints of the United States silver 50-cent pieces to the number of not more than one and one-half million, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

Texas centennial, 1936.
Silver 50-cent pieces to be coined in commemoration of.

Number, design, etc.

Legal tender.

SEC. 2. That the coins herein authorized shall be issued only upon the request of the American Legion Texas Centennial Committee, of Austin, Texas, upon payment by such American Legion Texas Centennial Committee of the par value of such coins, and it shall be permissible for the said American Legion Texas Centennial Committee to obtain said coins upon said payment, all at one time or at separate times, and in separate amounts, as it may determine.

Issued to American Legion Texas Centennial Committee.

Payment.

SEC. 3. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating the guarding and process of coinage, providing for the purchase of material, and for the transportation, disposition, and redemption of coins, for the prevention of debasement or counterfeiting, for security of the coins, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

Coinage loans applicable.

Proviso.
No expense for dies, etc.

Approved, June 15, 1933.

[CHAPTER 83.]

AN ACT

June 15, 1933.

[S. 1813.]

[Public, No. 60.]

Providing for the sale to Joe Graham Post Numbered 119, American Legion, of the lands lying within the Ship Island Military Reservation in the State of Mississippi.

Ship Island Military Reservation, Miss.
Sales of lands within, to Joe Graham Post, American Legion.
Vol. 45, p. 1556.

Payment.

Receipts credited to military construction fund.

Terms and conditions.

Reversionary provisions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Act entitled "An Act transferring a portion of the lighthouse reservation, Ship Island, Mississippi, to the jurisdiction and control of the War Department", approved March 4, 1929, the Secretary of War is authorized and directed to convey by quitclaim deed to Joe Graham Post Numbered 119, of the American Legion, Incorporated, a corporation organized under the laws of the State of Mississippi, all the lands lying within the Ship Island Military Reservation in such State, in consideration of the payment to the United States by such corporation of \$15,000; but payment of such sum may be made in equal annual installments over a period of ten years from the date of such conveyance with interest on such deferred payments at the rate of 5 per centum per annum, all interest due to be paid annually. All sums paid to the United States for such land shall be covered into the Treasury to the credit of the military post construction fund. It shall be made a condition of the deed of conveyance herein provided for (1) that the lands so conveyed shall be maintained by such corporation as a national recreational park, (2) that such corporation shall erect and maintain on such lands a suitable monument or other memorial to the veterans of the World War, and (3) that such corporation shall set aside such parcel of land not exceeding one acre in area within such lands as may be selected by the United Daughters of the Confederacy for the sole use of that organization for the erection and maintenance of a memorial to veterans of the Civil War. If the corporation fails to use such lands for the purposes herein provided, or violates any of the conditions of the deed of conveyance or attempts to alienate such lands, title thereto shall revert to the United States.

Approved, June 15, 1933.

[CHAPTER 84.]

AN ACT

June 15, 1933.

[H. R. 4872.]

[Public, No. 61.]

Authorizing Farris Engineering Company, its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near California, Pennsylvania.

Monongahela River. Farris Engineering Company may bridge, at California, Pa.

Construction. Vol. 34, p. 84.

Pennsylvania may acquire, after completion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, Farris Engineering Company, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River, at a point suitable to the interests of navigation, at or near California, Pennsylvania, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Pennsylvania, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge

and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion cost, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Pennsylvania, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this Act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The Farris Engineering Company, its successors and assigns, shall, within ninety days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Pennsylvania, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Pennsylvania shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Farris Engineering Company, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this Act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to Farris Engineering Company, its successors and assigns; and any

Compensation, if acquired by condemnation.

Limitation.

Tolls under State operation.

Rates applied to operation, sinking fund, etc.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

Sworn statement of construction costs, etc., to be filed after completion.

Examination by Secretary of War.

Finding of Secretary conclusive.

Right to sell, etc., conferred.

corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

Amendment.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 15, 1933.

[CHAPTER 85.]

AN ACT

To amend section 289 of the Criminal Code.

June 15, 1933.
[H. R. 5091.]
[Public, No. 62.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 289 of the Criminal Code (U.S.C., title 18, sec. 468) be, and it is hereby, amended to read as follows:

Criminal Code Amendment.
Vol. 35, p. 1145, amended.
U.S.C. p. 490.
Offenses committed in places under Federal jurisdiction.
Punishment for, under State, etc., law when penalty not provided by Federal law.

“SEC. 289. Whoever, within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 272 of the Criminal Code (U.S.C., title 18, sec. 451), shall do or omit the doing of any act or thing which is not made penal by any laws of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof in force on June 1, 1933, and remaining in force at the time of the doing or omitting the doing of such act or thing, would be penal, shall be deemed guilty of a like offense and be subject to a like punishment.”

Approved, June 15, 1933.

[CHAPTER 86.]

AN ACT

Granting the consent of Congress to the city of Washington, Missouri, to construct, maintain, and operate a toll bridge across the Missouri River at or near Washington, Missouri.

June 15, 1933.
[H. R. 5589.]
[Public, No. 63.]

Missouri River. Washington, Mo., may bridge.
Post, p. 1015.
Construction. Vol. 34, p. 84.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the city of Washington, Missouri, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Washington, Missouri, in accordance with the provisions of an Act entitled “An Act to regulate the construction of bridges over navigable waters”, approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Toll rates applied to operation, sinking fund, etc.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under

Maintenance as free bridge after amortizing costs.

economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 15, 1933.

[CHAPTER 87.]

AN ACT

To amend the National Defense Act of June 3, 1916, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SECTION 1. That the Army of the United States shall consist of the Regular Army, the National Guard of the United States, the National Guard while in the service of the United States, the Officers' Reserve Corps, the Organized Reserves, and the Enlisted Reserve Corps."

SEC. 2. That the fourth paragraph of section 5 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"All policies and regulations affecting the organization and distribution of the National Guard of the United States, and all policies and regulations affecting the organization, distribution, and training of the National Guard, shall be prepared by committees of appropriate branches or divisions of the War Department General Staff, to which shall be added an equal number of officers from the National Guard of the United States, whose names are borne on lists of officers suitable for such duty, submitted by the governors of their respective States and Territories, and for the District of Columbia by the Commanding General, District of Columbia National Guard.

"All policies and regulations affecting the organization, distribution, training, appointment, assignment, promotion, and discharge of members of the Officers' Reserve Corps, the Organized Reserves, and the Enlisted Reserve Corps shall be prepared by committees of appropriate branches or divisions of the War Department General Staff to which shall be added an equal number of officers from the Officers' Reserve Corps: *Provided*, That when the subject to be studied affects the National Guard of the United States or the National Guard and the Officers' Reserve Corps, the Organized Reserves or the Enlisted Reserve Corps, such committees shall consist of an equal representation from the Regular Army, the National Guard of the United States, and the Officers' Reserve Corps. There shall be not less than ten officers on duty in the War Department General Staff, one half of whom shall be from the National Guard of the United States and one half from the Officers' Reserve Corps. For the purpose specified herein such officers shall be regarded as additional members of the General Staff while so serving: *Provided further*, That the Chief of Staff shall transmit to the Secretary of War the policies and regulations prepared as hereinbefore prescribed in this paragraph and advise him in regard thereto. After action by the Secretary of War thereon the Chief of Staff shall act as the agent of the Secretary of War in carrying the same into effect.

Record of expenditure and receipts.

Amendment.

June 15, 1933.
[H. R. 5645.]
[Public, No. 64.]

National Defense Act amendments.
Vol. 39, p. 166; Vol. 41, p. 759.

Regular Army.
National Guard of the United States, added.

General Staff Corps.
Vol. 41, p. 763, amended.

Committees of, to prepare policies, etc., affecting National Guard.
Equal number of National Guard of U. S. officers to be added.

Reserves, etc.
Reserve officers added, in formulating policies affecting organization.

Provisos.
Representation on committees to study.

Duty in War Department.

Chief of Staff to transmit recommendations to Secretary of War.

Act as agent.

Exercise same powers as over the Army.

The Chief of Staff shall exercise the same supervision and control of the reserve components of the Army of the United States as he does over the Regular Army.

Vol. 41, p. 775; Vol. 42, p. 1033.

SEC. 3. That section 37 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Officers' Reserve Corps.
Composition, grades, etc.
Post, p. 939.

"SEC. 37. OFFICERS' RESERVE CORPS.—For the purpose of providing a reserve of officers available for military service when needed there shall be organized an Officers' Reserve Corps consisting of general officers and officers assigned to sections corresponding to the various branches of the Regular Army and such additional sections as the President may direct. The grades in each section and the number in each grade shall be as the President may prescribe. All persons appointed in the Officers' Reserve Corps are reserve officers and shall be commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate. Appointment in every case in the Officers' Reserve Corps shall be for a period of five years, but an appointment in force at the outbreak of war shall continue in force until six months after its termination: *Provided*, That an officer of the Officers' Reserve Corps shall be entitled to be relieved from active Federal service within six months after its termination if he makes application therefor. Any officer of the Officers' Reserve Corps may be discharged at any time in the discretion of the President. In time of peace an officer of the Officers' Reserve Corps must at the time of his appointment be a citizen of the United States between the ages of twenty-one and sixty years. Any person who has been an officer of the Army of the United States at any time between April 6, 1917, and June 30, 1919, or who has been an officer of the Regular Army at any time, if qualified, may be appointed in the Officers' Reserve Corps in the highest grade which he held or any lower grade. No other person except as herein provided shall in time of peace be originally appointed as a reserve officer of Infantry, Cavalry, Field Artillery, Coast Artillery, or Air Corps in a grade above that of second lieutenant. In time of peace appointments in the Infantry, Cavalry, Field Artillery, Coast Artillery, and Air Corps shall be limited to former officers of the Army, former officers of the National Guard of the United States, graduates of the Reserve Officers' Training Corps, as provided in section 47b hereof; warrant officers, and enlisted men of the Regular Army, National Guard of the United States, and Enlisted Reserve Corps and persons who served in the Army at some time between April 6, 1917, and November 11, 1918. Promotions in all grades of officers who have established, or may hereafter establish, their qualifications for such promotion, and transfer, shall be made under such regulations as may be prescribed by the Secretary of War, and shall be based so far as practicable upon recommendations made in the established chain of command. So far as practicable, in time of peace, officers of the Officers' Reserve Corps shall be assigned to units in the locality of their places of residence. Nothing in this Act shall operate to deprive an officer of the reserve appointment he now holds: *Provided*, That this shall not apply to the discretionary-discharge power of the President previously mentioned. Members of the Officers' Reserve Corps, while not on active duty, shall not, by reason solely of their appointments, oaths, commissions, or status as such, or any duties or functions performed or pay or allowances received as such, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit or dis-

Appointments by President alone, except general officers.

Periods.

Proviso.
War-time service.

Discharges.

Citizenship, etc., requirements.
Post, p. 939.

Former service qualifications.

Limitation on peace appointments.

Vol. 41, p. 778.

Promotions and transfers.

Reserve appointments.

Proviso.
Executive power over.
Status of reserve officers not on active duty.

charging any official function under or in connection with any department of the Government of the United States."

SEC. 4. That section 38 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 38. OFFICERS, NATIONAL GUARD OF THE UNITED STATES.—All persons appointed officers in the National Guard of the United States are reserve officers and shall be commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate.

"Officers in the National Guard of the United States shall be appointed for the period during which they are federally recognized in the same grade and branch in the National Guard: *Provided*, That an appointment in force at the outbreak of war shall continue in force until six months after its termination: *And provided further*, That such officer shall be entitled to be relieved from active Federal service within six months after its termination if he makes application therefor.

"In time of peace the President may order to active duty, with their consent, officers of the National Guard of the United States for the purposes set forth in sections 5 and 81 of this Act. When on such active duty an officer of the National Guard of the United States shall receive the same pay and allowances as an officer of the Regular Army of the same grade and length of active service and mileage from his home to his first station and from his last station to his home, but shall not be entitled to retirement or retired pay: *Provided*, That such officers ordered to such active duty shall be paid out of the funds appropriated for the pay of the National Guard.

"Officers of the National Guard of the United States, while not on active duty, shall not, by reason solely of their appointments, oaths, commissions, or status as such, or any duties or functions performed or pay or allowances received as such, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit or discharging any official function under or in connection with any department of the Government of the United States."

SEC. 5. That section 58 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 58. COMPOSITION OF THE NATIONAL GUARD AND THE NATIONAL GUARD OF THE UNITED STATES.—The National Guard of each State, Territory, and the District of Columbia shall consist of members of the militia voluntarily enlisted therein, who upon original enlistment shall be not less than eighteen nor more than forty-five years of age, or who in subsequent enlistment shall be not more than sixty-four years of age, organized, armed, equipped, and federally recognized as hereinafter provided, and of commissioned officers and warrant officers who are citizens of the United States between the ages of twenty-one and sixty-four years: *Provided*, That former members of the Regular Army, Navy, or Marine Corps under sixty-four years of age may enlist in said National Guard.

"The National Guard of the United States is hereby established. It shall be a reserve component of the Army of the United States and shall consist of those federally recognized National Guard units, and organizations, and of the officers, warrant officers, and enlisted members of the National Guard of the several States, Territories, and the District of Columbia, who shall have been appointed, enlisted and appointed, or enlisted, as the case may be, in the

Vol. 39, p. 190; Vol. 43, p. 470, amended.

Officers of the National Guard of the U.S., commissions in Army.

Appointments.

Period.

Provisos.
At outbreak of war.

Relief after close of war.

Active peace duty.

Pay and allowances.

Proviso.
Payment from National Guard appropriations.

Status of while not on active duty.

Vol. 39, p. 107; Vol. 43, p. 1075, amended.

National Guard of U.S.; of the several States, etc.
Composition.

Eligible ages.

Proviso.
Enlistment of former members of Army, etc.

National Guard of the United States established.
Status of; composition.

Post, p. 160.

Provisos.
Deemed not in active service except when so ordered.

Appointment of non-commissioned National Guard officers.

Vol. 39, p. 197.

Unit organizations.

President to prescribe.

Proviso.
State approval.

Vol. 39, p. 200; Vol. 43, p. 470.

Enlistments, National Guard and National Guard of the United States.

Provisos.
Transfers of enlisted men to National Guard of United States for unexpired terms.

Enlistment period may be extended in an emergency.

Vol. 39, p. 201; Vol. 41, p. 731, amended.

Enlistment contract and oath.

Form.

National Guard of the United States, as hereinafter provided, and of such other officers and warrant officers as may be appointed therein as provided in section 111 hereof: *Provided*, That the members of the National Guard of the United States shall not be in the active service of the United States except when ordered thereto in accordance with law, and, in time of peace, they shall be administered, armed, uniformed, equipped, and trained in their status as the National Guard of the several States, Territories, and the District of Columbia, as provided in this Act: *And provided further*, That under such regulations as the Secretary of War shall prescribe, noncommissioned officers, first-class privates, and enlisted specialists of the National Guard may be appointed in corresponding grades, ratings, and branches of the National Guard of the United States, without vacating their respective grades and ratings in the National Guard."

SEC. 6. That section 60 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 60. ORGANIZATION OF NATIONAL GUARD UNITS.—Except as otherwise specifically provided herein, the organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War. And the President may prescribe the particular unit or units, as to branch or arm of service, to be maintained in each State, Territory, or the District of Columbia in order to secure a force which, when combined, shall form complete higher tactical units: *Provided*, That no change in allotment, branch, or arm of units or organizations wholly within a single State will be made without the approval of the governor of the State concerned."

SEC. 7. That section 69 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 69. ENLISTMENTS IN THE NATIONAL GUARD AND IN THE NATIONAL GUARD OF THE UNITED STATES.—Original enlistments in the National Guard and in the National Guard of the United States shall be for a period of three years, and subsequent enlistments for periods of one or three years each: *Provided*, That all enlisted men of the National Guard on the date of approval of this Act may, under such regulations as may be prescribed by the Secretary of War, be enlisted in grade, rating, and branch in the National Guard of the United States for the remaining unexpired portions of their enlistments in the National Guard: *And Provided further*, That in the event of an emergency declared by Congress the period of any enlistment which otherwise would expire may by Presidential proclamation be extended for a period of six months after the termination of the emergency."

SEC. 8 That section 70 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 70. Men enlisting in the National Guard of the several States, Territories, and the District of Columbia, and in the National Guard of the United States, shall sign an enlistment contract and subscribe to the following oath or affirmation:

"I do hereby acknowledge to have voluntarily enlisted this _____ day of _____, 19___, as a soldier in the National Guard of the United States and the State of _____, for the period of three (or one) year___, under the conditions prescribed by law, unless sooner dis-

charged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of -----, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the Governor of the State of -----, and of the officers appointed over me according to law and the rules and Articles of War."

SEC. 9. That said Act be amended by adding section 71 thereto, as follows:

"SEC. 71. DEFINITIONS.—In this Act, unless the context or subject matter otherwise requires—

"(a) 'National Guard' or 'National Guard of the several States, Territories, and the District of Columbia' means that portion of the Organized Militia of the several States, Territories, and the District of Columbia, active and inactive, federally recognized as provided in this Act and organized, armed, and equipped in whole or in part at Federal expense and officered and trained under paragraph 16, section 8, article I of the Constitution.

"(b) 'National Guard of the United States' means a reserve component of the Army of the United States composed of those federally recognized units and organizations and persons duly appointed and commissioned in the active and inactive National Guard of the several States, Territories, and the District of Columbia, who have taken and subscribed to the oath of office prescribed in section 73 of this Act, and who have been duly appointed by the President in the National Guard of the United States, as provided in this Act, and of those officers and warrant officers appointed as prescribed in sections 75 and 111 of this Act, and of those persons duly enlisted in the National Guard of the United States and of the several States, Territories, and the District of Columbia who have taken and subscribed to the oath of enlistment prescribed in section 70 of this Act.

SEC. 10. That section 72 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 72. An enlisted man discharged from service in the National Guard and the National Guard of the United States shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the Secretary of War may prescribe."

SEC. 11. That section 73 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 73. OATHS OF NATIONAL GUARD OFFICERS—APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES.—Commissioned officers and warrant officers of the National Guard of the several States, Territories, and the District of Columbia and in the National Guard of the United States shall take and subscribe to the following oath of office:

"I, -----, do solemnly swear that I will support and defend the Constitution of the United States and the constitution of the State of ----- against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of -----; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of ----- in the National Guard of the United States and of the State of ----- upon which I am about to enter, so help me God.

New section.
Vol. 41, p. 781,
amended.

Definitions.

"National Guard."

"National Guard of
the United States."

Post, pp. 158, 160.

Vol. 41, p. 781,
amended.

Discharges: certifi-
cates to be given.

Draft feature elimi-
nated.

Vol. 39, p. 201.

Oath of officers.

Appointment to same grade and branch in the National Guard of the United States.

Proviso.
Not to vacate State, etc., office.

Federally recognized officers of National Guard, appointment, etc.

Vol. 39, p. 202.

Examinations for commissions.

Board of examiners.

Certificate to issue, if qualified.

Eligibility for appointment in National Guard of the United States.
Vol. 39, p. 202.

Withdrawal of Federal recognition.

Absence without leave for 3 months.

"The President is authorized to appoint in the same grade and branch in the National Guard of the United States any person who is an officer or warrant officer in the National Guard of any State, Territory, or the District of Columbia and who is federally recognized in that grade and branch: *Provided*, That acceptance of appointment in the same grade and branch in the National Guard of the United States, by an officer of the National Guard of a State, Territory, or the District of Columbia, shall not operate to vacate his State, Territory, or District of Columbia National Guard office.

"Officers or warrant officers of the National Guard who are in a federally recognized status on the date of the approval of this Act shall take the oath of office herein prescribed and shall be appointed in the National Guard of the United States in the same grade and branch without further examination, other than physical, within a time limit to be fixed by the President, and shall in the meantime continue to enjoy all the rights, benefits, and privileges conferred by this Act."

SEC. 12. That section 75 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 75. The provisions of this Act shall not apply to any person hereafter appointed as an officer of the National Guard unless he first shall have successfully passed such tests as to his physical, moral, and professional fitness as the President shall prescribe. The examination to determine such qualifications for appointment shall be conducted by a board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both. The examination herein provided for may be held prior to the original appointment or promotion of any individual as an officer or warrant officer and if the applicant has been found qualified, he may be issued a certificate of eligibility by the Chief of the National Guard Bureau, which certificate, in the event of appointment or promotion within two years to the office for which he was found qualified, shall entitle the holder to Federal recognition without further examination, except as to his physical condition.

"Upon being federally recognized such officers and warrant officers may be appointed in the National Guard of the United States."

SEC. 13. That section 76 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 76. WITHDRAWAL OF FEDERAL RECOGNITION.—Under such regulations as the President shall prescribe the capacity and general fitness of any officer or warrant officer of the National Guard of the several States, Territories, and the District of Columbia for continued Federal recognition may at any time be investigated by an efficiency board of officers senior in rank to the officer under investigation, appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both. If the findings of said board be unfavorable to the officer under investigation and be approved by the President, Federal recognition shall be withdrawn and he shall be discharged from the National Guard of the United States. Federal recognition may be withdrawn by the Secretary of War and his appointment in the National Guard of the United States may be terminated when an officer or warrant officer of the National Guard of any State, Territory, or the District of Columbia has been absent without leave for three months."

SEC. 14. That section 77 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 77. ELIMINATION AND DISPOSITION OF OFFICERS OF THE NATIONAL GUARD OF THE UNITED STATES.—The appointments of officers and warrant officers of the National Guard may be terminated or vacated in such manner as the several States, Territories, or the District of Columbia shall provide by law. Whenever the appointment of an officer or warrant officer of the National Guard of a State, Territory, or the District of Columbia has been vacated or terminated, or upon reaching the age of sixty-four, the Federal recognition of such officer shall be withdrawn and he shall be discharged from the National Guard of the United States: *Provided*, That under such regulations as the Secretary of War may prescribe upon termination of service in the active National Guard an officer of the National Guard of the United States may, if he makes application therefor, remain in the National Guard of the United States in the same grade and branch of service. When Federal recognition is withdrawn from any officer or warrant officer of the National Guard of any State, Territory, or the District of Columbia, as provided in section 76 of this Act, or upon reaching the age of sixty-four years, he shall thereupon cease to be a member thereof and shall be given a discharge certificate therefrom by the official authorized to appoint such officer."

SEC. 15. That section 78 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 78. Men duly qualified for enlistment in the active National Guard may enlist for one term only in the inactive National Guard and in the National Guard of the United States for a period of one or three years, under such regulations as the Secretary of War shall prescribe, and on so enlisting they shall sign an enlistment contract and subscribe to the oath or affirmation in section 70 of this Act.

"Under such regulations as the Secretary of War may prescribe, enlisted men of the active National Guard, not formerly enlisted in the inactive National Guard or the National Guard of the United States, may be transferred to the inactive National Guard; likewise enlisted men hereafter enlisted in or transferred to the inactive National Guard may be transferred to the active National Guard: *Provided*, That in time of peace no enlisted man shall be required to serve under any enlistment for a longer time than the period for which he enlisted in the active or inactive National Guard, as the case may be. Members of said inactive National Guard, when engaged in field or coast-defense training with the active National Guard, shall receive the same Federal pay and allowances as those occupying like grades on the active list of said National Guard when likewise engaged."

SEC. 16. That section 81 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 81. THE NATIONAL GUARD BUREAU.—The Militia Bureau of the War Department shall hereafter be known as the National Guard Bureau. The Chief of the National Guard Bureau shall be appointed by the President, by and with the advice and consent of the Senate, by selection from lists of officers of the National Guard of the United States recommended as suitable for such appointment by their respective governors, and who have had ten or more years' commissioned service in the active National Guard, at least five of which have been in the line, and who have attained at least the grade

Vol. 39, p. 202, amended.

Vacating, etc., commissions and grounds therefor.

Proviso.
Status of National Guard officer upon termination of service therein.

Discharge on withdrawal of Federal recognition or reaching age limit.
Ante, p. 158.

Vol. 39, p. 202; Vol. 43, p. 1076.

National Guard reserve superseded by inactive National Guard.
Term of enlistment, contract, oath, etc.

Ante, p. 156.

Transfers between active and inactive services.

Proviso.
Peace time service.

Field, etc., service pay.

Vol. 39, p. 203; Vol. 43, p. 1076, amended.

National Guard Bureau.
Appointment of Chief.

Qualifications.

Term.	of colonel. The Chief of the National Guard Bureau shall hold office for four years unless sooner removed for cause, and shall not be eligible to succeed himself, and when sixty-four years of age shall cease to hold such office. Upon accepting his office, the Chief of the National Guard Bureau shall be appointed a major general in the National Guard of the United States, and commissioned in the Army of the United States, and while so serving he shall have the rank, pay, and allowances of a major general, provided by law, but shall not be entitled to retirement or retired pay.
Rank.	
Pay and allowances.	
Assignment of Army officers to, etc.	<p>“For duty in the National Guard Bureau and for instruction of the National Guard the President shall assign such number of officers of the Regular Army as he may deem necessary; also, such number of enlisted men of the Regular Army for duty in the instruction of the National Guard. The President may also order, with their consent, to active duty in the National Guard Bureau, not more than four officers who at the time of their initial assignments hold appointments in the National Guard of the United States, and any such officers while so assigned shall receive the pay and allowances provided by law.</p>
Detail of National Guard of U. S. officers to.	<p>“In case the office of the Chief of the National Guard Bureau becomes vacant or the incumbent because of disability is unable to discharge the powers and duties of the office, the senior officer on duty in the National Guard Bureau, appointed from the National Guard of the United States, shall act as chief of said bureau until the incumbent is able to resume his duties or the vacancy in the office is regularly filled. The pay and allowances provided in this section for the Chief of the National Guard Bureau and for the officers ordered to active duty from the National Guard of the United States shall be paid out of the funds appropriated for the pay of the National Guard.”</p>
Filling vacancies.	<p>SEC. 17. That section 82 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:</p>
Payment from National Guard appropriation.	<p>“SEC. 82. ARMAMENT, EQUIPMENT, AND UNIFORM OF THE NATIONAL GUARD.—The National Guard shall, as far as practicable, be uniformed, armed, and equipped with the same type of uniforms, arms, and equipments as are or shall be provided for the Regular Army.”</p>
Vol. 39, p. 203, amended.	<p>SEC. 18. That section 111 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:</p>
National Guard, armament, equipment, etc.	<p>“SEC. 111. When Congress shall have declared a national emergency and shall have authorized the use of armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination as he may prescribe, order into the active military service of the United States, to serve therein for the period of the war or emergency, unless sooner relieved, any or all units and the members thereof of the National Guard of the United States. All persons so ordered into the active military service of the United States shall from the date of such order stand relieved from duty in the National Guard of their respective States, Territories, and the District of Columbia so long as they shall remain in the active military service of the United States, and during such time shall be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Army whose permanent retention in active military service is not contemplated by law. The organization of said units existing at the date of the</p>
Vol. 39, p. 211; Vol. 41, p. 784.	
President's order for active military service in national emergency.	
Persons so ordered relieved temporarily from State, etc., obligations.	
To be subject to Army regulations, etc.	
Units to be kept intact.	

order into active Federal service shall be maintained intact insofar as practicable.

“Commissioned officers and warrant officers appointed in the National Guard of the United States and commissioned or holding warrants in the Army of the United States, ordered into Federal service as herein provided, shall be ordered to active duty under such appointments and commissions or warrants: *Provided*, That those officers and warrant officers of the National Guard who do not hold appointments in the National Guard of the United States and commissions or warrants in the Army of the United States may be appointed and commissioned or tendered warrants therein by the President, in the same grade and branch they hold in the National Guard.

Officers thereof ordered to active duty.

Proviso.
National Guard officers not holding appointments in National Guard of United States, etc.

“Officers and enlisted men while in the service of the United States under the terms of this section shall receive the pay and allowances provided by law for officers and enlisted men of the reserve forces when ordered to active duty, except brigadier generals and major generals, who shall receive the same pay and allowances as provided by law for brigadier generals and major generals of the Regular Army, respectively. Upon being relieved from active duty in the military service of the United States all individuals and units shall thereupon revert to their National Guard status.

Pay and allowances.

Units, etc., to revert to State status on relief from active duty, etc.

“In the initial mobilization of the National Guard of the United States, war-strength officer personnel shall be taken from the National Guard as far as practicable, and for the purpose of this expansion warrant officers and enlisted men of the National Guard may, in time of peace, be appointed officers in the National Guard of the United States and commissioned in the Army of the United States.”

War strength officer personnel.

SEC. 19. That section 112 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Vol. 30, p. 211, amended.

“SEC. 112. RIGHTS TO PENSIONS.—When any officer, warrant officer, or enlisted man of the National Guard or the National Guard of the United States called or ordered into the active service of the United States, or when any officer of the Officers' Reserve Corps or any person in the Enlisted Reserve Corps ordered into active service except for training, is disabled by reason of wounds or disability received or incurred while in the active service of the United States, he shall be entitled to all the benefits of the pension laws existing at the time of his active service; and in case such officer or enlisted man dies in the active service of the United States or in returning to his place of residence after being mustered out of active service, or at any other time in consequence of wounds or disabilities received in such active service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.”

Pension laws made applicable.

Disabilities incurred in active service.

Death.

SEC. 20. That the seventh paragraph of section 127a of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Vol. 41, p. 785, amended.

“In time of war any officer of the Regular Army may be appointed to higher temporary grade without vacating his permanent appointment. In time of war any officer of the Regular Army appointed to higher temporary grade, and all other persons appointed, as officers, shall be appointed and commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate: *Provided*, That an appointment, other than that of a member of the Regular Army

Commissions.

Appointments by President alone except general officers.

Proviso.
War time service.

made in time of war, shall continue until six months after its termination, and an officer appointed in time of war shall be entitled to be relieved from active Federal service within six months after its termination if he makes application therefor."

Approved, June 15, 1933.

[CHAPTER 88.]

AN ACT

June 15, 1933.
[H.R. 5793.]
[Public, No. 65.]

To revive and reenact the Act entitled "An Act authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from East Alburg, Vermont, to West Swanton, Vermont", approved March 2, 1929.

Lake Champlain.
Construction of
bridge across, at East
Alburg, Vt.
Vol. 45, p. 1506.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress approved March 2, 1929, authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct a bridge across Lake Champlain, between a point at or near East Alburg, Vermont, and a point at or near Swanton, Vermont, be, and the same is hereby, revived and reenacted: *Provided*, That this Act shall be null and void unless the actual construction of the bridge herein referred to be commenced within one year and completed within three years from the date of approval hereof.

Proviso.
Commencement of
construction.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 15, 1933.

[CHAPTER 89.]

AN ACT

June 16, 1933.
[H.R. 5661.]
[Public, No. 66.]

To provide for the safer and more effective use of the assets of banks, to regulate interbank control, to prevent the undue diversion of funds into speculative operations, and for other purposes.

Banking Act of 1933.
Post, p. 888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the short title of this Act shall be the "Banking Act of 1933."

SEC. 2. As used in this Act and in any provision of law amended by this Act—

Terms construed.

(a) The terms "banks", "national bank", "national banking association", "member bank", "board", "district", and "reserve bank" shall have the meanings assigned to them in section 1 of the Federal Reserve Act, as amended.

Vol. 38, p. 251.
U.S.C., p. 274.

"Affiliates," organi-
zations included within
term.

(b) Except where otherwise specifically provided, the term "affiliate" shall include any corporation, business trust, association, or other similar organization—

Member bank hav-
ing controlling interest.

(1) Of which a member bank, directly or indirectly, owns or controls either a majority of the voting shares or more than 50 per centum of the number of shares voted for the election of its directors, trustees, or other persons exercising similar functions at the preceding election, or controls in any manner the election of a majority of its directors, trustees, or other persons exercising similar functions; or

Shareholders of mem-
ber bank control.

(2) Of which control is held, directly or indirectly, through stock ownership or in any other manner, by the shareholders of a member bank who own or control either a majority of the shares of such bank or more than 50 per centum of the number of shares voted for the election of directors of such bank at the preceding election, or by trustees for the benefit of the shareholders of any such bank; or

(3) Of which a majority of its directors, trustees, or other persons exercising similar functions are directors of any one member bank.

(c) The term "holding company affiliate" shall include any corporation, business trust, association, or other similar organization—

(1) Which owns or controls, directly or indirectly, either a majority of the shares of capital stock of a member bank or more than 50 per centum of the number of shares voted for the election of directors of any one bank at the preceding election, or controls in any manner the election of a majority of the directors of any one bank; or

(2) For the benefit of whose shareholders or members all or substantially all the capital stock of a member bank is held by trustees.

SEC. 3. (a) The fourth paragraph after paragraph "Eighth" of section 4 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 301), is amended to read as follows:

"Said board of directors shall administer the affairs of said bank fairly and impartially and without discrimination in favor of or against any member bank or banks and may, subject to the provisions of law and the orders of the Federal Reserve Board, extend to each member bank such discounts, advancements, and accommodations as may be safely and reasonably made with due regard for the claims and demands of other member banks, the maintenance of sound credit conditions, and the accommodation of commerce, industry, and agriculture. The Federal Reserve Board may prescribe regulations further defining within the limitations of this Act the conditions under which discounts, advancements, and the accommodations may be extended to member banks. Each Federal reserve bank shall keep itself informed of the general character and amount of the loans and investments of its member banks with a view to ascertaining whether undue use is being made of bank credit for the speculative carrying of or trading in securities, real estate, or commodities, or for any other purpose inconsistent with the maintenance of sound credit conditions; and, in determining whether to grant or refuse advances, rediscounts or other credit accommodations, the Federal reserve bank shall give consideration to such information. The chairman of the Federal reserve bank shall report to the Federal Reserve Board any such undue use of bank credit by any member bank, together with his recommendation. Whenever, in the judgment of the Federal Reserve Board, any member bank is making such undue use of bank credit, the Board may, in its discretion, after reasonable notice and an opportunity for a hearing, suspend such bank from the use of the credit facilities of the Federal Reserve System and may terminate such suspension or may renew it from time to time."

(b) The paragraph of section 4 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 304), which commences with the words "The Federal Reserve Board shall classify" is amended by inserting before the period at the end thereof a colon and the following: "Provided, That whenever any two or more member banks within the same Federal reserve district are affiliated with the same holding company affiliate, participation by such member banks in any such nomination or election shall be confined to one of such banks, which may be designated for the purpose by such holding company affiliate."

SEC. 4. The first paragraph of section 7 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 289), is amended, effective July 1, 1932, to read as follows:

"After all necessary expenses of a Federal reserve bank shall have been paid or provided for, the stockholders shall be entitled to receive

Majority directors of, are directors of member bank.

"Holding company affiliate," organizations included within term.

When majority of shares of capital stock of member bank owned, etc.

When capital stock of member bank held in trust.

Vol. 38, p. 255.
U.S.C., p. 278.

Board of directors. Extension of discounts, advancements, etc., to member banks.

Federal Reserve Board to prescribe conditions.

Reserve bank to keep informed of amount, etc., of loans.

Purpose.

Report by reserve bank.

Suspension of member bank from use of credit facilities.

Hearing and notice.

Vol. 40, p. 966.
U.S.C., p. 278.

Class A and class B directors.

Participation by member banks in elections within district.

Vol. 38, p. 258; Vol. 40, p. 1314.

U.S.C., p. 278.
Effective date of amendment.

Dividend on stock of reserve bank.

Net earnings paid into surplus fund.
Franchise tax payments, eliminated.

Vol. 33, p. 259; Vol. 40, p. 232; Vol. 44, p. 1229.

U.S.C., p. 279; Supp. VI, p. 135.

Application of Morris Plan banks to become member banks.

Vol. 40, p. 233; Vol. 43, p. 1229.

U.S.C., p. 279; Supp. VI, p. 135.

State member banks.
Power to establish branches.

Vol. 40, p. 233.
U.S.C., pp. 279, 280; Supp. VI, p. 135.

Mutual savings banks.

Application of, to become member banks.

Subscription to capital stock of reserve bank required.

Amount of.

Adjustment semi-annually under rules of Reserve Board.

Deposit required, if subscription unlawful.

Adjustment of deposit.

Conditions subject to. Post, p. 971.

Interest payments.

Application of deposit to subscription, if subscription hereafter legalized.

Termination of savings bank to rights of membership.

When right to subscribe not granted.

an annual dividend of 6 per centum on the paid-in capital stock, which dividend shall be cumulative. After the aforesaid dividend claims have been fully met, the net earnings shall be paid into the surplus fund of the Federal reserve bank."

SEC. 5. (a) The first paragraph of section 9 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 321; Supp. VI, title 12, sec. 321), is amended by inserting immediately after the words "United States" a comma and the following: "including Morris Plan banks and other incorporated banking institutions engaged in similar business."

(b) The second paragraph of section 9 of the Federal Reserve Act, as amended, is amended by adding at the end thereof the following: "Provided, however, That nothing herein contained shall prevent any State member bank from establishing and operating branches in the United States or any dependency or insular possession thereof or in any foreign country, on the same terms and conditions and subject to the same limitations and restrictions as are applicable to the establishment of branches by national banks."

(c) Section 9 of the Federal Reserve Act, as amended (U.S.C., title 12, secs. 321-331; Supp. VI, title 12, secs. 321-332), is further amended by adding at the end thereof the following new paragraphs:

"Any mutual savings bank having no capital stock (including any other banking institution the capital of which consists of weekly or other time deposits which are segregated from all other deposits and are regarded as capital stock for the purposes of taxation and the declaration of dividends), but having surplus and undivided profits not less than the amount of capital required for the organization of a national bank in the same place, may apply for and be admitted to membership in the Federal Reserve System in the same manner and subject to the same provisions of law as State banks and trust companies, except that any such savings bank shall subscribe for capital stock of the Federal reserve bank in an amount equal to six-tenths of 1 per centum of its total deposit liabilities as shown by the most recent report of examination of such savings bank preceding its admission to membership. Thereafter such subscription shall be adjusted semiannually on the same percentage basis in accordance with rules and regulations prescribed by the Federal Reserve Board. If any such mutual savings bank applying for membership is not permitted by the laws under which it was organized to purchase stock in a Federal reserve bank, it shall, upon admission to the system, deposit with the Federal reserve bank an amount equal to the amount which it would have been required to pay in on account of a subscription to capital stock. Thereafter such deposit shall be adjusted semiannually in the same manner as subscriptions for stock. Such deposits shall be subject to the same conditions with respect to repayment as amounts paid upon subscriptions to capital stock by other member banks and the Federal reserve bank shall pay interest thereon at the same rate as dividends are actually paid on outstanding shares of stock of such Federal reserve bank. If the laws under which any such savings bank was organized be amended so as to authorize mutual savings banks to subscribe for Federal reserve bank stock, such savings bank shall thereupon subscribe for the appropriate amount of stock in the Federal reserve bank, and the deposit hereinafore provided for in lieu of payment upon capital stock shall be applied upon such subscription. If the laws under which any such savings bank was organized be not amended at the next session of the legislature following the admission of such savings bank to membership so as to authorize mutual savings banks to purchase

Federal reserve bank stock, or if such laws be so amended and such bank fail within six months thereafter to purchase such stock, all of its rights and privileges as a member bank shall be forfeited and its membership in the Federal Reserve System shall be terminated in the manner prescribed elsewhere in this section with respect to State member banks and trust companies. Each such mutual savings bank shall comply with all the provisions of law applicable to State member banks and trust companies, with the regulations of the Federal Reserve Board and with the conditions of membership prescribed for such savings bank at the time of admission to membership, except as otherwise hereinbefore provided with respect to capital stock.

When granted and failure to purchase stock.

Mutual savings banks to comply with State laws and Reserve Board regulations.

“Each bank admitted to membership under this section shall obtain from each of its affiliates other than member banks and furnish to the Federal reserve bank of its district and to the Federal Reserve Board not less than three reports during each year. Such reports shall be in such form as the Federal Reserve Board may prescribe, shall be verified by the oath or affirmation of the president or such other officer as may be designated by the board of directors of such affiliate to verify such reports, and shall disclose the information hereinafter provided for as of dates identical with those fixed by the Federal Reserve Board for reports of the condition of the affiliated member bank. Each such report of an affiliate shall be transmitted as herein provided at the same time as the corresponding report of the affiliated member bank, except that the Federal Reserve Board may, in its discretion, extend such time for good cause shown. Each such report shall contain such information as in the judgment of the Federal Reserve Board shall be necessary to disclose fully the relations between such affiliate and such bank and to enable the Board to inform itself as to the effect of such relations upon the affairs of such bank. The reports of such affiliates shall be published by the bank under the same conditions as govern its own condition reports.

Reports by admitted banks and affiliates.

Form of reports.

Verification.

Information to be disclosed.

Report of affiliates.

Information required.

Publication of.

“Any such affiliated member bank may be required to obtain from any such affiliate such additional reports as in the opinion of its Federal reserve bank or the Federal Reserve Board may be necessary in order to obtain a full and complete knowledge of the condition of the affiliated member bank. Such additional reports shall be transmitted to the Federal reserve bank and the Federal Reserve Board and shall be in such form as the Federal Reserve Board may prescribe.

Additional report of affiliate may be required.

Transmitted to Federal Reserve Board.

Form.

“Any such affiliated member bank which fails to obtain from any of its affiliates and furnish any report provided for by the two preceding paragraphs of this section shall be subject to a penalty of \$100 for each day during which such failure continues, which, by direction of the Federal Reserve Board, may be collected, by suit or otherwise, by the Federal reserve bank of the district in which such member bank is located. For the purposes of this paragraph and the two preceding paragraphs of this section, the term ‘affiliate’ shall include holding company affiliates as well as other affiliates.

Penalty provision. Failure to furnish reports.

“Affiliate”, construed.

“State member banks shall be subject to the same limitations and conditions with respect to the purchasing, selling, underwriting, and holding of investment securities and stock as are applicable in the case of national banks under paragraph ‘Seventh’ of section 5136 of the Revised Statutes, as amended.

Limitations on State member banks respecting purchasing investment securities.

R.S., sec. 5136, p. 993. Vol. 42, p. 767; Vol. 44, p. 1226.

U.S.C., p. 260; Supp. VI, p. 129.

“After one year from the date of the enactment of the Banking Act of 1933, no certificate representing the stock of any State member bank shall represent the stock of any other corporation, except a member bank or a corporation existing on the date this paragraph takes effect engaged solely in holding the bank premises of such State

State member bank stock certificate.

Not to represent stock of other corporation.

Exception.

Transfer of certificate conditioned upon sale, etc., prohibited.

State member banks and holding company affiliates.

Agreements required.

R.S., sec. 5144, p. 994.
U.S.C., p. 262.

Copy of agreement; filing.
Penalty on failure to comply.

Reserve Board may require State member affiliates to surrender stock and rights.

Examinations of State member banks.

Of affiliates.

Relationships to be disclosed.

Assessments for expenses.

Penalty upon failure to permit examination, etc.

Vol. 38, p. 260; Vol. 40, p. 1315; Vol. 42, p. 620.
U.S.C., p. 275.

Ineligibility to hold office in member banks.

Terms of office of members of Federal Reserve Board.

member bank, nor shall the ownership, sale, or transfer of any certificate representing the stock of any such bank be conditioned in any manner whatsoever upon the ownership, sale, or transfer of a certificate representing the stock of any other corporation, except a member bank.

"Each State member bank affiliated with a holding company affiliate shall obtain from such holding company affiliate, within such time as the Federal Reserve Board shall prescribe, an agreement that such holding company affiliate shall be subject to the same conditions and limitations as are applicable under section 5144 of the Revised Statutes, as amended, in the case of holding company affiliates of national banks. A copy of each such agreement shall be filed with the Federal Reserve Board. Upon the failure of a State member bank affiliated with a holding company affiliate to obtain such an agreement within the time so prescribed, the Federal Reserve Board shall require such bank to surrender its stock in the Federal reserve bank and to forfeit all rights and privileges of membership in the Federal Reserve System as provided in this section. Whenever the Federal Reserve Board shall have revoked the voting permit of any such holding company affiliate, the Federal Reserve Board may, in its discretion, require any or all State member banks affiliated with such holding company affiliate to surrender their stock in the Federal reserve bank and to forfeit all rights and privileges of membership in the Federal Reserve System as provided in this section.

"In connection with examinations of State member banks, examiners selected or approved by the Federal Reserve Board shall make such examinations of the affairs of all affiliates of such banks as shall be necessary to disclose fully the relations between such banks and their affiliates and the effect of such relations upon the affairs of such banks. The expense of examination of affiliates of any State member bank may, in the discretion of the Federal Reserve Board, be assessed against such bank and, when so assessed, shall be paid by such bank. In the event of the refusal to give any information requested in the course of the examination of any such affiliate, or in the event of the refusal to permit such examination, or in the event of the refusal to pay any expense so assessed, the Federal Reserve Board may, in its discretion, require any or all State member banks affiliated with such affiliate to surrender their stock in the Federal reserve bank and to forfeit all rights and privileges of membership in the Federal Reserve System, as provided in this section."

SEC. 6. (a) The second paragraph of section 10 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 242), is amended to read as follows:

"The Secretary of the Treasury and the Comptroller of the Currency shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any member bank. The appointive members of the Federal Reserve Board shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any member bank, except that this restriction shall not apply to a member who has served the full term for which he was appointed. Upon the expiration of the term of any appointive member of the Federal Reserve Board in office when this paragraph as amended takes effect, the President shall fix the term of the successor to such member at not to exceed twelve years, as designated by the President at the time of nomination, but in such manner as to provide for the expiration of the term of not more than one appointive member in any two-year period, and thereafter each appointive member shall

hold office for a term of twelve years from the expiration of the term of his predecessor. Of the six persons thus appointed, one shall be designated by the President as governor and one as vice governor of the Federal Reserve Board. The governor of the Federal Reserve Board, subject to its supervision, shall be its active executive officer. Each member of the Federal Reserve Board shall within fifteen days after notice of appointment make and subscribe to the oath of office."

(b) The fourth paragraph of section 10 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 244), is amended to read as follows:

"The principal offices of the Board shall be in the District of Columbia. At meetings of the Board the Secretary of the Treasury shall preside as chairman, and, in his absence, the governor shall preside. In the absence of both the Secretary of the Treasury and the governor the vice governor shall preside. In the absence of the Secretary of the Treasury, the governor, and the vice governor the Board shall elect a member to act as chairman pro tempore. The Board shall determine and prescribe the manner in which its obligations shall be incurred and its disbursements and expenses allowed and paid, and may leave on deposit in the Federal Reserve banks the proceeds of assessments levied upon them to defray its estimated expenses and the salaries of its members and employees, whose employment, compensation, leave, and expenses shall be governed solely by the provisions of this Act, specific amendments thereof, and rules and regulations of the Board not inconsistent therewith; and funds derived from such assessments shall not be construed to be Government funds or appropriated moneys. No member of the Federal Reserve Board shall be an officer or director of any bank, banking institution, trust company, or Federal Reserve bank or hold stock in any bank, banking institution, or trust company; and before entering upon his duties as a member of the Federal Reserve Board he shall certify under oath that he has complied with this requirement, and such certification shall be filed with the secretary of the Board. Whenever a vacancy shall occur, other than by expiration of term, among the six members of the Federal Reserve Board appointed by the President as above provided, a successor shall be appointed by the President, by and with the advice and consent of the Senate, to fill such vacancy, and when appointed he shall hold office for the unexpired term of his predecessor."

SEC. 7. Paragraph (m) of section 11 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 248), is amended to read as follows:

"(m) Upon the affirmative vote of not less than six of its members the Federal Reserve Board shall have power to fix from time to time for each Federal reserve district the percentage of individual bank capital and surplus which may be represented by loans secured by stock or bond collateral made by member banks within such district, but no such loan shall be made by any such bank to any person in an amount in excess of 10 per centum of the unimpaired capital and surplus of such bank. Any percentage so fixed by the Federal Reserve Board shall be subject to change from time to time upon ten days' notice, and it shall be the duty of the Board to establish such percentages with a view to preventing the undue use of bank loans for the speculative carrying of securities. The Federal Reserve Board shall have power to direct any member bank to refrain from further increase of its loans secured by stock or bond collateral for any period up to one year under penalty of suspension of all rediscount privileges at Federal reserve banks."

Designation of governor.

Oath of office.

Vol. 38, p. 261; Vol. 42, p. 621.
U.S.C., p. 275.

Principal offices of Board.
Chairman.

Chairman pro tempore.
Determination of manner disbursements to be made and obligations incurred.

Salaries, leave, etc.

Qualifications of members.

Vacancies.

Vol. 39, p. 752; Vol. 41, p. 1146.

Powers of Board.
Fix percentage of bank capital and surplus represented by loans.

Limitation on amount of loan.

Percentage subject to change.

Power to direct bank from increasing loans.

Vol. 38, p. 263.
U.S.C., pp. 277, 281.

Federal Open Market
Committee;
created.

Members.
Selection of.

Meetings.

Regulations govern-
ing open-market opera-
tions by Reserve banks.
Ante, p. 51.

Adoption of regula-
tions.

Post, p. 183.
Vol. 38, p. 264.
U. S. C., p. 283.

Filing decision not to
participate in open-
market operations.

Federal Deposit Insur-
ance Corporation;
created.

Duty to liquidate,
etc., closed national
and State member
banks.

Post, pp. 279, 969.

Insurance of deposits.

Management of Cor-
poration.

Directors, appoint-
ment.

Terms of office; com-
pensation.

Appropriation autho-
rized, payment for
Corporation capital
stock.

Post, p. 279.

SEC. 8. The Federal Reserve Act, as amended, is amended by insert-
ing between sections 12 and 13 (U.S.C., title 12, secs. 261, 262, and
342), thereof the following new sections:

"SEC. 12A. (a) There is hereby created a Federal Open Market
Committee (hereinafter referred to as the 'committee'), which
shall consist of as many members as there are Federal reserve dis-
tricts. Each Federal reserve bank by its board of directors shall
annually select one member of said committee. The meetings of
said committee shall be held at Washington, District of Columbia,
at least four times each year, upon the call of the governor of the
Federal Reserve Board or at the request of any three members of
the committee, and, in the discretion of the Board, may be attended
by the members of the Board.

"(b) No Federal reserve bank shall engage in open-market opera-
tions under section 14 of this Act except in accordance with regu-
lations adopted by the Federal Reserve Board. The Board shall
consider, adopt, and transmit to the committee and to the several
Federal reserve banks regulations relating to the open-market trans-
actions of such banks and the relations of the Federal Reserve System
with foreign central or other foreign banks.

"(c) The time, character, and volume of all purchases and sales
of paper described in section 14 of this Act as eligible for open-
market operations shall be governed with a view to accommodating
commerce and business and with regard to their bearing upon the
general credit situation of the country.

"(d) If any Federal reserve bank shall decide not to participate
in open-market operations recommended and approved as provided
in paragraph (b) hereof, it shall file with the chairman of the
committee within thirty days a notice of its decision, and transmit
a copy thereof to the Federal Reserve Board.

"SEC. 12B. (a) There is hereby created a Federal Deposit Insur-
ance Corporation (hereinafter referred to as the 'Corporation'),
whose duty it shall be to purchase, hold, and liquidate, as hereinafter
provided, the assets of national banks which have been closed by
action of the Comptroller of the Currency, or by vote of their direc-
tors, and the assets of State member banks which have been closed
by action of the appropriate State authorities, or by vote of their
directors; and to insure, as hereinafter provided, the deposits of all
banks which are entitled to the benefits of insurance under this
section.

"(b) The management of the Corporation shall be vested in a
board of directors consisting of three members, one of whom shall
be the Comptroller of the Currency, and two of whom shall be
citizens of the United States to be appointed by the President, by
and with the advice and consent of the Senate. One of the appoint-
ive members shall be the chairman of the board of directors of the
Corporation and not more than two of the members of such board
of directors shall be members of the same political party. Each
such appointive member shall hold office for a term of six years and
shall receive compensation at the rate of \$10,000 per annum, payable
monthly out of the funds of the Corporation, but the Comptroller
of the Currency shall not receive additional compensation for his
services as such member.

"(c) There is hereby authorized to be appropriated, out of any
money in the Treasury not otherwise appropriated, the sum of
\$150,000,000, which shall be available for payment by the Secretary
of the Treasury for capital stock of the Corporation in an equal
amount, which shall be subscribed for by him on behalf of the United

States. Payments upon such subscription shall be subject to call in whole or in part by the board of directors of the Corporation. Such stock shall be in addition to the amount of capital stock required to be subscribed for by Federal reserve banks and member and nonmember banks as hereinafter provided, and the United States shall be entitled to the payment of dividends on such stock to the same extent as member and nonmember banks are entitled to such payment on the class A stock of the Corporation held by them. Receipts for payments by the United States for or on account of such stock shall be issued by the Corporation to the Secretary of the Treasury and shall be evidence of the stock ownership of the United States.

Payments subject to call.
To be additional.

Dividend payments to United States.

Receipts for payments.

“(d) The capital stock of the Corporation shall be divided into shares of \$100 each. Certificates of stock of the Corporation shall be of two classes—class A and class B. Class A stock shall be held by member and nonmember banks as hereinafter provided and they shall be entitled to payment of dividends out of net earnings at the rate of 6 per centum per annum on the capital stock paid in by them, which dividends shall be cumulative, or to the extent of 30 per centum of such net earnings in any one year, whichever amount shall be the greater, but such stock shall have no vote at meetings of stockholders. Class B stock shall be held by Federal reserve banks only and shall not be entitled to the payment of dividends. Every Federal reserve bank shall subscribe to shares of class B stock in the Corporation to an amount equal to one half of the surplus of such bank on January 1, 1933, and its subscriptions shall be accompanied by a certified check payable to the Corporation in an amount equal to one half of such subscription. The remainder of such subscription shall be subject to call from time to time by the board of directors upon ninety days’ notice.

Capital stock, divided into shares of \$100 each.
Stock certificates, classes.
Class A, by which banks to be held.

Dividend payments, amount.

Class B, held by Reserve bank.

Subscription for.

Payments.

“(e) Every bank which is or which becomes a member of the Federal Reserve System on or before July 1, 1934, shall take all steps necessary to enable it to become a class A stockholder of the Corporation on or before July 1, 1934; and thereafter no State bank or trust company or mutual savings bank shall be admitted to membership in the Federal Reserve System until it becomes a class A stockholder of the Corporation, no national bank in the continental United States shall be granted a certificate by the Comptroller of the Currency authorizing it to commence the business of banking until it becomes a member of the Federal Reserve System and a class A stockholder of the Corporation, and no national bank in the continental United States for which a receiver or conservator has been appointed shall be permitted to resume the transaction of its banking business until it becomes a class A stockholder of the Corporation. Every member bank shall apply to the Corporation for class A stock of the Corporation in an amount equal to one half of 1 per centum of its total deposit liabilities as computed in accordance with regulations prescribed by the Federal Reserve Board; except that in the case of a member bank organized after the date this section takes effect, the amount of such class A stock applied for by such member bank during the first twelve months after its organization shall equal 5 per centum of its paid-up capital and surplus, and beginning after the expiration of such twelve months’ period the amount of such class A stock of such member bank shall be adjusted annually in the same manner as in the case of other member banks. Upon receipt of such application the Corporation shall request the Federal Reserve Board, in the case of a State member bank, or the Comptroller of the Currency, in the case of a national bank, to certify upon the basis of a thorough examination of such bank whether or not the assets of the applying bank are adequate to enable it to

Subscriptions for class A on or before July 1, 1934.
Post, p. 969.

Admission to membership thereafter; subscription required.

National banks.
Certificate to commence or resume banking business denied unless member and class A stockholder.

Application for class A.
Amount.

Exception; member bank hereafter organized.

Amount.

Certification respecting sufficiency of applying bank’s assets.

Payment if certification affirmative; amount.

Proviso.
Not required before July 1, 1934.

Payment of remainder subject to call.

Denial of application if certification negative.

Receiver or conservator; appointment.

Termination of membership, State member bank not subscribing class A on or before July 1, 1934.

Post, p. 180.

Applications for membership on or before July 1, 1936.

Benefits to accrue during pendency of.

Provisions thereafter applicable.

Proviso.
Repayment if membership application not completed or disapproved, etc.

Deposit by State bank with membership application, when stock purchase unlawful under State laws.

Adjustment of deposit.

Conditions subject to.

Interest payments.

Depositor bank deemed class A stockholder.

meet all of its liabilities to depositors and other creditors as shown by the books of the bank; and the Federal Reserve Board or the Comptroller of the Currency shall make such certification as soon as practicable. If such certification be in the affirmative, the Corporation shall grant such application and the applying bank shall pay one half of its subscription in full and shall thereupon become a class A stockholder of the Corporation: *Provided*, That no member bank shall be required to make such payment or become a class A stockholder of the Corporation before July 1, 1934. The remainder of such subscription shall be subject to call from time to time by the board of directors of the Corporation. If such certification be in the negative, the Corporation shall deny such application. If any national bank shall not have become a class A stockholder of the Corporation on or before July 1, 1934, the Comptroller of the Currency shall appoint a receiver or conservator therefor in accordance with the provisions of existing law. Except as provided in subsection (g) of this section, if any State member bank shall not have become a class A stockholder of the Corporation on or before July 1, 1934, the Federal Reserve Board shall terminate its membership in the Federal Reserve System in accordance with the provisions of section 9 of this Act.

“(f) Any State bank or trust company or mutual savings bank which applies for membership in the Federal Reserve System or for conversion into a national banking association on or after July 1, 1936, may, with the consent of the Corporation, obtain the benefits of this section, pending action on such application, by subscribing and paying for the same amount of stock of the Corporation as it would be required to subscribe and pay for upon becoming a member bank. Thereupon the provisions of this section applicable to member banks shall be applicable to such State bank or trust company or mutual savings bank to the same extent as if it were already a member bank: *Provided*, That if the application of such State bank or trust company or mutual savings bank for membership in the Federal Reserve System or for conversion into a national banking association be approved and it shall not complete its membership in the Federal Reserve System or its conversion into a national banking association within a reasonable time, or if such application shall be disapproved, then the amount paid by such State bank or trust company or mutual savings bank on account of its subscription to the capital stock of the Corporation shall be repaid to it and it shall no longer be subject to the provisions or entitled to the privileges of this section.

“(g) If any State bank or trust company, or mutual savings bank (referred to in this subsection as ‘State bank’) which is or which becomes a member of the Federal Reserve System is not permitted by the laws under which it was organized to purchase stock in the Corporation, it shall apply to the Corporation for admission to the benefits of this section and, if such application be granted after appropriate certification in accordance with this section, it shall deposit with the Corporation an amount equal to the amount which it would have been required to pay in on account of a subscription to capital stock of the Corporation. Thereafter such deposit shall be adjusted in the same manner as subscriptions for stock by class A stockholders. Such deposit shall be subject to the same conditions with respect to repayment as amounts paid on subscriptions to class A stock by other member banks and the Corporation shall pay interest thereon at the same rate as dividends are actually paid on outstanding shares of class A stock. As long as such deposit is maintained with the Corporation, such State bank shall,

for the purposes of this section, be deemed to be a class A stockholder of the Corporation. If the laws under which such State bank was organized be amended so as to authorize State banks to subscribe for class A stock of the Corporation, such State bank shall within six months thereafter subscribe for an appropriate amount of such class A stock and the deposit hereinafter provided for in lieu of payment upon class A stock shall be applied upon such subscription. If the law under which such State bank was organized be not amended at the next session of the State legislature following the admission of such State bank to the benefits of this section so as to authorize State banks to purchase such class A stock, or, if the law be so amended and such State bank shall fail within six months thereafter to purchase such class A stock, the deposit previously made with the Corporation shall be returned to such State bank and it shall no longer be entitled to the benefits of this section, unless it shall have been closed in the meantime on account of inability to meet the demands of its depositors.

“(h) The amount of the outstanding class A stock of the Corporation held by member banks shall be annually adjusted as hereinafter provided as of the last preceding call date as member banks increase their time and demand deposits or as additional banks become members or subscribe to the stock of the Corporation, and such stock may be decreased in amount as member banks reduce their time and demand deposits or cease to be members. Shares of the capital stock of the Corporation owned by member banks shall not be transferred or hypothecated. When a member bank increases its time and demand deposits it shall, at the beginning of each calendar year, subscribe for an additional amount of capital stock of the Corporation equal to one half of 1 per centum of such increase in deposits. One half of the amount of such additional stock shall be paid for at the time of the subscription therefor, and the balance shall be subject to call by the board of directors of the Corporation. A bank organized on or before the date this section takes effect and admitted to membership in the Federal Reserve System at any time after the organization of the Corporation shall be required to subscribe for an amount of class A capital stock equal to one half of 1 per centum of the time and demand deposits of the applicant bank as of the date of such admission, paying therefor its par value plus one half of 1 per centum a month from the period of the last dividend on the class A stock of the Corporation. When a member bank reduces its time and demand deposits it shall surrender, not later than the 1st day of January thereafter, a proportionate amount of its holdings in the capital stock of the Corporation, and when a member bank voluntarily liquidates it shall surrender all its holdings of the capital stock of the Corporation and be released from its stock subscription not previously called. The shares so surrendered shall be canceled and the member bank shall receive in payment therefor, under regulations to be prescribed by the Corporation, a sum equal to its cash-paid subscriptions on the shares surrendered and its proportionate share of dividends not to exceed one half of 1 per centum a month, from the period of the last dividend on such stock, less any liability of such member bank to the Corporation.

“(i) If any member or nonmember bank shall be declared insolvent, or shall cease to be a member bank (or in the case of a nonmember bank, shall cease to be entitled to the benefits of insurance under this section), the stock held by it in the Corporation shall be canceled, without impairment of the liability of such bank, and all cash-paid subscriptions on such stock, with its proportionate share of dividends

Application of deposit to subscription, if subscription hereafter legalized.

Termination of State bank to rights of membership.

When right to subscribe not granted.

When granted and failure to purchase stock.

Annual adjustment, amount of class A.

Decrease authorized. Transfer, etc., of shares by member banks, denied.

Additional subscription, upon increase of deposits.

Payments.

Amount of subscription for class A; member banks.

Payment.

Proportionate surrender of amount of shares, when deposits decrease.

Total surrender upon liquidation.

Cancellation of shares.

Repayments; amount of.

Cancellation of stock. Member bank, when insolvent or ceases membership.

Nonmember bank. Liability not impaired.

Distribution of assets.

not to exceed one half of 1 per centum per month from the period of last dividend on such stock shall be first applied to all debts of the insolvent bank or the receiver thereof to the Corporation, and the balance, if any, shall be paid to the receiver of the insolvent bank.

Federal Deposit Insurance Corporation. Corporate powers.

“(j) Upon the date of enactment of the Banking Act of 1933, the Corporation shall become a body corporate and as such shall have power—

“First. To adopt and use a corporate seal.

“Second. To have succession until dissolved by an Act of Congress.

“Third. To make contracts.

“Fourth. To sue and be sued, complain and defend, in any court of law or equity, State or Federal.

“Fifth. To appoint by its board of directors such officers and employees as are not otherwise provided for in this section, to define their duties, fix their compensation, require bonds of them and fix the penalty thereof, and to dismiss at pleasure such officers or employees. Nothing in this or any other Act shall be construed to prevent the appointment and compensation as an officer or employee of the Corporation of any officer or employee of the United States in any board, commission, independent establishment, or executive department thereof.

“Sixth. To prescribe by its board of directors, bylaws not inconsistent with law, regulating the manner in which its general business may be conducted, and the privileges granted to it by law may be exercised and enjoyed.

“Seventh. To exercise by its board of directors, or duly authorized officers or agents, all powers specifically granted by the provisions of this section and such incidental powers as shall be necessary to carry out the powers so granted.

Board of directors; administration of corporate affairs.

Determination of manner disbursements made; obligations incurred.

Franking privilege.

Cooperation of executive departments.

“(k) The board of directors shall administer the affairs of the Corporation fairly and impartially and without discrimination. The board of directors of the Corporation shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid. The Corporation shall be entitled to the free use of the United States mails in the same manner as the executive departments of the Government. The Corporation with the consent of any Federal reserve bank or of any board, commission, independent establishment, or executive department of the Government, including any field service thereof, may avail itself of the use of information, services, and facilities thereof in carrying out the provisions of this section.

Insurance of deposits, member banks; effective July 1, 1934.

Post, pp. 969, 970. President may fix earlier date.

Nonmember banks.

Corporation as receiver of closed national bank.

“(l) Effective on and after July 1, 1934 (thus affording ample time for examination and preparation), unless the President shall by proclamation fix an earlier date, the Corporation shall insure as hereinafter provided the deposits of all member banks, and on and after such date and until July 1, 1936, of all nonmember banks, which are class A stockholders of the Corporation. Notwithstanding any other provision of law, whenever any national bank which is a class A stockholder of the Corporation shall have been closed by action of its board of directors or by the Comptroller of the Currency, as the case may be, on account of inability to meet the demands of its depositors, the Comptroller of the Currency shall appoint the Corporation receiver for such bank. As soon as possible thereafter the Corporation shall organize a new national bank to assume the insured deposit liabilities of such closed bank, to receive new deposits and otherwise to perform temporarily the func-

Organization of new national bank.

tions provided for it in this paragraph. For the purposes of this subsection, the term 'insured deposit liability' shall mean with respect to the owner of any claim arising out of a deposit liability of such closed bank the following percentages of the net amount due to such owner by such closed bank on account of deposit liabilities: 100 per centum of such net amount not exceeding \$10,000; and 75 per centum of the amount, if any, by which such net amount exceeds \$10,000 but does not exceed \$50,000; and 50 per centum of the amount, if any, by which such net amount exceeds \$50,000: *Provided*, That, in determining the amount due to such owner for the purpose of fixing such percentage, there shall be added together all net amounts due to such owner in the same capacity or the same right, on account of deposits, regardless of whether such deposits be maintained in his name or in the names of others for his benefit. For the purposes of this subsection, the term 'insured deposit liabilities' shall mean the aggregate amount of all such insured deposit liabilities of such closed bank. The Corporation shall determine as expeditiously as possible the net amounts due to depositors of the closed bank and shall make available to the new bank an amount equal to the insured deposit liabilities of such closed bank, whereupon such new bank shall assume the insured deposit liability of such closed bank to each of its depositors, and the Corporation shall be subrogated to all rights against the closed bank of the owners of such deposits and shall be entitled to receive the same dividends from the proceeds of the assets of such closed bank as would have been payable to each such depositor until such dividends shall equal the insured deposit liability to such depositor assumed by the new bank, whereupon all further dividends shall be payable to such depositor. Of the amount thus made available by the Corporation to the new bank, such portion shall be paid to it in cash as may be necessary to enable it to meet immediate cash demands and the remainder shall be credited to it on the books of the Corporation subject to withdrawal on demand and shall bear interest at the rate of 3 per centum per annum until withdrawn. The new bank may, with the approval of the Corporation, accept new deposits, which, together with all amounts made available to the new bank by the Corporation, shall be kept on hand in cash, invested in direct obligations of the United States, or deposited with the Corporation or with a Federal reserve bank. Such new bank shall maintain on deposit with the Federal reserve bank of its district the reserves required by law of member banks but shall not be required to subscribe for stock of the Federal reserve bank until its own capital stock has been subscribed and paid for in the manner hereinafter provided. The articles of association and organization certificate of such new bank may be executed by such representatives of the Corporation as it may designate; the new bank shall not be required to have any directors at the time of its organization, but shall be managed by an executive officer to be designated by the Corporation; and no capital stock need be paid in by the Corporation; but in other respects such bank shall be organized in accordance with the existing provisions of law relating to the organization of national banks; and, until the requisite amount of capital stock for such bank has been subscribed and paid for in the manner hereinafter provided, such bank shall transact no business except that authorized by this subsection and such business as may be incidental to its organization. When in the judgment of the Corporation it is desirable to do so, the Corporation shall offer capital stock of the new bank for sale on such terms and conditions as the Corporation shall deem advisable, in an amount sufficient in the opinion of the Corporation to make possible the conduct

"Insured deposit liability", construed.

Percentages.

Proviso.
Determination of amounts for fixing percentages.

"Insured deposit liabilities," construed.

Determination of amounts due depositors.

Amounts made available.

Corporation subrogated to rights against closed bank.
Entitlement to dividends.

Payments to be made in cash.

Credits.

Interest rate.

Acceptance of new deposits.

Investments authorized.

Maintenance of reserve with reserve bank.

Subscription for stock not required.

Articles of association and organization.

Management of new bank.

Capital stock payments by corporation.

Transaction of business.

Offers of capital stock of new bank.

Amount.

R. S., sec. 5138, p. 993.
U.S.C., p. 261.

Preemption right of
stockholders.

Certificate to com-
mence business; when
to issue.

Management there-
after.

Transfer of business,
when stock subscrip-
tion inadequate.

Voluntary liquida-
tion of new bank when
not transferred.

Deposit insurance ac-
count.

Duty of corporation
to open.

Debits to.

Additional duties of
corporation; liquida-
tion of closed bank.

Powers and rights of
corporation as receiver.

Closed State member
banks.

Corporation as re-
ceiver of.

of the business of the new bank on a sound basis, but in no event less than that required by section 5138 of the Revised Statutes, as amended (U.S.C., title 12, sec. 51), for the organization of a national bank in the place where such new bank is located, giving the stockholders of the closed bank the first opportunity to purchase such stock. Upon proof that an adequate amount of capital stock of the new bank has been subscribed and paid for in cash by subscribers satisfactory to the Comptroller of the Currency, he shall issue to such bank a certificate of authority to commence business and thereafter it shall be managed by directors elected by its own shareholders and may exercise all of the powers granted by law to national banking associations. If an adequate amount of capital for such new bank is not subscribed and paid in, the Corporation may offer to transfer its business to any other banking institution in the same place which will take over its assets, assume its liabilities, and pay to the Corporation for such business such amount as the Corporation may deem adequate. Unless the capital stock of the new bank is sold or its assets acquired and its liabilities assumed by another banking institution, in the manner herein prescribed, within two years from the date of its organization, the Corporation shall place the new bank in voluntary liquidation and wind up its affairs. The Corporation shall open on its books a deposit insurance account and, as soon as possible after taking possession of any closed national bank, the Corporation shall make an estimate of the amount which will be available from all sources for application in satisfaction of the portion of the claims of depositors to which it has been subrogated and shall debit to such deposit insurance account the excess, if any, of the amount made available by the Corporation to the new bank for depositors over and above the amount of such estimate. It shall be the duty of the Corporation to realize upon the assets of such closed bank, having due regard to the condition of credit in the district in which such closed bank is located; to enforce the individual liability of the stockholders and directors thereof; and to wind up the affairs of such closed bank in conformity with the provisions of law relating to the liquidation of closed national banks, except as herein otherwise provided, retaining for its own account such portion of the amount realized from such liquidation as it shall be entitled to receive on account of its subrogation to the claims of depositors and paying to depositors and other creditors the amount available for distribution to them, after deducting therefrom their share of the costs of the liquidation of the closed bank. If the total amount realized by the Corporation on account of its subrogation to the claims of depositors be less than the amount of the estimate hereinabove provided for, the deposit insurance account shall be charged with the deficiency and, if the total amount so realized shall exceed the amount of such estimate, such account shall be credited with such excess. With respect to such closed national banks, the Corporation shall have all the rights, powers, and privileges now possessed by or hereafter given receivers of insolvent national banks and shall be subject to the obligations and penalties not inconsistent with the provisions of this paragraph to which such receivers are now or may hereafter become subject.

“Whenever any State member bank which is a class A stockholder of the Corporation shall have been closed by action of its board of directors or by the appropriate State authority, as the case may be, on account of inability to meet the demands of its depositors, the Corporation shall accept appointment as receiver thereof, if such appointment be tendered by the appropriate State authority and be

authorized or permitted by State law. Thereupon the Corporation shall organize a new national bank, in accordance with the provisions of this subsection, to assume the insured deposit liabilities of such closed State member bank, to receive new deposits and otherwise to perform temporarily the functions provided for in this subsection. Upon satisfactory recognition of the right of the Corporation to receive dividends on the same basis as in the case of a closed national bank under this subsection, such recognition being accorded by State law, by allowance of claims by the appropriate State authority, by assignment of claims by depositors, or by any other effective method, the Corporation shall make available to such new national bank, in the manner prescribed by this subsection, an amount equal to the insured deposit liabilities of such closed State member bank; and the Corporation and such new national bank shall perform all of the functions and duties and shall have all the rights and privileges with respect to such State member bank and the depositors thereof which are prescribed by this subsection with respect to closed national banks holding class A stock in the Corporation: *Provided*, That the rights of depositors and other creditors of such State member bank shall be determined in accordance with the applicable provisions of State law: *And provided further*, That, with respect to such State member bank, the Corporation shall possess the powers and privileges provided by State law with respect to a receiver of such State member bank, except in so far as the same are in conflict with the provisions of this subsection.

“Whenever any State member bank which is a class A stockholder of the Corporation shall have been closed by action of its board of directors or by the appropriate State authority, as the case may be, on account of inability to meet the demands of its depositors, and the applicable State law does not permit the appointment of the Corporation as receiver of such bank, the Corporation shall organize a new national bank, in accordance with the provisions of this subsection, to assume the insured deposit liabilities of such closed State member bank, to receive new deposits, and otherwise to perform temporarily the functions provided for in this subsection. Upon satisfactory recognition of the right of the Corporation to receive dividends on the same basis as in the case of a closed national bank under this subsection, such recognition being accorded by State law, by allowance of claims by the appropriate State authority, by assignment of claims by depositors, or by any other effective method, the Corporation shall make available to such new bank, in accordance with the provisions of this subsection, the amount of insured deposit liabilities as to which such recognition has been accorded; and such new bank shall assume such insured deposit liabilities and shall in other respects comply with the provisions of this subsection respecting new banks organized to assume insured deposit liabilities of closed national banks. In so far as possible in view of the applicable provisions of State law, the Corporation shall proceed with respect to the receiver of such closed bank and with respect to the new bank organized to assume its insured deposit liabilities in the manner prescribed by this subsection with respect to closed national banks and new banks organized to assume their insured deposit liabilities; except that the Corporation shall have none of the powers, duties, or responsibilities of a receiver with respect to the winding up of the affairs of such closed State member bank. The Corporation, in its discretion, however, may purchase and liquidate any or all of the assets of such bank.

Organization of new bank.

Purpose.

Funds to cover insured deposit liabilities made available by Corporation when right to dividends recognized.

Management of new bank.

Provisos.
Determination of rights of depositors, etc.

Powers, etc., of Corporation under State law.

Organization of new bank, when appointment of Corporation as receiver unlawful.

Functions.

Funds to be made available when right of Corporation to receive dividends recognized.

Assumption of insured deposit liabilities.

Levy on class A stockholders.

"Whenever the net debit balance of the deposit insurance account of the Corporation shall equal or exceed one fourth of 1 per centum of the total deposit liabilities of all class A stockholders as of the date of the last preceding call report, the Corporation shall levy upon such stockholders an assessment equal to one fourth of 1 per centum of their total deposit liabilities and shall credit the amount collected from such assessment to such deposit insurance account. No bank which is a holder of class A stock shall pay any dividends until all assessments levied upon it by the Corporation shall have been paid in full; and any director or officer of any such bank who participates in the declaration or payment of any such dividend may, upon conviction, be fined not more than \$1,000, or imprisoned for not more than one year, or both.

Credit to insurance account.

Dividend payment by bank denied until assessment paid.

Penalty provision.

"Receiver", construed.

"The term 'receiver' as used in this section shall mean a receiver, liquidating agent, or conservator of a national bank, and a receiver, liquidating agent, conservator, commission, person, or other agency charged by State law with the responsibility and the duty of winding up the affairs of an insolvent State member bank.

"National bank."

"For the purposes of this section only, the term 'national bank' shall include all national banking associations and all banks, banking associations, trust companies, savings banks, and other banking institutions located in the District of Columbia which are members of the Federal Reserve System; and the term 'State member bank' shall include all State banks, banking associations, trust companies, savings banks, and other banking institutions organized under the laws of any State, which are members of the Federal Reserve System.

"State member bank."

"In any determination of the insured deposit liabilities of any closed bank or of the total deposit liabilities of any bank which is a holder of class A stock of the Corporation, or a member of the Fund provided for in subsection (y), for the purposes of this section, there shall be excluded the amounts of all deposits of such bank which are payable only at an office thereof located in a foreign country.

Amounts of deposits, payable in foreign country excluded in determining total deposit liabilities.

Rules, etc., by Corporation.

"The Corporation may make such rules, regulations, and contracts as it may deem necessary in order to carry out the provisions of this section.

Deposit or investment of money by Corporation.

"Money of the Corporation not otherwise employed shall be invested in securities of the Government of the United States, except that for temporary periods, in the discretion of the board of directors, funds of the Corporation may be deposited in any Federal reserve bank or with the Treasurer of the United States. When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depository of public moneys, except receipts from customs, under such regulations as may be prescribed by the said Secretary, and may also be employed as a financial agent of the Government. It shall perform all such reasonable duties as depository of public moneys and financial agent of the Government as may be required of it.

Designation of Corporation as public moneys depository.

Authority of Corporation to make loans to national banks, etc.

"(m) Nothing herein contained shall be construed to prevent the Corporation from making loans to national banks closed by action of the Comptroller of the Currency, or by vote of their directors, or to State member banks closed by action of the appropriate State authorities, or by vote of their directors, or from entering into negotiations to secure the reopening of such banks.

Sale of assets of insolvent banks to Corporation.

"(n) Receivers or liquidators of member banks which are now or may hereafter become insolvent or suspended shall be entitled to offer the assets of such banks for sale to the Corporation or as security for loans from the Corporation, upon receiving permission from the appropriate State authority in accordance with express pro-

Permission required.

visions of State law in the case of State member banks, or from the Comptroller of the Currency in the case of national banks. The proceeds of every such sale or loan shall be utilized for the same purposes and in the same manner as other funds realized from the liquidation of the assets of such banks. The Comptroller of the Currency may, in his discretion, pay dividends on proved claims at any time after the expiration of the period of advertisement made pursuant to section 5235 of the Revised Statutes (U.S.C., title 12, sec. 193), and no liability shall attach to the Comptroller of the Currency or to the receiver of any national bank by reason of any such payment for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

“(o) The Corporation is authorized and empowered to issue and to have outstanding at any one time in an amount aggregating not more than three times the amount of its capital, its notes, debentures, bonds, or other such obligations, to be redeemable at the option of the Corporation before maturity in such manner as may be stipulated in such obligations, and to bear such rate or rates of interest, and to mature at such time or times as may be determined by the Corporation: *Provided*, That the Corporation may sell on a discount basis short-term obligations payable at maturity without interest. The notes, debentures, bonds, and other such obligations of the Corporation may be secured by assets of the Corporation in such manner as shall be prescribed by its board of directors. Such obligations may be offered for sale at such price or prices as the Corporation may determine.

“(p) All notes, debentures, bonds, or other such obligations issued by the Corporation shall be exempt, both as to principal and interest, from all taxation (except estate and inheritance taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. The Corporation, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to State, Territorial, county, municipal or local taxation to the same extent according to its value as other real property is taxed.

“(q) In order that the Corporation may be supplied with such forms of notes, debentures, bonds, or other such obligations as it may need for issuance under this Act, the Secretary of the Treasury is authorized to prepare such forms as shall be suitable and approved by the Corporation, to be held in the Treasury subject to delivery, upon order of the Corporation. The engraved plates, dies, bed pieces, and other material executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Corporation shall reimburse the Secretary of the Treasury for any expenses incurred in the preparation, custody, and delivery of such notes, debentures, bonds, or other such obligations.

“(r) The Corporation shall annually make a report of its operations to the Congress as soon as practicable after the 1st day of January in each year.

“(s) Whoever, for the purpose of obtaining any loan from the Corporation, or any extension or renewal thereof, or the acceptance, release, or substitution of security therefor, or for the purpose of inducing the Corporation to purchase any assets, or for the purpose of influencing in any way the action of the Corporation under this sec-

Utilization of proceeds.

Payment of dividends on proved claims.
R.S., sec. 5235, p. 1012.
U.S.C., p. 272.

Amount of outstanding corporate obligations.
Redeemable before maturity optional.

Proviso.
Sale of short-term obligations at discount.
Security.

Corporate obligations, tax exemption.
Exception, State and inheritance taxes.

Corporation, including franchise, exempt.

Preparation of note, debenture, etc., forms.

Custody of plates, dies, etc.

Reimbursement for expenses.

Annual report of Corporation.

Penalty provisions.
False statement.

Willfull overvaluation of any security.

Counterfeit of corporate obligation, etc.

Embezzlement, etc.

Term "Federal Deposit Insurance Corporation."
Exclusive use.
False advertising.
Post, p. 970.

Penalty for violation.

Criminal Code of United States.
Vol. 35, p. 1108.
U.S.C., p. 475.
Applicable to corporate contracts and agreements.

Secret Service Division, Treasury Department.
Detection, etc., of persons violating.

tion, makes any statement, knowing it to be false, or willfully overvalues any security, shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both.

"(t) Whoever (1) falsely makes, forges, or counterfeits any obligation or coupon, in imitation of or purporting to be an obligation or coupon issued by the Corporation, or (2) passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited obligation or coupon purporting to have been issued by the Corporation, knowing the same to be false, forged, or counterfeited, or (3) falsely alters any obligation or coupon issued or purporting to have been issued by the Corporation, or (4) passes, utters, or publishes, or attempts to pass, utter, or publish, as true, any falsely altered or spurious obligation or coupon, issued or purporting to have been issued by the Corporation, knowing the same to be falsely altered or spurious, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than five years, or both.

"(u) Whoever, being connected in any capacity with the Corporation, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to it or pledged, or otherwise intrusted to it, or (2) with intent to defraud the Corporation or any other body, politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Corporation, makes any false entry in any book, report, or statement of or to the Corporation, or without being duly authorized draws any order or issues, puts forth, or assigns any note, debenture, bond, or other such obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than five years, or both.

"(v) No individual, association, partnership, or corporation shall use the words 'Federal Deposit Insurance Corporation', or a combination or any three of these four words, as the name or a part thereof under which he or it shall do business. No individual, association, partnership, or corporation shall advertise or otherwise represent falsely by any device whatsoever that his or its deposit liabilities are insured or in anywise guaranteed by the Federal Deposit Insurance Corporation, or by the Government of the United States, or by any instrumentality thereof; and no class A stockholder of the Federal Deposit Insurance Corporation shall advertise or otherwise represent falsely by any device whatsoever the extent to which or the manner in which its deposit liabilities are insured by the Federal Deposit Insurance Corporation. Every individual, partnership, association, or corporation violating this subsection shall be punished by a fine of not exceeding \$1,000, or by imprisonment not exceeding one year, or both.

"(w) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U.S.C., title 18, ch. 5, secs. 202 to 207, inclusive), in so far as applicable, are extended to apply to contracts or agreements with the Corporation under this section, which for the purposes hereof shall be held to include loans, advances, extensions, and renewals thereof, and acceptances, releases, and substitutions of security therefor, purchases or sales of assets, and all contracts and agreements pertaining to the same.

"(x) The Secret Service Division of the Treasury Department is authorized to detect, arrest, and deliver into the custody of the United States marshal having jurisdiction any person committing any of the offenses punishable under this section,

"(y) The Corporation shall open on its books a Temporary Federal Deposit Insurance Fund (hereinafter referred to as the 'Fund'), which shall become operative on January 1, 1934, unless the President shall by proclamation fix an earlier date, and it shall be the duty of the Corporation to insure deposits as hereinafter provided until July 1, 1934.

Temporary Federal
Deposit Insurance
Fund.
To be opened on
books of Corporation,
operative January 1,
1934.
Post, p. 969.

"Each member bank licensed before January 1, 1934, by the Secretary of the Treasury pursuant to the authority vested in him by the Executive order of the President issued March 10, 1933, shall, on or before January 1, 1934, become a member of the Fund; each member bank so licensed after such date, and each State bank trust company or mutual savings bank (referred to in this subsection as 'State bank', which term shall also include all banking institutions located in the District of Columbia) which becomes a member of the Federal Reserve System on or after such date, shall, upon being so licensed or so admitted to membership, become a member of the Fund; and any State bank which is not a member of the Federal Reserve System, with the approval of the authority having supervision of such State bank and certification to the Corporation by such authority that such State bank is in solvent condition, shall, after examination by, and with the approval of, the Corporation, be entitled to become a member of the Fund and to the privileges of this subsection upon agreeing to comply with the requirements thereof and upon paying to the Corporation an amount equal to the amount that would be required of it under this subsection if it were a member bank. The Corporation is authorized to prescribe rules and regulations for the further examination of such State bank, and to fix the compensation of examiners employed to make examinations of State banks.

Membership of
Fund.
Executive Order
number 6073.

Post, p. 971.

State banks not
members of reserve
system.

Examination rules,
etc., to be prescribed.

"Each member of the Fund shall file with the Corporation on or before the date of its admission a certified statement under oath showing, as of the fifteenth day of the month preceding the month in which it was so admitted, the number of its depositors and the total amount of its deposits which are eligible for insurance under this subsection, and shall pay to the Corporation an amount equal to one-half of 1 per centum of the total amount of the deposits so certified. One-half of such payment shall be paid in full at the time of the admission of such member to the Fund, and the remainder of such payment shall be subject to call from time to time by the board of directors of the Corporation. Within a reasonable time fixed by the Corporation each such member shall file a similar statement showing, as of June 15, 1934, the number of its depositors and the total amount of its deposits which are eligible for such insurance and shall pay to the Corporation in the same manner an amount equal to one-half of 1 per centum of the increase, if any, in the total amount of such deposits since the date covered by the statement filed upon its admission to membership in the fund.

Certified statement
by Fund members.

Contents.

Payments to Corpo-
ration.

Manner of making.

Similar statement, as
of June 15, 1934, re-
quired.
Post, p. 969.

"If at any time prior to July 1, 1934, the Corporation requires additional funds with which to meet its obligations under this subsection, each member of the Fund shall be subject to one additional assessment only in an amount not exceeding the total amount theretofore paid to the Corporation by such member.

Additional assess-
ments authorized.
Post, p. 969.

Amount.

"If any member of the Fund shall be closed on or before June 30, 1934, on account of inability to meet its deposit liabilities, the Corporation shall proceed in accordance with the provisions of subsection (1) of this section to pay the insured deposit liabilities of such member; except that the Corporation shall pay not more than \$2,500 on account of the net approved claim of the owner of any deposit.

Payment of insured
deposit liabilities, if
Fund member closes
before June 30, 1934.
Act, p. 172.
Post, p. 969.

Amount to any de-
positor.

Application of subsection (1).
Post, p. 969.

The provisions of such subsection (1) relating to State member banks shall be extended for the purposes of this subsection to members of the Fund which are not members of the Federal Reserve System; and the provisions of this subsection shall apply only to deposits of members of the Fund which have been made available since March 10, 1933, for withdrawal in the usual course of the banking business.

Balance of Fund, July 1, 1934.
Post, p. 970.

"Before July 1, 1934, the Corporation shall make an estimate of the balance, if any, which will remain in the Fund after providing for all liabilities of the Fund, including expenses of operation thereof under this subsection and allowing for anticipated recoveries. The Corporation shall refund such estimated balance, on such basis as the Corporation shall find to be equitable, to the members of the Fund other than those which have been closed prior to July 1, 1934.

Refunds to members.

Subscription for class A stock, State bank member of Fund.

"Each State bank which is a member of the Fund, in order to obtain the benefits of this section after July 1, 1934, shall, on or before such date, subscribe and pay for the same amount of class A stock of the Corporation as it would be required to subscribe and pay for upon becoming a member bank, or if such State bank is not permitted by the laws under which it was organized to purchase such stock, it shall deposit with the Corporation an amount equal to the amount it would have been required to pay in on account of a subscription to such stock; and thereafter such State bank shall be entitled to such benefits until July 1, 1936.

Deposit, if subscription unlawful.

Purpose of section.

"It is not the purpose of this section to discriminate, in any manner, against State nonmember, and in favor of, national or member banks; but the purpose is to provide all banks with the same opportunity to obtain and enjoy the benefits of this section. No bank shall be discriminated against because its capital stock is less than the amount required for eligibility for admission into the Federal Reserve System."

Vol. 39, p. 753, Vol. 47, p. 160.
U.S.C., p. 232, Supp. VI, p. 136.
Post, pp. 348, 646.

SEC. 9. The eighth paragraph of section 13 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 347; Supp. VI, title 12, sec. 347), is amended to read as follows:

Advances to member banks on their notes.

"Any Federal reserve bank may make advances for periods not exceeding fifteen days to its member banks on their promissory notes secured by the deposit or pledge of bonds, notes, certificates of indebtedness, or Treasury bills of the United States, or by the deposit or pledge of debentures or other such obligations of Federal intermediate credit banks which are eligible for purchase by Federal reserve banks under section 13 (a) of this Act; and any Federal reserve bank may make advances for periods not exceeding ninety days to its member banks on their promissory notes secured by such notes, drafts, bills of exchange, or bankers' acceptances as are eligible for rediscount or for purchase by Federal reserve banks under the provisions of this Act. All such advances shall be made at rates to be established by such Federal reserve banks, such rates to be subject to the review and determination of the Federal Reserve Board.

Debentures of Federal intermediate credit banks.

Vol. 42, p. 1479.
U.S.C., p. 232.

Rates of advances. Determined by Reserve Board.

Advances deemed immediately payable, when outstanding loans increased for stock, etc., purchases.

If any member bank to which any such advance has been made shall, during the life or continuance of such advance, and despite an official warning of the reserve bank of the district or of the Federal Reserve Board to the contrary, increase its outstanding loans secured by collateral in the form of stocks, bonds, debentures, or other such obligations, or loans made to members of any organized stock exchange, investment house, or dealer in securities, upon any obligation, note, or bill, secured or unsecured, for the purpose of purchasing and/or carrying stocks, bonds, or other investment securities (except obligations of the United States) such advance shall be deemed immediately due and payable, and such member

bank shall be ineligible as a borrower at the reserve bank of the district under the provisions of this paragraph for such period as the Federal Reserve Board shall determine: *Provided*, That no temporary carrying or clearance loans made solely for the purpose of facilitating the purchase or delivery of securities offered for public subscription shall be included in the loans referred to in this paragraph."

Ineligible as borrower at reserve bank thereafter.
Provido.
Temporary carrying or clearance loans.

SEC. 10. Section 14 of the Federal Reserve Act, as amended (U. S. C., title 12, secs. 353-358), is amended by adding at the end thereof the following new paragraph:

Vol. 38, p. 265.
U.S.C., p. 282.

"(g) The Federal Reserve Board shall exercise special supervision over all relationships and transactions of any kind entered into by any Federal reserve bank with any foreign bank or banker, or with any group of foreign banks or bankers, and all such relationships and transactions shall be subject to such regulations, conditions, and limitations as the Board may prescribe. No officer or other representative of any Federal reserve bank shall conduct negotiations of any kind with the officers or representatives of any foreign bank or banker without first obtaining the permission of the Federal Reserve Board. The Federal Reserve Board shall have the right, in its discretion, to be represented in any conference or negotiations by such representative or representatives as the Board may designate. A full report of all conferences or negotiations, and all understandings or agreements arrived at or transactions agreed upon, and all other material facts appertaining to such conferences or negotiations, shall be filed with the Federal Reserve Board in writing by a duly authorized officer of each Federal reserve bank which shall have participated in such conferences or negotiations."

Supervision by Board, foreign transactions of reserve bank.

Regulations.

Permission to conduct foreign negotiations.

Right of Board to representation during conferences.

Report to be filed.

SEC. 11. (a) Section 19 of the Federal Reserve Act, as amended (U.S.C., title 12, secs. 142, 374, 461-466; Supp. VI, title 12, sec. 462a), is amended by inserting after the sixth paragraph thereof the following new paragraph:

Vol. 38, p. 270.
U.S.C., pp. 268, 284, 287; Supp. VI, p. 138.

"No member bank shall act as the medium or agent of any non-banking corporation, partnership, association, business trust, or individual in making loans on the security of stocks, bonds, and other investment securities to brokers or dealers in stocks, bonds, and other investment securities. Every violation of this provision by any member bank shall be punishable by a fine of not more than \$100 per day during the continuance of such violation; and such fine may be collected, by suit or otherwise, by the Federal reserve bank of the district in which such member bank is located."

Member bank as agent in making loans to stock brokers prohibited.

Penalty provision.

(b) Such section 19 of the Federal Reserve Act, as amended, is further amended by adding at the end thereof the following new paragraphs:

Vol. 38, p. 270.

"No member bank shall, directly or indirectly by any device whatsoever, pay any interest on any deposit which is payable on demand: *Provided*, That nothing herein contained shall be construed as prohibiting the payment of interest in accordance with the terms of any certificate of deposit or other contract heretofore entered into in good faith which is in force on the date of the enactment of this paragraph; but no such certificate of deposit or other contract shall be renewed or extended unless it shall be modified to conform to this paragraph, and every member bank shall take such action as may be necessary to conform to this paragraph as soon as possible consistently with its contractual obligations: *Provided, however*, That this paragraph shall not apply to any deposit of such bank which is payable only at an office thereof located in a foreign country, and shall not apply to any deposit made by a mutual savings bank, nor to any deposit of public funds made by or on behalf of any State,

Interest payments on demand deposits prohibited.

Provido.
Prior contracts.

Application to deposit payable in foreign country.

Public funds.

county, school district, or other subdivision or municipality, with respect to which payment of interest is required under State law.

Regulation of interest rate, time deposits.

"The Federal Reserve Board shall from time to time limit by regulation the rate of interest which may be paid by member banks on time deposits, and may prescribe different rates for such payment on time and savings deposits having different maturities or subject to different conditions respecting withdrawal or repayment or subject to different conditions by reason of different locations. No member bank shall pay any time deposit before its maturity, or waive any requirement of notice before payment of any savings deposit except as to all savings deposits having the same requirement."

Payment before maturity prohibited.

Postal savings depositories.

(c) Section 8 of the Act entitled "An Act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes", approved June 25, 1910, as amended (U.S.C., title 39, sec. 758), is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "Any depositor may withdraw the whole or any part of the funds deposited to his or her credit with the accrued interest only on notice given sixty days in advance and under such regulations as the Postmaster General may prescribe; but withdrawal of any part of such funds may be made upon demand, but no interest shall be paid on any funds so withdrawn except interest accrued to the date of enactment of the Banking Act of 1933: *Provided*, That Postal Savings depositories may deposit funds in member banks on time under regulations to be prescribed by the Postmaster General."

Vol. 36, p. 816.
U.S.C., p. 1281.

Withdrawals on 60 days' notice.

(d) The second sentence of section 9 of the Act entitled "An Act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes", approved June 25, 1910, as amended (U.S.C., title 39, sec. 759), is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: "*Provided*, That no such security shall be required in case of such part of the deposits as are insured under section 12B of the Federal Reserve Act, as amended."

On demand.

Proviso.
Deposits with member banks.

Vol. 36, p. 816; Vol. 39, p. 159.
U.S.C., p. 1281.
Deposit of funds in banks.

Security, when deposits insured.
Ante, p. 168.

Sec. 12. Section 22 of the Federal Reserve Act, as amended (U.S.C., title 12, secs. 375, 376, 503, 593-595; Supp. VI, title 12, sec. 593), is further amended by adding at the end thereof the following new paragraph:

Vol. 38, p. 272.
U.S.C., pp. 284, 288, 291-292; Supp. VI, p. 140.

Loans to executive officer prohibited.

"(g) No executive officer of any member bank shall borrow from or otherwise become indebted to any member bank of which he is an executive officer, and no member bank shall make any loan or extend credit in any other manner to any of its own executive officers: *Provided*, That loans heretofore made to any such officer may be renewed or extended not more than two years from the date this paragraph takes effect, if in accord with sound banking practice. If any executive officer of any member bank borrow from or if he be or become indebted to any bank other than a member bank of which he is an executive officer, he shall make a written report to the chairman of the board of directors of the member bank of which he is an executive officer, stating the date and amount of such loan or indebtedness, the security therefor, and the purpose for which the proceeds have been or are to be used. Any executive officer of any member bank violating the provisions of this paragraph shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year, or fined not more than \$5,000, or both; and any member bank violating the provisions of this paragraph shall be

Proviso.
Renewal of loans made prior hereto.

Report by officer, when indebted to other member bank.

Penalty provision.

fined not more than \$10,000, and may be fined a further sum equal to the amount so loaned or credit so extended."

SEC. 13. The Federal Reserve Act, as amended, is amended by inserting between sections 23 and 24 thereof (U.S.C., title 12, secs. 64 and 371; Supp. VI, title 12, sec. 371) the following new section:

Vol. 38, p. 273.
U.S.C., pp. 263, 283;
Supp. VI, p. 137.

"SEC. 23A. No member bank shall (1) make any loan or any extension of credit to, or purchase securities under repurchase agreement from, any of its affiliates, or (2) invest any of its funds in the capital stock, bonds, debentures, or other such obligations of any such affiliate, or (3) accept the capital stock, bonds, debentures, or other such obligations of any such affiliate as collateral security for advances made to any person, partnership, association, or corporation, if, in the case of any such affiliate, the aggregate amount of such loans, extensions of credit, repurchase agreements, investments, and advances against such collateral security will exceed 10 per centum of the capital stock and surplus of such member bank, or if, in the case of all such affiliates, the aggregate amount of such loans, extensions of credits, repurchase agreements, investments, and advances against such collateral security will exceed 20 per centum of the capital stock and surplus of such member bank.

Loans, investments, etc., prohibited by member banks to affiliates.

Percentage permitted.

"Within the foregoing limitations, each loan or extension of credit of any kind or character to an affiliate shall be secured by collateral in the form of stocks, bonds, debentures, or other such obligations having a market value at the time of making the loan or extension of credit of at least 20 per centum more than the amount of the loan or extension of credit, or of at least 10 per centum more than the amount of the loan or extension of credit if it is secured by obligations of any State, or of any political subdivision or agency thereof: *Provided*, That the provisions of this paragraph shall not apply to loans or extensions of credit secured by obligations of the United States Government, the Federal intermediate credit banks, the Federal land banks, the Federal Home Loan Banks, or the Home Owners' Loan Corporation, or by such notes, drafts, bills of exchange, or bankers' acceptances as are eligible for rediscount or for purchase by Federal reserve banks. A loan or extension of credit to a director officer, clerk, or other employee or any representative of any such affiliate shall be deemed a loan to the affiliate to the extent that the proceeds of such loan are used for the benefit of, or transferred to, the affiliate.

Security.

Provided.
United States obligations, etc.

Loans to officers of affiliate.

"For the purposes of this section the term 'affiliate' shall include holding company affiliates as well as other affiliates, and the provisions of this section shall not apply to any affiliate (1) engaged solely in holding the bank premises of the member bank with which it is affiliated, (2) engaged solely in conducting a safe-deposit business or the business of an agricultural credit corporation or livestock loan company, (3) in the capital stock of which a national banking association is authorized to invest pursuant to section 25 of the Federal Reserve Act, as amended, (4) organized under section 25 (a) of the Federal Reserve Act, as amended, or (5) engaged solely in holding obligations of the United States Government, the Federal intermediate credit banks, the Federal land banks, the Federal Home Loan Banks, or the Home Owners' Loan Corporation; but as to any such affiliate, member banks shall continue to be subject to other provisions of law applicable to loans by such banks and investments by such banks in stocks, bonds, debentures, or other such obligations."

"Affiliate", construed.

Affiliates not included.

Vol. 38, p. 273.
U.S.C., p. 292.

SEC. 14. The Federal Reserve Act, as amended, is amended by inserting between section 24 and section 25 thereof (U.S.C., title 12,

Vol. 38, p. 273.
U.S.C., pp. 263, 282;
Supp. VI, p. 137.

secs. 371 and 601-605; Supp. VI, title 12, sec. 371) the following new section:

Investments prohibited to national and State member banks.

"SEC. 24A. Hereafter no national bank, without the approval of the Comptroller of the Currency, and no State member bank, without the approval of the Federal Reserve Board, shall (1) invest in bank premises, or in the stock, bonds, debentures, or other such obligations of any corporation holding the premises of such bank or (2) make loans to or upon the security of the stock of any such corporation, if the aggregate of all such investments and loans will exceed the amount of the capital stock of such bank."

Vol. 41, p. 1145. U.S.C., p. 293-296.

SEC. 15. The Federal Reserve Act, as amended, is further amended by inserting after section 25 (a) thereof (U.S.C., title 12, sec. 611-631) the following new section:

Foreign branches. Suits at law, equity.

"SEC. 25. (b) Notwithstanding any other provision of law all suits of a civil nature at common law or in equity to which any corporation organized under the laws of the United States shall be a party, arising out of transactions involving international or foreign banking, or banking in a dependency or insular possession of the United States, or out of other international or foreign financial operations, either directly or through the agency, ownership, or control of branches or local institutions in dependencies or insular possessions of the United States or in foreign countries, shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of all such suits; and any defendant in any such suit may, at any time before the trial thereof, remove such suits from a State court into the district court of the United States for the proper district by following the procedure for the removal of causes otherwise provided by law. Such removal shall not cause undue delay in the trial of such case and a case so removed shall have a place on the calendar of the United States court to which it is removed relative to that which it held on the State court from which it was removed.

Jurisdiction of United States district courts.

Removal.

When Federal Reserve bank a party.

"Notwithstanding any other provision of law, all suits of a civil nature at common law or in equity to which any Federal Reserve bank shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of all such suits; and any Federal Reserve bank which is a defendant in any such suit may, at any time before the trial thereof, remove such suit from a State court into the district court of the United States for the proper district by following the procedure for the removal of causes otherwise provided by law. No attachment or execution shall be issued against any Federal Reserve bank or its property before final judgment in any suit, action, or proceeding in any State, county, municipal, or United States court."

Attachment before final judgment denied.

R.S., sec. 5136, p. 993. U.S.C., p. 259; Supp. VI, p. 129.

SEC. 16. Paragraph "Seventh" of section 5136 of the Revised Statutes, as amended (U.S.C., title 12, sec. 24; Supp. VI, title 12, sec. 24), is amended to read as follows:

Corporate powers of national banking associations.

"Seventh. To exercise by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking; by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; and by obtaining, issuing, and circulating notes according to the provisions of this title. The business of dealing in investment securities by the association shall be limited to purchasing and selling such securities without recourse, solely upon the order, and for the account of, customers, and in no case for its own account, and the association

shall not underwrite any issue of securities: *Provided*, That the association may purchase for its own account investment securities under such limitations and restrictions as the Comptroller of the Currency may by regulation prescribe, but in no event (1) shall the total amount of any issue of investment securities of any one obligor or maker purchased after this section as amended takes effect and held by the association for its own account exceed at any time 10 per centum of the total amount of such issue outstanding, but this limitation shall not apply to any such issue the total amount of which does not exceed \$100,000 and does not exceed 50 per centum of the capital of the association, nor (2) shall the total amount of the investment securities of any one obligor or maker purchased after this section as amended takes effect and held by the association for its own account exceed at any time 15 per centum of the amount of the capital stock of the association actually paid in and unimpaired and 25 per centum of its unimpaired surplus fund. As used in this section the term 'investment securities' shall mean marketable obligations evidencing indebtedness of any person, copartnership, association, or corporation in the form of bonds, notes and/or debentures commonly known as investment securities under such further definition of the term 'investment securities' as may by regulation be prescribed by the Comptroller of the Currency. Except as hereinafter provided or otherwise permitted by law, nothing herein contained shall authorize the purchase by the association of any shares of stock of any corporation. The limitations and restrictions herein contained as to dealing in, underwriting and purchasing for its own account, investment securities shall not apply to obligations of the United States, or general obligations of any State or of any political subdivision thereof, or obligations issued under authority of the Federal Farm Loan Act, as amended, or issued by the Federal Home Loan Banks or the Home Owners' Loan Corporation: *Provided*, That in carrying on the business commonly known as the safe-deposit business the association shall not invest in the capital stock of a corporation organized under the law of any State to conduct a safe-deposit business in an amount in excess of 15 per centum of the capital stock of the association actually paid in and unimpaired and 15 per centum of its unimpaired surplus."

Proviso.
Purchase of investment securities.

Percentage permitted.

"Investment securities," construed.

Purchase of stock shares.

Obligations of United States, etc.

Proviso.
Safe-deposit business.

The restrictions of this section as to dealing in investment securities shall take effect one year after the date of the approval of this Act.

Effective date of restrictions.

SEC. 17. (a) Section 5138 of the Revised Statutes, as amended (U.S.C., title 12, sec. 51; Supp. VI, title 12, sec. 51), is amended to read as follows:

R.S., sec. 5138, p. 993.
U.S.C., p. 261; Supp. VI, p. 130.

"SEC. 5138. After this section as amended takes effect, no national banking association shall be organized with a less capital than \$100,000, except that such associations with a capital of not less than \$50,000 may be organized in any place the population of which does not exceed six thousand inhabitants. No such association shall be organized in a city the population of which exceeds fifty thousand persons with a capital of less than \$200,000, except that in the outlying districts of such a city where the State laws permit the organization of State banks with a capital of \$100,000 or less, national banking associations now organized or hereafter organized may, with the approval of the Comptroller of the Currency, have a capital of not less than \$100,000."

Capital, national banks.
Requisite amount of, on organization.

(b) The tenth paragraph of section 9 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 329), is amended to read as follows:

Vol. 40, p. 234.
U.S.C., p. 280.

"No applying bank shall be admitted to membership in a Federal reserve bank unless it possesses a paid-up unimpaired capital suffi-

Admission to membership.
Paid-up capital required.

cient to entitle it to become a national banking association in the place where it is situated under the provisions of the National Bank Act, as amended: *Provided*, That this paragraph shall not apply to State banks and trust companies organized prior to the date this paragraph as amended takes effect and situated in a place the population of which does not exceed three thousand inhabitants and having a capital of not less than \$25,000, nor to any State bank or trust company which is so situated and which, while it is entitled to the benefits of insurance under section 12B of this Act, increases its capital to not less than \$25,000."

Proviso.
State banks organized prior hereto, etc.

Ante, p. 168.

R.S., sec. 5139, p. 993.
U.S.C., p. 261; Supp. VI, p. 131.

Stock certificates, banking associations. Use to represent stock in other corporation prohibited.

SEC. 18. Section 5139 of the Revised Statutes, as amended (U.S.C., title 12, sec. 52; Supp. VI, title 12, sec. 52), is amended by adding at the end thereof the following new paragraph:

"After one year from the date of the enactment of the Banking Act of 1933, no certificate representing the stock of any such association shall represent the stock of any other corporation, except a member bank or a corporation existing on the date this paragraph takes effect engaged solely in holding the bank premises of such association, nor shall the ownership, sale, or transfer of any certificate representing the stock of any such association be conditioned in any manner whatsoever upon the ownership, sale, or transfer of a certificate representing the stock of any other corporation, except a member bank."

R.S., sec. 5144, p. 994.
U.S.C., p. 262.

SEC. 19. Section 5144 of the Revised Statutes, as amended (U.S.C., title 12, sec. 61), is amended to read as follows:

Shareholder's right to vote.

"SEC. 5144. In all elections of directors, each shareholder shall have the right to vote the number of shares owned by him for as many persons as there are directors to be elected, or to cumulate such shares and give one candidate as many votes as the number of directors multiplied by the number of his shares shall equal, or to distribute them on the same principle among as many candidates as he shall think fit; and in deciding all other questions at meetings of shareholders, each shareholder shall be entitled to one vote on each share of stock held by him; except (1) that shares of its own stock held by a national bank as sole trustee shall not be voted, and shares of its own stock held by a national bank and one or more persons as trustees may be voted by such other person or persons, as trustees, in the same manner as if he or they were the sole trustee, and (2) shares controlled by any holding company affiliate of a national bank shall not be voted unless such holding company affiliate shall have first obtained a voting permit as hereinafter provided, which permit is in force at the time such shares are voted. Shareholders may vote by proxies duly authorized in writing; but no officer, clerk, teller, or bookkeeper of such bank shall act as proxy; and no shareholder whose liability is past due and unpaid shall be allowed to vote.

Nonvoting shares.

Proxies.

Shares deemed controlled by holding company.

"For the purposes of this section shares shall be deemed to be controlled by a holding company affiliate if they are owned or controlled directly or indirectly by such holding company affiliate, or held by any trustee for the benefit of the shareholders or members thereof.

Voting permit, holding company affiliate.

"Any such holding company affiliate may make application to the Federal Reserve Board for a voting permit entitling it to cast one vote at all elections of directors and in deciding all questions at meetings of shareholders of such bank on each share of stock controlled by it or authorizing the trustee or trustees holding the stock for its benefit or for the benefit of its shareholders so to vote the same. The Federal Reserve Board may, in its discretion, grant or withhold such permit as the public interest may require. In acting upon such application, the Board shall consider the financial condition of the applicant, the general character of its management, and the prob-

Application for.

able effect of the granting of such permit upon the affairs of such bank, but no such permit shall be granted except upon the following conditions:

“(a) Every such holding company affiliate shall, in making the application for such permit, agree (1) to receive, on dates identical with those fixed for the examination of banks with which it is affiliated, examiners duly authorized to examine such banks, who shall make such examinations of such holding company affiliate as shall be necessary to disclose fully the relations between such banks and such holding company affiliate and the effect of such relations upon the affairs of such banks, such examinations to be at the expense of the holding company affiliate so examined; (2) that the reports of such examiners shall contain such information as shall be necessary to disclose fully the relations between such affiliate and such banks and the effect of such relations upon the affairs of such banks; (3) that such examiners may examine each bank owned or controlled by the holding company affiliate, both individually and in conjunction with other banks owned or controlled by such holding company affiliate; and (4) that publication of individual or consolidated statements of condition of such banks may be required;

“(b) After five years after the enactment of the Banking Act of 1933, every such holding company affiliate (1) shall possess, and shall continue to possess during the life of such permit, free and clear of any lien, pledge, or hypothecation of any nature, readily marketable assets other than bank stock in an amount not less than 12 per centum of the aggregate par value of all bank stocks controlled by such holding company affiliate, which amount shall be increased by not less than 2 per centum per annum of such aggregate par value until such assets shall amount to 25 per centum of the aggregate par value of such bank stocks; and (2) shall reinvest in readily marketable assets other than bank stock all net earnings over and above 6 per centum per annum on the book value of its own shares outstanding until such assets shall amount to such 25 per centum of the aggregate par value of all bank stocks controlled by it;

“(c) Notwithstanding the foregoing provisions of this section, after five years after the enactment of the Banking Act of 1933, (1) any such holding company affiliate the shareholders or members of which shall be individually and severally liable in proportion to the number of shares of such holding company affiliate held by them respectively, in addition to amounts invested therein, for all statutory liability imposed on such holding company affiliate by reason of its control of shares of stock of banks, shall be required only to establish and maintain out of net earnings over and above 6 per centum per annum on the book value of its own shares outstanding a reserve of readily marketable assets in an amount of not less than 12 per centum of the aggregate par value of bank stocks controlled by it, and (2) the assets required by this section to be possessed by such holding company affiliate may be used by it for replacement of capital in banks affiliated with it and for losses incurred in such banks, but any deficiency in such assets resulting from such use shall be made up within such period as the Federal Reserve Board may by regulation prescribe;

“(d) Every officer, director, agent, and employee of every such holding company affiliate shall be subject to the same penalties for false entries in any book, report, or statement of such holding company affiliate as are applicable to officers, directors, agents, and employees of member banks under section 5209 of the Revised Statutes, as amended (U.S.C., title 12, sec. 592); and

Conditions.

Agreement required.

Assets to be maintained.
Post, p. 195.

Shareholders' liability.
Post, p. 195.

Liability of officers, employees, etc.

R. S., sec. 5209, p. 1007.
U.S.C., p. 291.

Voting permits, holding company affiliates. Requirements of application.

"(e) Every such holding company affiliate shall, in its application for such voting permit, (1) show that it does not own, control, or have any interest in, and is not participating in the management or direction of, any corporation, business trust, association, or other similar organization formed for the purpose of, or engaged principally in, the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail or through syndicate participation, of stocks, bonds, debentures, notes, or other securities of any sort (hereinafter referred to as 'securities company'); (2) agree that during the period that the permit remains in force it will not acquire any ownership, control, or interest in any such securities company or participate in the management or direction thereof; (3) agree that if, at the time of filing the application for such permit, it owns, controls, or has an interest in, or is participating in the management or direction of, any such securities company, it will, within five years after the filing of such application, divest itself of its ownership, control, and interest in such securities company and will cease participating in the management or direction thereof, and will not thereafter, during the period that the permit remains in force, acquire any further ownership, control, or interest in any such securities company or participate in the management or direction thereof; and (4) agree that thenceforth it will declare dividends only out of actual net earnings.

Revocation of permit, upon violating Banking Act of 1933.

"If at any time it shall appear to the Federal Reserve Board that any holding company affiliate has violated any of the provisions of the Banking Act of 1933 or of any agreement made pursuant to this section, the Federal Reserve Board may, in its discretion, revoke any such voting permit after giving sixty days' notice by registered mail of its intention to the holding company affiliate and affording it an opportunity to be heard. Whenever the Federal Reserve Board shall have revoked any such voting permit, no national bank whose stock is controlled by the holding company affiliate whose permit is so revoked shall receive deposits of public moneys of the United States, nor shall any such national bank pay any further dividend to such holding company affiliate upon any shares of such bank controlled by such holding company affiliate.

Post, p. 195.

Deposits of United States public moneys denied.

Forfeiture of rights, privileges, etc.

"Whenever the Federal Reserve Board shall have revoked any voting permit as hereinbefore provided, the rights, privileges, and franchises of any or all national banks the stock of which is controlled by such holding company affiliate shall, in the discretion of the Federal Reserve Board, be subject to forfeiture in accordance with section 2 of the Federal Reserve Act, as amended."

Vol. 38, p. 251.

Member bank affiliation with stock, etc., sales organization, prohibited.

SEC. 20. After one year from the date of the enactment of this Act, no member bank shall be affiliated in any manner described in section 2 (b) hereof with any corporation, association, business trust, or other similar organization engaged principally in the issue, flotation, underwriting, public sale, or distribution at wholesale or retail or through syndicate participation of stocks, bonds, debentures, notes, or other securities.

Ante, p. 162.

Penalty for violation.

For every violation of this section the member bank involved shall be subject to a penalty not exceeding \$1,000 per day for each day during which such violation continues. Such penalty may be assessed by the Federal Reserve Board, in its discretion, and, when so assessed, may be collected by the Federal reserve bank by suit or otherwise.

Assessment of.

National banks. Forfeiture of rights, etc., if violation continues.

If any such violation shall continue for six calendar months after the member bank shall have been warned by the Federal Reserve Board to discontinue the same, (a) in the case of a national bank, all the rights, privileges, and franchises granted to it under the National

Bank Act may be forfeited in the manner prescribed in section 2 of the Federal Reserve Act, as amended (U.S.C., title 12, secs. 141, 222-225, 281-286, and 502), or, (b) in the case of a State member bank, all of its rights and privileges of membership in the Federal Reserve System may be forfeited in the manner prescribed in section 9 of the Federal Reserve Act, as amended (U.S.C., title 12, secs. 321-332).

SEC. 21. (a) After the expiration of one year after the date of enactment of this Act it shall be unlawful—

(1) For any person, firm, corporation, association, business trust, or other similar organization, engaged in the business of issuing, underwriting, selling, or distributing, at wholesale or retail, or through syndicate participation, stocks, bonds, debentures, notes, or other securities, to engage at the same time to any extent whatever in the business of receiving deposits subject to check or to repayment upon presentation of a passbook, certificate of deposit, or other evidence of debt, or upon request of the depositor; or

(2) For any person, firm, corporation, association, business trust, or other similar organization, other than a financial institution or private banker subject to examination and regulation under State or Federal law, to engage to any extent whatever in the business of receiving deposits subject to check or to repayment upon presentation of a passbook, certificate of deposit, or other evidence of debt, or upon request of the depositor, unless such person, firm, corporation, association, business trust, or other similar organization shall submit to periodic examination by the Comptroller of the Currency or by the Federal reserve bank of the district and shall make and publish periodic reports of its condition, exhibiting in detail its resources and liabilities, such examination and reports to be made and published at the same times and in the same manner and with like effect and penalties as are now provided by law in respect of national banking associations transacting business in the same locality.

(b) Whoever shall willfully violate any of the provisions of this section shall upon conviction be fined not more than \$5,000 or imprisoned not more than five years, or both, and any officer, director, employee, or agent of any person, firm, corporation, association, business trust, or other similar organization who knowingly participates in any such violation shall be punished by a like fine or imprisonment or both.

SEC. 22. The additional liability imposed upon shareholders in national banking associations by the provisions of section 5151 of the Revised Statutes, as amended, and section 23 of the Federal Reserve Act, as amended (U.S.C., title 12, secs. 63 and 64), shall not apply with respect to shares in any such association issued after the date of enactment of this Act.

SEC. 23. Paragraph (c) of section 5155 of the Revised Statutes, as amended (U.S.C., title 12, sec. 36), is amended to read as follows:

“(c) A national banking association may, with the approval of the Comptroller of the Currency, establish and operate new branches: (1) Within the limits of the city, town or village in which said association is situated, if such establishment and operation are at the time expressly authorized to State banks by the law of the State in question; and (2) at any point within the State in which said association is situated, if such establishment and operation are at the time authorized to State banks by the statute law of the State in question by language specifically granting such authority affirmatively and not merely by implication or recognition, and subject to the restrictions as to location imposed by the law of the State on State banks.

Vol. 38, p. 251.
U.S.C., pp. 268, 275,
277, 288.
State member banks.
Forfeiture of mem-
bership rights.

Vol. 38, p. 259.
U.S.C., p. 279; Supp.
VI, p. 135.

Unlawful acts.
Receiving deposits
subject to repayment
by stock selling, etc.,
organization.

Receiving deposits
without submitting to
examination.

Reports required.

Penalty provisions.

Additional liability,
not applicable to shares
hereafter issued.
R.S., sec. 5151, p. 995.
Vol. 38, p. 273.
U.S.C., p. 263.

R.S., sec. 5155, p. 996.
U.S.C., p. 261.

Branches.
Establishment by
association, upon ap-
proval.

Branch outside of city, etc.

Provisos.
States having population of less than one million.

Less than one half million.

R.S., sec. 5155, p. 996.
U.S.C., p. 261.

Aggregate capital of association; amount.

National banking associations; consolidations.

Vol. 40, p. 1043; Vol. 44, p. 1225.
U.S.C., p. 260; Supp. VI, p. 129.
"State", added.

Vol. 44, p. 1225.
U.S.C., Supp. VI, p. 129.
Capital of consolidated association.

Merger of corporate existence.

Transfer of rights, property, etc.

Proviso.
Power of court to remove consolidated association from trusteeship, etc.

No such association shall establish a branch outside of the city, town, or village in which it is situated unless it has a paid-in and unimpaired capital stock of not less than \$500,000: *Provided*, That in States with a population of less than one million, and which have no cities located therein with a population exceeding one hundred thousand, the capital shall be not less than \$250,000: *Provided*, That in States with a population of less than one-half million, and which have no cities located therein with a population exceeding fifty thousand, the capital shall not be less than \$100,000."

Paragraph (d) of section 5155 of the Revised Statutes, as amended (U.S.C., title 12, sec. 36), is amended to read as follows:

"(d) The aggregate capital of every national banking association and its branches shall at no time be less than the aggregate minimum capital required by law for the establishment of an equal number of national banking associations situated in the various places where such association and its branches are situated."

SEC. 24. (a) Sections 1 and 3 of the Act entitled "An Act to provide for the consolidation of national banking associations", approved November 7, 1918, as amended (U.S.C., title 12, secs. 33, 34, and 34a), are amended by striking out the words "county, city, town, or village" wherever they occur in each such section, and inserting in lieu thereof the words "State, county, city, town, or village."

(b) Section 3 of such Act of November 7, 1918, as amended, is further amended by striking out the second sentence thereof and inserting in lieu thereof the following: "The capital stock of such consolidated association shall not be less than that required under existing law for the organization of a national banking association in the place in which such consolidated association is located. Upon such a consolidation, or upon a consolidation of two or more national banking associations under section 1 of this Act, the corporate existence of each of the constituent banks and national banking associations participating in such consolidation shall be merged into and continued in the consolidated national banking association and the consolidated association shall be deemed to be the same corporation as each of the constituent institutions. All the rights, franchises, and interests of each of such constituent banks and national banking associations in and to every species of property, real, personal, and mixed, and choses in action thereto belonging, shall be deemed to be transferred to and vested in such consolidated national banking association without any deed or other transfer; and such consolidated national banking association, by virtue of such consolidation and without any order or other action on the part of any court or otherwise, shall hold and enjoy the same and all rights of property, franchises, and interests, including appointments, designations, and nominations and all other rights and interests as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics and in every other fiduciary capacity, in the same manner and to the same extent as such rights, franchises, and interests were held or enjoyed by any such constituent institution at the time of such consolidation: *Provided, however*, That where any such constituent institution at the time of such consolidation was acting under appointment of any court as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics or in any other fiduciary capacity, the consolidated national banking association shall be subject to removal by a court of competent jurisdiction in the same manner and to the same extent as was such constituent corporation prior to the consolidation, and nothing herein contained shall be construed to impair in any manner the right of

any court to remove such a consolidated national banking association and to appoint in lieu thereof a substitute trustee, executor, or other fiduciary, except that such right shall not be exercised in such a manner as to discriminate against national banking associations, nor shall any such consolidated association be removed solely because of the fact that it is a national banking association."

Discrimination not authorized.

SEC. 25. The first two sentences of section 5197 of the Revised Statutes (U.S.C., title 12, sec. 85) are amended to read as follows:

R.S., sec. 5197, p. 1005.
U.S.C., p. 264.

"Any association may take, receive, reserve, and charge on any loan or discount made, or upon any notes, bills of exchange, or other evidences of debt, interest at the rate allowed by the laws of the State, Territory, or District where the bank is located, or at a rate of 1 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal reserve bank in the Federal reserve district where the bank is located, whichever may be the greater, and no more, except that where by the laws of any State a different rate is limited for banks organized under State laws, the rate so limited shall be allowed for associations organized or existing in any such State under this title. When no rate is fixed by the laws of the State, or Territory, or District, the bank may take, receive, reserve, or charge a rate not exceeding 7 per centum, or 1 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal reserve bank in the Federal reserve district where the bank is located, whichever may be the greater, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run."

Right of association to take interest on loans, etc.

Commercial paper.

When no fixed rate.

SEC. 26. (a) The second sentence of the first paragraph of section 5200 of the Revised Statutes, as amended (U.S.C., title 12, sec. 84; Supp. VI, title 12, sec. 84), is amended by inserting before the period at the end thereof the following: "and shall include in the case of obligations of a corporation all obligations of all subsidiaries thereof in which such corporation owns or controls a majority interest."

R.S., sec. 5200, p. 1005.
U.S.C., p. 264; Supp. VI, p. 131.
Limit of liability.

(b) The amendment made by this section shall not apply to such obligations of subsidiaries held by such association on the date this section takes effect.

Obligations of subsidiaries.

SEC. 27. Section 5211 of the Revised Statutes, as amended (U.S.C., title 12, sec. 161; Supp. VI, title 12, sec. 161), is amended by adding at the end thereof the following new paragraph:

R.S., sec. 5211, p. 1007.
U.S.C., p. 269; Supp. VI, p. 133.

"Each national banking association shall obtain from each of its affiliates other than member banks and furnish to the Comptroller of the Currency not less than three reports during each year, in such form as the Comptroller may prescribe, verified by the oath or affirmation of the president or such other officer as may be designated by the board of directors of such affiliate to verify such reports, disclosing the information hereinafter provided for as of dates identical with those for which the Comptroller shall during such year require the reports of the condition of the association. For the purpose of this section the term 'affiliate' shall include holding company affiliates as well as other affiliates. Each such report of an affiliate shall be transmitted to the Comptroller at the same time as the corresponding report of the association, except that the Comptroller may, in his discretion, extend such time for good cause shown. Each such report shall contain such information as in the judgment of the Comptroller of the Currency shall be necessary to disclose fully the relations between such affiliate and such bank and to enable the Comptroller to inform himself as to the effect of such relations upon the affairs of such bank. The reports of such affiliates shall be published by the association under the same conditions as govern its own condition reports. The Comptroller shall also have power to call for additional

Reports of affiliate banks to association.

Form.
Verification.

"Affiliate", construed.
Report transmitted to Comptroller.

Contents.

Publication.

Additional reports.

Penalty provision.	reports with respect to any such affiliate whenever in his judgment the same are necessary in order to obtain a full and complete knowledge of the conditions of the association with which it is affiliated. Such additional reports shall be transmitted to the Comptroller of the Currency in such form as he may prescribe. Any such affiliated bank which fails to obtain and furnish any report required under this section shall be subject to a penalty of \$100 for each day during which such failure continues."
R.S., sec. 5240, p. 1013. U.S.C., p. 288.	SEC. 28. (a) The first paragraph of section 5240 of the Revised Statutes, as amended (U.S.C., title 12, sec. 481), is amended by inserting before the period at the end thereof a colon and the following proviso: "Provided, That in making the examination of any national bank the examiners shall include such an examination of the affairs of all its affiliates other than member banks as shall be necessary to disclose fully the relations between such bank and such affiliates and the effect of such relations upon the affairs of such bank; and in the event of the refusal to give any information required in the course of the examination of any such affiliate, or in the event of the refusal to permit such examination, all the rights, privileges, and franchises of the bank shall be subject to forfeiture in accordance with section 2 of the Federal Reserve Act, as amended (U.S.C., title 12, secs. 141, 222-225, 281-286, and 502). The Comptroller of the Currency shall have power, and he is hereby authorized, to publish the report of his examination of any national banking association or affiliate which shall not within one hundred and twenty days after notification of the recommendations or suggestions of the Comptroller, based on said examination, have complied with the same to his satisfaction. Ninety days' notice prior to such publicity shall be given to the bank or affiliate."
Bank examinations. Affiliates to be included.	(b) Section 5240 of the Revised Statutes, as amended (U.S.C., title 12, sec. 481), is further amended by adding after the first paragraph thereof the following new paragraph:
Information required.	"The examiner making the examination of any affiliate of a national bank shall have power to make a thorough examination of all the affairs of the affiliate, and in doing so he shall have power to administer oaths and to examine any of the officers, directors, employees, and agents thereof under oath and to make a report of his findings to the Comptroller of the Currency. The expense of examinations of such affiliates may be assessed by the Comptroller of the Currency upon the affiliates examined in proportion to assets or resources held by the affiliates upon the dates of examination of the various affiliates. If any such affiliate shall refuse to pay such expenses or shall fail to do so within sixty days after the date of such assessment, then such expenses may be assessed against the affiliated national bank and, when so assessed, shall be paid by such national bank: <i>Provided, however,</i> That, if the affiliation is with two or more national banks, such expenses may be assessed against, and collected from, any or all of such national banks in such proportions as the Comptroller of the Currency may prescribe. The examiners and assistant examiners making the examinations of national banking associations and affiliates thereof herein provided for and the chief examiners, reviewing examiners and other persons whose services may be required in connection with such examinations or the reports thereof, shall be employed by the Comptroller of the Currency with the approval of the Secretary of the Treasury; the employment and compensation of examiners, chief examiners, reviewing examiners, assistant examiners, and of the other employees of the office of the Comptroller of the Currency whose compensation is paid from assessments on banks or affiliates thereof shall be without regard
Forfeiture of rights on refusal.	
Vol. 38, p. 251. U.S.C., pp. 268, 275, 277, 288.	
Publication, report of examinations.	
Notice of.	
R.S., sec. 5240, p. 1013. U.S.C., p. 288.	
Powers of examiner.	
Expense of examinations.	
Assessment on refusal to pay.	
Proviso. Assessment when affiliation of two or more national banks.	
Employment of examiners, etc.	
Compensation.	

to the provisions of other laws applicable to officers or employees of the United States. The funds derived from such assessments may be deposited by the Comptroller of the Currency in accordance with the provisions of section 5234 of the Revised Statutes (U.S.C., title 12, sec. 192) and shall not be construed to be Government funds or appropriated monies; and the Comptroller of the Currency is authorized and empowered to prescribe regulations governing the computation and assessment of the expenses of examinations herein provided for and the collection of such assessments from the banks and/or affiliates examined. If any affiliate of a national bank shall refuse to permit an examiner to make an examination of the affiliate or shall refuse to give any information required in the course of any such examination, the national bank with which it is affiliated shall be subject to a penalty of not more than \$100 for each day that any such refusal shall continue. Such penalty may be assessed by the Comptroller of the Currency and collected in the same manner as expenses of examinations."

Status of assessments.

R.S., sec. 5234, p. 1012.
U.S.C., p. 271.

Penalty, affiliate refusing to permit examination.

Assessment of penalty.

Resumption of business, by closed association.

Consent of depositors, etc.

Powers of Comptroller not affected.

SEC. 29. In any case in which, in the opinion of the Comptroller of the Currency, it would be to the advantage of the depositors and unsecured creditors of any national banking association whose business has been closed, for such association to resume business upon the retention by the association, for a reasonable period to be prescribed by the Comptroller, of all or any part of its deposits, the Comptroller is authorized, in his discretion, to permit the association to resume business if depositors and unsecured creditors of the association representing at least 75 per centum of its total deposit and unsecured credit liabilities consent in writing to such retention of deposits. Nothing in this section shall be construed to affect in any manner any powers of the Comptroller under the provisions of law in force on the date of enactment of this Act with respect to the reorganization of national banking associations.

Violations of law by officer, etc., of national bank.

When continues unsafe, etc., banking practices.

SEC. 30. Whenever, in the opinion of the Comptroller of the Currency, any director or officer of a national bank, or of a bank or trust company doing business in the District of Columbia, or whenever, in the opinion of a Federal reserve agent, any director or officer of a State member bank in his district shall have continued to violate any law relating to such bank or trust company or shall have continued unsafe or unsound practices in conducting the business of such bank or trust company, after having been warned by the Comptroller of the Currency or the Federal reserve agent, as the case may be, to discontinue such violations of law or such unsafe or unsound practices, the Comptroller of the Currency or the Federal reserve agent, as the case may be, may certify the facts to the Federal Reserve Board. In any such case the Federal Reserve Board may cause notice to be served upon such director or officer to appear before such Board to show cause why he should not be removed from office. A copy of such order shall be sent to each director of the bank affected, by registered mail. If after granting the accused director or officer a reasonable opportunity to be heard, the Federal Reserve Board finds that he has continued to violate any law relating to such bank or trust company or has continued unsafe or unsound practices in conducting the business of such bank or trust company after having been warned by the Comptroller of the Currency or the Federal reserve agent to discontinue such violation of law or such unsafe or unsound practices, the Federal Reserve Board, in its discretion, may order that such director or officer be removed from office. A copy of such order shall be served upon such director or officer. A copy of such order shall also be served upon the bank of which he is a director or officer, whereupon such director or officer

Certification of facts to Board.

Copy to be transmitted.

Removal authorized, after hearing.

Copy of removal order.

Proviso.
Confidential nature
of order.

Removed officer, pen-
alty for further partici-
pation in bank manage-
ment.

Board of directors,
etc.

Number of members.

Stock ownership re-
quirement.

Post, p. 971.

Appointment of re-
ceiver, when violation
by national bank.

Forfeiture of mem-
bership, State member
bank.

Member bank offi-
cers, directors, etc.
Engaging in securi-
ties transactions pro-
hibited.

Member bank not to
act as correspondent
bank.

Permit issued by
Board.

Revocation.

Vol. 38, p. 732; Vol.
39, p. 121; Vol. 41, p. 626.
U.S.C., p. 353.

Clayton Act, amend-
ment.
Interlocking directo-
rates and officers.

shall cease to be a director or officer of such bank: *Provided*, That such order and the findings of fact upon which it is based shall not be made public or disclosed to anyone except the director or officer involved and the directors of the bank involved, otherwise than in connection with proceedings for a violation of this section. Any such director or officer removed from office as herein provided who thereafter participates in any manner in the management of such bank shall be fined not more than \$5,000, or imprisoned for not more than five years, or both, in the discretion of the court.

SEC. 31. After one year from the date of enactment of this Act, notwithstanding any other provision of law, the board of directors, board of trustees, or other similar governing body of every national banking association and of every State bank or trust company which is a member of the Federal Reserve System shall consist of not less than five nor more than twenty-five members; and every director, trustee, or other member of such governing body shall be the bona fide owner in his own right of shares of stock of such banking association, State bank or trust company having a par value in the aggregate of not less than \$2,500, unless the capital of the bank shall not exceed \$50,000, in which case he must own in his own right shares having a par value in the aggregate of not less than \$1,500, or unless the capital of the bank shall not exceed \$25,000, in which case he must own in his own right shares having a par value in the aggregate of not less than \$1,000. If any national banking association violates the provisions of this section and continues such violation after thirty days' notice from the Comptroller of the Currency, the said Comptroller may appoint a receiver or conservator therefor, in accordance with the provisions of existing law. If any State bank or trust company which is a member of the Federal Reserve System violates the provisions of this section and continues such violation after thirty days' notice from the Federal Reserve Board, it shall be subject to the forfeiture of its membership in the Federal Reserve System in accordance with the provisions of section 9 of the Federal Reserve Act, as amended.

SEC. 32. From and after January 1, 1934, no officer or director of any member bank shall be an officer, director, or manager of any corporation, partnership, or unincorporated association engaged primarily in the business of purchasing, selling, or negotiating securities, and no member bank shall perform the functions of a correspondent bank on behalf of any such individual, partnership, corporation, or unincorporated association and no such individual, partnership, corporation, or unincorporated association shall perform the functions of a correspondent for any member bank or hold on deposit any funds on behalf of any member bank, unless in any such case there is a permit therefor issued by the Federal Reserve Board; and the Board is authorized to issue such permit if in its judgment it is not incompatible with the public interest, and to revoke any such permit whenever it finds after reasonable notice and opportunity to be heard, that the public interest requires such revocation.

SEC. 33. The Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended (U.S.C., title 15, sec. 19), is hereby amended by adding after section 8 thereof the following new section:

"SEC. 8A. That from and after the 1st day of January 1934, no director, officer, or employee of any bank, banking association, or trust company, organized or operating under the laws of the United States shall be at the same time a director, officer, or employee of a

corporation (other than a mutual savings bank) or a member of a partnership organized for any purpose whatsoever which shall make loans secured by stock or bond collateral to any individual, association, partnership, or corporation other than its own subsidiaries."

SEC. 34. The right to alter, amend, or repeal this Act is hereby expressly reserved. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Amendment.
Separability of provisions.

Approved, June 16, 1933, 11:45 a.m.

[CHAPTER 90.]

AN ACT

To encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes.

June 16, 1933.
[H. R. 5755.]
[Public, No. 67.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Industrial Recovery Act.

TITLE I—INDUSTRIAL RECOVERY

TITLE I—INDUSTRIAL RECOVERY.

DECLARATION OF POLICY

Appropriation for.
Post, p. 275.

SECTION 1. A national emergency productive of widespread unemployment and disorganization of industry, which burdens interstate and foreign commerce, affects the public welfare, and undermines the standards of living of the American people, is hereby declared to exist. It is hereby declared to be the policy of Congress to remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; and to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources.

Declaration of policy.

ADMINISTRATIVE AGENCIES

SEC. 2. (a) To effectuate the policy of this title, the President is hereby authorized to establish such agencies, to accept and utilize such voluntary and uncompensated services, to appoint, without regard to the provisions of the civil service laws, such officers and employees, and to utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees, as he may find necessary, to prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed.

Administrative agencies.

President authorized to establish.

Appointments.

Cooperation of Federal and State officers, etc.

(b) The President may delegate any of his functions and powers under this title to such officers, agents, and employees as he may designate or appoint, and may establish an industrial planning and research agency to aid in carrying out his functions under this title.

Delegation of functions.
Industrial planning and research agency.
Establishment authorized.

Termination of agencies, etc.

(c) This title shall cease to be in effect and any agencies established hereunder shall cease to exist at the expiration of two years after the date of enactment of this Act, or sooner if the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 1 has ended.

Codes of fair competition.

CODES OF FAIR COMPETITION

Approval by the President.

SEC. 3. (a) Upon the application to the President by one or more trade or industrial associations or groups, the President may approve a code or codes of fair competition for the trade or industry or subdivision thereof, represented by the applicant or applicants, if the President finds (1) that such associations or groups impose no inequitable restrictions on admission to membership therein and are truly representative of such trades or industries or subdivisions thereof, and (2) that such code or codes are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of this title: *Provided*, That such code or codes shall not permit monopolies or monopolistic practices: *Provided further*, That where such code or codes affect the services and welfare of persons engaged in other steps of the economic process, nothing in this section shall deprive such persons of the right to be heard prior to approval by the President of such code or codes. The President may, as a condition of his approval of any such code, impose such conditions (including requirements for the making of reports and the keeping of accounts) for the protection of consumers, competitors, employees, and others, and in furtherance of the public interest, and may provide such exceptions to and exemptions from the provisions of such code, as the President in his discretion deems necessary to effectuate the policy herein declared.

Provisos.
Monopolies, etc., not permitted.
Right of persons affected to be heard.

Imposition of conditions for protection of consumers, etc.

Exceptions and exemptions.

Approved code to be standard of fair competition.
Violations deemed unfair practice.

Vol. 39, p. 717.

Jurisdiction of district courts to restrain violations.

(b) After the President shall have approved any such code, the provisions of such code shall be the standards of fair competition for such trade or industry or subdivision thereof. Any violation of such standards in any transaction in or affecting interstate or foreign commerce shall be deemed an unfair method of competition in commerce within the meaning of the Federal Trade Commission Act, as amended; but nothing in this title shall be construed to impair the powers of the Federal Trade Commission under such Act, as amended.

(c) The several district courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of any code of fair competition approved under this title; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations.

Establishment of compulsory code by President.

(d) Upon his own motion, or if complaint is made to the President that abuses inimical to the public interest and contrary to the policy herein declared are prevalent in any trade or industry or subdivision thereof, and if no code of fair competition therefor has theretofore been approved by the President, the President, after such public notice and hearing as he shall specify, may prescribe and approve a code of fair competition for such trade or industry or subdivision thereof, which shall have the same effect as a code of fair competition approved by the President under subsection (a) of this section.

Notice and hearing required.

Effect of code.

Importation of competitive articles affecting maintenance of code.

(e) On his own motion, or if any labor organization, or any trade or industrial organization, association, or group, which has complied with the provisions of this title, shall make complaint to the President

that any article or articles are being imported into the United States in substantial quantities or increasing ratio to domestic production of any competitive article or articles and on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of any code or agreement under this title, the President may cause an immediate investigation to be made by the United States Tariff Commission, which shall give precedence to investigations under this subsection, and if, after such investigation and such public notice and hearing as he shall specify, the President shall find the existence of such facts, he shall, in order to effectuate the policy of this title, direct that the article or articles concerned shall be permitted entry into the United States only upon such terms and conditions and subject to the payment of such fees and to such limitations in the total quantity which may be imported (in the course of any specified period or periods) as he shall find it necessary to prescribe in order that the entry thereof shall not render or tend to render ineffective any code or agreement made under this title. In order to enforce any limitations imposed on the total quantity of imports, in any specified period or periods, of any article or articles under this subsection, the President may forbid the importation of such article or articles unless the importer shall have first obtained from the Secretary of the Treasury a license pursuant to such regulations as the President may prescribe. Upon information of any action by the President under this subsection the Secretary of the Treasury shall, through the proper officers, permit entry of the article or articles specified only upon such terms and conditions and subject to such fees, to such limitations in the quantity which may be imported, and to such requirements of license, as the President shall have directed. The decision of the President as to facts shall be conclusive. Any condition or limitation of entry under this subsection shall continue in effect until the President shall find and inform the Secretary of the Treasury that the conditions which led to the imposition of such condition or limitation upon entry no longer exists.

(f) When a code of fair competition has been approved or prescribed by the President under this title, any violation of any provision thereof in any transaction in or affecting interstate or foreign commerce shall be a misdemeanor and upon conviction thereof an offender shall be fined not more than \$500 for each offense, and each day such violation continues shall be deemed a separate offense.

AGREEMENTS AND LICENSES

SEC. 4. (a) The President is authorized to enter into agreements with, and to approve voluntary agreements between and among, persons engaged in a trade or industry, labor organizations, and trade or industrial organizations, associations, or groups, relating to any trade or industry, if in his judgment such agreements will aid in effectuating the policy of this title with respect to transactions in or affecting interstate or foreign commerce, and will be consistent with the requirements of clause (2) of subsection (a) of section 3 for a code of fair competition.

(b) Whenever the President shall find that destructive wage or price cutting or other activities contrary to the policy of this title are being practiced in any trade or industry or any subdivision thereof, and, after such public notice and hearing as he shall specify, shall find it essential to license business enterprises in order to make effective a code of fair competition or an agreement under this title or otherwise to effectuate the policy of this title, and shall publicly

Investigation by Tariff Commission.

Notice and hearing.

President to prescribe terms, etc., for admission of articles.

Limitation of total admitted quantity.

President may forbid importations unless importer license obtained.

Administration of terms, etc., imposed by President.

Decision conclusive.

Conditions and limitations, effective period.

Violations of provisions of code.

Penalty.

Agreements and licenses.

Authority of President to enter trade agreements.

Ante, p. 196.

Licenses. Issue of, to business enterprises when unfair practices in trade or industry.

Engaging in business without license prohibited.

Revocation of license.

Finality of revoking order.

Penalty for violation.

Expiration of authority.

Ante, p. 196.

Antitrust laws not applicable to codes, agreements, etc.

Businesses exempt. Limitations upon application of title.

so announce, no person shall, after a date fixed in such announcement, engage in or carry on any business, in or affecting interstate or foreign commerce, specified in such announcement, unless he shall have first obtained a license issued pursuant to such regulations as the President shall prescribe. The President may suspend or revoke any such license, after due notice and opportunity for hearing, for violations of the terms or conditions thereof. Any order of the President suspending or revoking any such license shall be final if in accordance with law. Any person who, without such a license or in violation of any condition thereof, carries on any such business for which a license is so required, shall, upon conviction thereof, be fined not more than \$500, or imprisoned not more than six months, or both, and each day such violation continues shall be deemed a separate offense. Notwithstanding the provisions of section 2 (c), this subsection shall cease to be in effect at the expiration of one year after the date of enactment of this Act or sooner if the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 1 has ended.

SEC. 5. While this title is in effect (or in the case of a license, while section 4 (a) is in effect) and for sixty days thereafter, any code, agreement, or license approved, prescribed, or issued and in effect under this title, and any action complying with the provisions thereof taken during such period, shall be exempt from the provisions of the antitrust laws of the United States.

Nothing in this Act, and no regulation thereunder, shall prevent an individual from pursuing the vocation of manual labor and selling or trading the products thereof; nor shall anything in this Act, or regulation thereunder, prevent anyone from marketing or trading the produce of his farm.

LIMITATIONS UPON APPLICATION OF TITLE

Statements of trade, etc., associations before benefits to accrue.

SEC. 6. (a) No trade or industrial association or group shall be eligible to receive the benefit of the provisions of this title until it files with the President a statement containing such information relating to the activities of the association or group as the President shall by regulation prescribe.

Rules and regulations.

(b) The President is authorized to prescribe rules and regulations designed to insure that any organization availing itself of the benefits of this title shall be truly representative of the trade or industry or subdivision thereof represented by such organization. Any organization violating any such rule or regulation shall cease to be entitled to the benefits of this title.

Investigations by Federal Trade Commission.

(c) Upon the request of the President, the Federal Trade Commission shall make such investigations as may be necessary to enable the President to carry out the provisions of this title, and for such purposes the Commission shall have all the powers vested in it with respect of investigations under the Federal Trade Commission Act, as amended.

Conditions required in codes, agreements, and licenses.

SEC. 7. (a) Every code of fair competition, agreement, and license approved, prescribed, or issued under this title shall contain the following conditions: (1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any

company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

(b) The President shall, so far as practicable, afford every opportunity to employers and employees in any trade or industry or subdivision thereof with respect to which the conditions referred to in clauses (1) and (2) of subsection (a) prevail, to establish by mutual agreement, the standards as to the maximum hours of labor, minimum rates of pay, and such other conditions of employment as may be necessary in such trade or industry or subdivision thereof to effectuate the policy of this title; and the standards established in such agreements, when approved by the President, shall have the same effect as a code of fair competition, approved by the President under subsection (a) of section 3.

(c) Where no such mutual agreement has been approved by the President he may investigate the labor practices, policies, wages, hours of labor, and conditions of employment in such trade or industry or subdivision thereof; and upon the basis of such investigations, and after such hearings as the President finds advisable, he is authorized to prescribe a limited code of fair competition fixing such maximum hours of labor, minimum rates of pay, and other conditions of employment in the trade or industry or subdivision thereof investigated as he finds to be necessary to effectuate the policy of this title, which shall have the same effect as a code of fair competition approved by the President under subsection (a) of section 3. The President may differentiate according to experience and skill of the employees affected and according to the locality of employment; but no attempt shall be made to introduce any classification according to the nature of the work involved which might tend to set a maximum as well as a minimum wage.

(d) As used in this title, the term "person" includes any individual, partnership, association, trust, or corporation; and the terms "interstate and foreign commerce" and "interstate or foreign commerce" include, except where otherwise indicated, trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States.

APPLICATION OF AGRICULTURAL ADJUSTMENT ACT

SEC. 8. (a) This title shall not be construed to repeal or modify any of the provisions of title I of the Act entitled "An Act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", approved May 12, 1933; and such title I of said Act approved May 12, 1933, may for all purposes be hereafter referred to as the "Agricultural Adjustment Act."

(b) The President may, in his discretion, in order to avoid conflicts in the administration of the Agricultural Adjustment Act and this title, delegate any of his functions and powers under this title

Employer - employee wage and hours of work agreements.

Effectiveness of approved agreements.
Ante, p. 196.

Code authorized, when mutual agreement not approved.

Effectiveness.

Terms construed.
"Person."
"Interstate and foreign commerce"; "interstate or foreign commerce."

Application of Agricultural Adjustment Act.

Provisions not repealed.

Citation.
Ante, p. 31.

Delegation of functions authorized.

with respect to trades, industries, or subdivisions thereof which are engaged in the handling of any agricultural commodity or product thereof, or of any competing commodity or product thereof, to the Secretary of Agriculture.

Oil regulation.

OIL REGULATION

Regulation of oil-pipe lines.
Executive Orders Nos. 6199, July 11, 1933; 6204, July 14, 1933.
Transportation rates to be fixed.

SEC. 9. (a) The President is further authorized to initiate before the Interstate Commerce Commission proceedings necessary to prescribe regulations to control the operations of oil pipe lines and to fix reasonable, compensatory rates for the transportation of petroleum and its products by pipe lines, and the Interstate Commerce Commission shall grant preference to the hearings and determination of such cases.

Transportation monopolies.
Proceedings against.

(b) The President is authorized to institute proceedings to divorce from any holding company any pipe-line company controlled by such holding company which pipe-line company by unfair practices or by exorbitant rates in the transportation of petroleum or its products tends to create a monopoly.

Prohibition on transportation of oil in interstate, etc., commerce of quantity in excess of State, etc., limitation.
Post, p. 1057.

(c) The President is authorized to prohibit the transportation in interstate and foreign commerce of petroleum and the products thereof produced or withdrawn from storage in excess of the amount permitted to be produced or withdrawn from storage by any State law or valid regulation or order prescribed thereunder, by any board, commission, officer, or other duly authorized agency of a State. Any violation of any order of the President issued under the provisions of this subsection shall be punishable by fine of not to exceed \$1,000, or imprisonment for not to exceed six months, or both.

Penalty.

RULES AND REGULATIONS

Rules and regulations.
Prescribed by President.

SEC. 10. (a) The President is authorized to prescribe such rules and regulations as may be necessary to carry out the purposes of this title, and fees for licenses and for filing codes of fair competition and agreements, and any violation of any such rule or regulation shall be punishable by fine of not to exceed \$500, or imprisonment for not to exceed six months, or both.

Penalty for violations.

(b) The President may from time to time cancel or modify any order, approval, license, rule, or regulation issued under this title; and each agreement, code of fair competition, or license approved, prescribed, or issued under this title shall contain an express provision to that effect.

Amendment of orders.

TITLE II—PUBLIC WORKS AND CONSTRUCTION PROJECTS.

TITLE II—PUBLIC WORKS AND CONSTRUCTION PROJECTS

FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

Federal Emergency Administration of Public Works.

SECTION 201. (a) To effectuate the purposes of this title, the President is hereby authorized to create a Federal Emergency Administration of Public Works, all the powers of which shall be exercised by a Federal Emergency Administrator of Public Works (hereafter referred to as the "Administrator"), and to establish such agencies, to accept and utilize such voluntary and uncompensated services, to appoint, without regard to the civil service laws, such officers and employees, and to utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees as he may find necessary, to prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed. The President may dele-

Establishment authorized.

Post, p. 351.

Appointments.

Duties to be prescribed.

gate any of his functions and powers under this title to such officers, agents, and employees as he may designate or appoint.

(b) The Administrator may, without regard to the civil service laws or the Classification Act of 1923, as amended, appoint and fix the compensation of such experts and such other officers and employees as are necessary to carry out the provisions of this title; and may make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for law books and books of reference, and for paper, printing and binding) as are necessary to carry out the provisions of this title.

(c) All such compensation, expenses, and allowances shall be paid out of funds made available by this Act.

(d) After the expiration of two years after the date of the enactment of this Act, or sooner if the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 1 has ended, the President shall not make any further loans or grants or enter upon any new construction under this title, and any agencies established hereunder shall cease to exist and any of their remaining functions shall be transferred to such departments of the Government as the President shall designate: *Provided*, That he may issue funds to a borrower under this title prior to January 23, 1939, under the terms of any agreement, or any commitment to bid upon or purchase bonds, entered into with such borrower prior to the date of termination, under this section, of the power of the President to make loans.

SEC. 202. The Administrator, under the direction of the President, shall prepare a comprehensive program of public works, which shall include among other things the following: (a) Construction, repair, and improvement of public highways and park ways, public buildings, and any publicly owned instrumentalities and facilities; (b) conservation and development of natural resources, including control, utilization, and purification of waters, prevention of soil or coastal erosion, development of water power, transmission of electrical energy, and construction of river and harbor improvements and flood control and also the construction of any river or drainage improvement required to perform or satisfy any obligation incurred by the United States through a treaty with a foreign Government heretofore ratified and to restore or develop for the use of any State or its citizens water taken from or denied to them by performance on the part of the United States of treaty obligations heretofore assumed: *Provided*, That no river or harbor improvements shall be carried out unless they shall have heretofore or hereafter been adopted by the Congress or are recommended by the Chief of Engineers of the United States Army; (c) any projects of the character heretofore constructed or carried on either directly by public authority or with public aid to serve the interests of the general public; (d) construction, reconstruction, alteration, or repair under public regulation or control of low-cost housing and slum-clearance projects; (e) any project (other than those included in the foregoing classes) of any character heretofore eligible for loans under subsection (a) of section 201 of the Emergency Relief and Construction Act of 1932, as amended, and paragraph (3) of such subsection (a) shall for such purposes be held to include loans for the construction or completion of hospitals the operation of which is partly financed from public funds, and of reservoirs and pumping plants and for the construction of dry docks; and if in the opinion of the President it seems desirable, the construction of naval vessels within the terms and/or limits established by the London Naval Treaty of 1930 and of aircraft required therefor and construction of heavier-than-air

Appointment of experts.

Compensation.

Expenditures.

Printing and binding.

Funds available.

Termination of power.

Transfer of agencies.

Proviso.
Issue of funds prior to January 23, 1939.

Program of public works to be prepared.
Projects included.

Construction under treaty obligations.

Provisos.
River and harbor improvements.

Approval required.

Vol. 47, p. 711.

Construction of naval vessels.

Vol. 46, p. 2858.

Aircraft. aircraft and technical construction for the Army Air Corps and such Army housing projects as the President may approve, and provision of original equipment for the mechanization or motorization of such Army tactical units as he may designate: *Provided, however,* That in the event of an international agreement for the further limitation of armament, to which the United States is signatory, the President is hereby authorized and empowered to suspend, in whole or in part, any such naval or military construction or mechanization and motorization of Army units: *Provided further,* That this title shall not be applicable to public works under the jurisdiction or control of the Architect of the Capitol or of any commission or committee for which such Architect is the contracting and/or executive officer.

Army housing projects, etc.

Provisos.
Suspension of naval and military construction.

Construction under Architect of the Capitol.

Unemployment relief.

Agencies to be created.

Construction of public works project.

Grants to States.

Limit.

Acquisition of property.

Sales.

Provisos.
Use of proceeds.

Post, p. 206.

Railroad maintenance.

Library of Congress. Annex construction. Vol. 46, p. 583.

Balance of State, etc., revenues and expenditures.

Applicability of provisions.

Travel expenses.

Personal services.

SEC. 203. (a) With a view to increasing employment quickly (while reasonably securing any loans made by the United States) the President is authorized and empowered, through the Administrator or through such other agencies as he may designate or create, (1) to construct, finance, or aid in the construction or financing of any public-works project included in the program prepared pursuant to section 202; (2) upon such terms as the President shall prescribe, to make grants to States, municipalities, or other public bodies for the construction, repair, or improvement of any such project, but no such grant shall be in excess of 30 per centum of the cost of the labor and materials employed upon such project; (3) to acquire by purchase, or by exercise of the power of eminent domain, any real or personal property in connection with the construction of any such project, and to sell any security acquired or any property so constructed or acquired or to lease any such property with or without the privilege of purchase: *Provided,* That all moneys received from any such sale or lease or the repayment of any loan shall be used to retire obligations issued pursuant to section 209 of this Act, in addition to any other moneys required to be used for such purpose; (4) to aid in the financing of such railroad maintenance and equipment as may be approved by the Interstate Commerce Commission as desirable for the improvement of transportation facilities; and (5) to advance, upon request of the Commission having jurisdiction of the project, the unappropriated balance of the sum authorized for carrying out the provisions of the Act entitled "An Act to provide for the construction and equipment of an annex to the Library of Congress", approved June 13, 1930 (46 Stat. 583); such advance to be expended under the direction of such Commission and in accordance with such Act: *Provided,* That in deciding to extend any aid or grant hereunder to any State, county, or municipality the President may consider whether action is in process or in good faith assured therein reasonably designed to bring the ordinary current expenditures thereof within the prudently estimated revenues thereof. The provisions of this section and section 202 shall extend to public works in the several States, Hawaii, Alaska, the District of Columbia, Puerto Rico, the Canal Zone, and the Virgin Islands.

(b) All expenditures for authorized travel by officers and employees, including subsistence, required on account of any Federal public-works projects, shall be charged to the amounts allocated to such projects, notwithstanding any other provisions of law; and there is authorized to be employed such personal services in the District of Columbia and elsewhere as may be required to be engaged upon such work and to be in addition to employees otherwise provided for, the compensation of such additional personal services to be a charge against the funds made available for such construction work.

(c) In the acquisition of any land or site for the purposes of Federal public buildings and in the construction of such buildings provided for in this title, the provisions contained in sections 305 and 306 of the Emergency Relief and Construction Act of 1932, as amended, shall apply.

Provisions applicable to site acquisitions for public buildings.
Vol. 47, pp. 722, 724.

(d) The President, in his discretion, and under such terms as he may prescribe, may extend any of the benefits of this title to any State, county, or municipality notwithstanding any constitutional or legal restriction or limitation on the right or power of such State, county, or municipality to borrow money or incur indebtedness.

Extension of benefits to States, etc.

SEC. 204. (a) For the purpose of providing for emergency construction of public highways and related projects, the President is authorized to make grants to the highway departments of the several States in an amount not less than \$400,000,000, to be expended by such departments in accordance with the provisions of the Federal Highway Act, approved November 9, 1921, as amended and supplemented, except as provided in this title, as follows:

Grants to State highway departments.
Post, p. 993.
Limit.
Vol. 42, p. 212.

(1) For expenditure in emergency construction on the Federal aid highway system and extensions thereof into and through municipalities. The amount apportioned to any State under this paragraph may be used to pay all or any part of the cost of surveys, plans, and of highway and bridge construction including the elimination of hazards to highway traffic, such as the separation of grades at crossing, the reconstruction of existing railroad grade crossing structures, the relocation of highways to eliminate railroad crossings, the widening of narrow bridges and roadways, the building of footpaths, the replacement of unsafe bridges, the construction of routes to avoid congested areas, the construction of facilities to improve accessibility and the free flow of traffic, and the cost of any other construction that will provide safer traffic facilities or definitely eliminate existing hazards to pedestrian or vehicular traffic. No funds made available by this title shall be used for the acquisition of any land, right of way, or easement in connection with any railroad grade elimination project.

Emergency construction on Federal aid highway systems.
Apportionment of amount.
Post, pp. 996, 1057.

(2) For expenditure in emergency construction on secondary or feeder roads to be agreed upon by the State highway departments and the Secretary of Agriculture: *Provided*, That the State or responsible political subdivision shall provide for the proper maintenance of said roads. Such grants shall be available for payment of the full cost of surveys, plans, improvement, and construction of secondary or feeder roads, on which projects shall be submitted by the State highway department and approved by the Secretary of Agriculture.

Use of funds for land acquisitions, etc., denied.

Emergency construction feeder roads.

Proviso.
Maintenance to be provided.
Availability of funds.

(b) Any amounts allocated by the President for grants under subsection (a) of this section shall be apportioned among the several States seven-eighths in accordance with the provisions of section 21 of the Federal Highway Act, approved November 9, 1921, as amended and supplemented (which Act is hereby further amended for the purposes of this title to include the District of Columbia), and one-eighth in the ratio which the population of each State bears to the total population of the United States, according to the latest decennial census and shall be available on July 1, 1933, and shall remain available until expended; but no part of the funds apportioned to any State need be matched by the State, and such funds may also be used in lieu of State funds to match unobligated balances of previous apportionments of regular Federal-aid appropriations.

Apportionment of funds among States.

Vol. 42, p. 217.

Amended to include the District of Columbia.

Matching of funds by States not required.

Provisions of contracts involving expenditure of funds.

(c) All contracts involving the expenditure of such grants shall contain provisions establishing minimum rates of wages, to be predetermined by the State highway department, which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals for bids for the work.

Limitations of Federal Highway Act not applicable.

(d) In the expenditure of such amounts, the limitations in the Federal Highway Act, approved November 9, 1921, as amended and supplemented, upon highway construction, reconstruction, and bridges within municipalities and upon payments per mile which may be made from Federal funds, shall not apply.

Terms construed.
"State."
"Highway."
Vol. 42, p. 212.

(e) As used in this section the term "State" includes the Territory of Hawaii and the District of Columbia. The term "highway" as defined in the Federal Highway Act approved November 9, 1921, as amended and supplemented, for the purposes of this section, shall be deemed to include such main parkways as may be designated by the State and approved by the Secretary of Agriculture as part of the Federal-aid highway system.

Agreement for rights of way over Federal property.

(f) Whenever, in connection with the construction of any highway project under this section or section 202 of this Act, it is necessary to acquire rights of way over or through any property or tracts of land owned and controlled by the Government of the United States, it shall be the duty of the proper official of the Government of the United States having control of such property or tracts of land with the approval of the President and the Attorney General of the United States, and without any expense whatsoever to the United States, to perform any acts and to execute any agreements necessary to grant the rights of way so required, but if at any time the land or the property the subject of the agreement shall cease to be used for the purposes of the highway, the title in and the jurisdiction over the land or property shall automatically revert to the Government of the United States and the agreement shall so provide.

Approval of President and Attorney General.

Reversion for non-user.

(g) Hereafter in the administration of the Federal Highway Act, and Acts amendatory thereof or supplementary thereto, the first paragraph of section 9 of said Act shall not apply to publicly owned toll bridges or approaches thereto, operated by the highway department of any State, subject, however, to the condition that all tolls received from the operation of any such bridge, less the actual cost of operation and maintenance, shall be applied to the repayment of the cost of its construction or acquisition, and when the cost of its construction or acquisition shall have been repaid in full, such bridge thereafter shall be maintained and operated as a free bridge.

Tolls.
Vol. 42, p. 214.
Collection of, authorized.

Condition.

Tolls to be applied to repayment of construction costs.

SEC. 205. (a) Not less than \$50,000,000 of the amount made available by this Act shall be allotted for (A) national forest highways, (B) national forest roads, trails, bridges, and related projects, (C) national park roads and trails in national parks owned or authorized, (D) roads on Indian reservations, and (E) roads through public lands, to be expended in the same manner as provided in paragraph (2) of section 301 of the Emergency Relief and Construction Act of 1932, in the case of appropriations allocated for such purposes, respectively, in such section 301, to remain available until expended.

Amount available for national forest highways, trails, etc.

National park roads.
Roads on Indian reservations.
Through public lands.
Expenditures.
Vol. 47, p. 717.

Construction, Territories and Insular possessions.

(b) The President may also allot funds made available by this Act for the construction, repair, and improvement of public highways in Alaska, the Canal Zone, Puerto Rico, and the Virgin Islands.

Contract provisions.

SEC. 206. All contracts let for construction projects and all loans and grants pursuant to this title shall contain such provisions as are necessary to insure (1) that no convict labor shall be employed on any such project; (2) that (except in executive, administrative,

Convict labor.

Thirty-hour week.

and supervisory positions), so far as practicable and feasible, no individual directly employed on any such project shall be permitted to work more than thirty hours in any one week; (3) that all employees shall be paid just and reasonable wages which shall be compensation sufficient to provide, for the hours of labor as limited, a standard of living in decency and comfort; (4) that in the employment of labor in connection with any such project, preference shall be given, where they are qualified, to ex-service men with dependents, and then in the following order: (A) To citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona fide residents of the political subdivision and/or county in which the work is to be performed, and (B) to citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona fide residents of the State, Territory, or district in which the work is to be performed: *Provided*, That these preferences shall apply only where such labor is available and qualified to perform the work to which the employment relates; and (5) that the maximum of human labor shall be used in lieu of machinery wherever practicable and consistent with sound economy and public advantage.

SEC. 207. (a) For the purpose of expediting the actual construction of public works contemplated by this title and to provide a means of financial assistance to persons under contract with the United States to perform such construction, the President is authorized and empowered, through the Administrator or through such other agencies as he may designate or create, to approve any assignment executed by any such contractor, with the written consent of the surety or sureties upon the penal bond executed in connection with his contract, to any national or State bank, or his claim against the United States, or any part of such claim, under such contract; and any assignment so approved shall be valid for all purposes, notwithstanding the provisions of sections 3737 and 3477 of the Revised Statutes, as amended.

(b) The funds received by a contractor under any advances made in consideration of any such assignment are hereby declared to be trust funds in the hands of such contractor to be first applied to the payment of claims of subcontractors, architects, engineers, surveyors, laborers, and material men in connection with the project, to the payment of premiums on the penal bond or bonds, and premiums accruing during the construction of such project on insurance policies taken in connection therewith. Any contractor and any officer, director, or agent of any such contractor, who applies, or consents to the application of, such funds for any other purpose and fails to pay any claim or premium hereinbefore mentioned, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

(c) Nothing in this section shall be considered as imposing upon the assignee any obligation to see to the proper application of the funds advanced by the assignee in consideration of such assignment.

SUBSISTENCE HOMESTEADS

SEC. 208. To provide for aiding the redistribution of the overbalance of population in industrial centers \$25,000,000 is hereby made available to the President, to be used by him through such agencies as he may establish and under such regulations as he may make, for making loans for and otherwise aiding in the purchase of subsistence homesteads. The moneys collected as repayment of said loans shall

Wage scales.

Preferences.

Proviso.
When preferences applicable.

Use of human labor.

Assignments by contractor authorized.

Approval required.
Consent of sureties.

R. S., secs. 3477, 3737,
pp. 689, 737.
U. S. C., pp. 987, 1310.

Funds received in consideration of assignment to be trust funds.

Penalty for misapplication.

Assignee not liable.

Subsistence homesteads.

Executive Order number 6209, July 21, 1933.

Loans for purchase of, authorized.
Amount available.

Repayments to constitute revolving fund.

constitute a revolving fund to be administered as directed by the President for the purposes of this section.

RULES AND REGULATIONS

Rules and regulations to be prescribed. Penalty for violations.

SEC. 209. The President is authorized to prescribe such rules and regulations as may be necessary to carry out the purposes of this title, and any violation of any such rule or regulation shall be punishable by fine of not to exceed \$500 or imprisonment not to exceed six months, or both.

Issue of securities and sinking fund.

ISSUE OF SECURITIES AND SINKING FUND

Power of Secretary of Treasury to borrow. Vol. 40, p. 288.

SEC. 210. (a) The Secretary of the Treasury is authorized to borrow, from time to time, under the Second Liberty Bond Act, as amended, such amounts as may be necessary to meet the expenditures authorized by this Act, or to refund any obligations previously issued under this section, and to issue therefor bonds, notes, certificates of indebtedness, or Treasury bills of the United States.

Additional amount annually appropriated. Vol. 40, p. 1311.

(b) For each fiscal year beginning with the fiscal year 1934 there is hereby appropriated, in addition to and as part of, the cumulative sinking fund provided by section 6 of the Victory Liberty Loan Act, as amended, out of any money in the Treasury not otherwise appropriated, for the purpose of such fund, an amount equal to $2\frac{1}{2}$ per centum of the aggregate amount of the expenditures made out of appropriations made or authorized under this Act as determined by the Secretary of the Treasury.

Reemployment and relief taxes.

REEMPLOYMENT AND RELIEF TAXES

Revenue Act of 1932. Vol. 47, p. 266. Gasoline tax.

SEC. 211. (a) Effective as of the day following the date of the enactment of this Act, section 617 (a) of the Revenue Act of 1932 is amended by striking out "1 cent" and inserting in lieu thereof " $1\frac{1}{2}$ cents".

Terms construed. "Benzol."

(b) Effective as of the day following the date of the enactment of this Act, section 617 (c) (2) of such Act is amended by adding at the end thereof a new sentence to read as follows: "As used in this paragraph the term 'benzol' does not include benzol sold for use otherwise than as a fuel for the propulsion of motor vehicles, motor boats, or airplanes, and otherwise than in the manufacture or production of such fuel."

Title IV—Manufacturers' excise tax. Vol. 47, p. 259. Title V—Miscellaneous taxes. Vol. 47, p. 270.

SEC. 212. Titles IV and V of the Revenue Act of 1932 are amended by striking out "1934" wherever appearing therein and by inserting in lieu thereof "1935". Section 761 of the Revenue Act of 1932 is further amended by striking out "and on July 1, 1933" and inserting in lieu thereof "and on July 1, 1933, and on July 1, 1934,".

Tax on dividends. Vol. 47, p. 178.

SEC. 213. (a) There is hereby imposed upon the receipt of dividends (required to be included in the gross income of the recipient under the provisions of the Revenue Act of 1932) by any person other than a domestic corporation, an excise tax equal to 5 per centum of the amount thereof, such tax to be deducted and withheld from such dividends by the payor corporation. The tax imposed by this section shall not apply to dividends declared before the date of the enactment of this Act.

Returns of withholding corporation.

(b) Every corporation required to deduct and withhold any tax under this section shall, on or before the last day of the month following the payment of the dividend, make return thereof and pay the tax to the collector of the district in which its principal place of business is located, or, if it has no principal place of business in the United States, to the collector at Baltimore, Maryland.

(c) Every such corporation is hereby made liable for such tax and is hereby indemnified against the claims and demands of any person for the amount of any payment made in accordance with the provisions of this section.

(d) The provisions of sections 115, 771 to 774, inclusive, and 1111 of the Revenue Act of 1932 shall be applicable with respect to the tax imposed by this section.

(e) The taxes imposed by this section shall not apply to the dividends of any corporation enumerated in section 103 of the Revenue Act of 1932.

SEC. 214. Section 104 of the Revenue Act of 1932 is amended by striking out the words "the surtax" wherever occurring in such section and inserting in lieu thereof "any internal-revenue tax." The heading of such section is amended by striking out "surtaxes" and inserting in lieu thereof "internal-revenue taxes." Section 13(c) of such Act is amended by striking out "surtax" and inserting in lieu thereof "internal-revenue tax."

SEC. 215. (a) For each year ending June 30 there is hereby imposed upon every domestic corporation with respect to carrying on or doing business for any part of such year an excise tax of \$1 for each \$1,000 of the adjusted declared value of its capital stock.

(b) For each year ending June 30 there is hereby imposed upon every foreign corporation with respect to carrying on or doing business in the United States for any part of such year an excise tax equivalent to \$1 for each \$1,000 of the adjusted declared value of capital employed in the transaction of its business in the United States.

(c) The taxes imposed by this section shall not apply—

(1) to any corporation enumerated in section 103 of the Revenue Act of 1932;

(2) to any insurance company subject to the tax imposed by section 201 or 204 of such Act;

(3) to any domestic corporation in respect of the year ending June 30, 1933, if it did not carry on or do business during a part of the period from the date of the enactment of this Act to June 30, 1933, both dates inclusive; or

(4) to any foreign corporation in respect of the year ending June 30, 1933, if it did not carry on or do business in the United States during a part of the period from the date of the enactment of this Act to June 30, 1933, both dates inclusive.

(d) Every corporation liable for tax under this section shall make a return under oath within one month after the close of the year with respect to which such tax is imposed to the collector for the district in which is located its principal place of business or, if it has no principal place of business in the United States, then to the collector at Baltimore, Maryland. Such return shall contain such information and be made in such manner as the Commissioner with the approval of the Secretary may by regulations prescribe. The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector before the expiration of the period for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 1 per centum a month from the time when the tax became due until paid. All provisions of law (including penalties) applicable in respect of the taxes imposed by section 600 of the Revenue Act of 1926 shall, in so far as not inconsistent with this section, be applicable in respect of the taxes imposed by this section. The Commissioner may extend the time for making the returns and paying the taxes

Liability of corporation.

Provisions of Revenue Act of 1932, applicable.
Vol. 47, pp. 203, 277, 289.

Dividends not taxed.
Vol. 47, p. 193.
Vol. 47, p. 195.

Accumulation of surplus to evade any internal-revenue tax.
Vol. 47, p. 177.

Tax on domestic corporations.

Post, p. 771.

Foreign corporations.

Corporations to which not applicable.
Vol. 47, p. 193.

Vol. 47, pp. 223, 225.

Returns of corporations.

Contents.

When tax payable.

Interest rate, if not paid when due.

Penalty provisions.
Vol. 44, p. 93.

Extension of time for making returns.

Limit. imposed by this section, under such rules and regulations as he may prescribe with the approval of the Secretary, but no such extension shall be for more than sixty days.

Inspection of returns. (e) Returns required to be filed for the purpose of the tax imposed by this section shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns made under title II of the Revenue Act of 1926.

Vol. 44, p. 10.

Adjusted declared value. Computation of, first year.

(f) For the first year ending June 30 in respect of which a tax is imposed by this section upon any corporation, the adjusted declared value shall be the value, as declared by the corporation in its first return under this section (which declaration of value cannot be amended), as of the close of its last income-tax taxable year ending at or prior to the close of the year for which the tax is imposed by this section (or as of the date of organization in the case of a corporation having no income-tax taxable year ending at or prior to the close of the year for which the tax is imposed by this section). For any subsequent year ending June 30, the adjusted declared value in the case of a domestic corporation shall be the original declared value plus (1) the cash and fair market value of property paid in for stock or shares, (2) paid-in surplus and contributions to capital, and (3) earnings and profits, and minus (A) the value of property distributed in liquidation to shareholders, (B) distributions of earnings and profits, and (C) deficits, whether operating or nonoperating; each adjustment being made for the period from the date as of which the original declared value was declared to the close of its last income-tax taxable year ending at or prior to the close of the year for which the tax is imposed by this section. For any subsequent year ending June 30, the adjusted declared value in the case of a foreign corporation shall be the original declared value adjusted, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, to reflect increases or decreases (for the period specified in the preceding sentence) in the capital employed in the transaction of its business in the United States.

Subsequent years. Domestic corporation.

Adjusted declared value, foreign corporations.

Meaning of terms.

(g) The terms used in this section shall have the same meaning as when used in the Revenue Act of 1932.

Tax on net income of corporations. Computation of.

Post, p. 771.

SEC. 216. (a) There is hereby imposed upon the net income of every corporation, for each income-tax taxable year ending after the close of the first year in respect of which it is taxable under section 215, an excess-profits tax equivalent to 5 per centum of such portion of its net income for such income-tax taxable year as is in excess of 12½ per centum of the adjusted declared value of its capital stock (or in the case of a foreign corporation the adjusted declared value of capital employed in the transaction of its business in the United States) as of the close of the preceding income-tax taxable year (or as of the date of organization if it had no preceding income-tax taxable year) determined as provided in section 215. The terms used in this section shall have the same meaning as when used in the Revenue Act of 1932.

Ante, p. 207.

Meaning of terms.

Assessment and collection of taxes. Vol. 47, p. 173.

(b) The tax imposed by this section shall be assessed, collected, and paid in the same manner, and shall be subject to the same provisions of law (including penalties), as the taxes imposed by title I of the Revenue Act of 1932.

Proclamations. Revenues of United States exceed expenditures. Post, p. 1720.

SEC. 217. (a) The President shall proclaim the date of—

(1) the close of the first fiscal year ending June 30 of any year after the year 1933, during which the total receipts of the United States (excluding public-debt receipts) exceed its total expenditures (excluding public-debt expenditures other than those chargeable against such receipts), or

(2) the repeal of the eighteenth amendment to the Constitution, whichever is the earlier.

Repeal of eighteenth amendment.
Post, p. 1720.

(b) Effective as of the 1st day of the calendar year following the date so proclaimed section 617(a) of the Revenue Act of 1932, as amended, is amended by striking out "1½ cents" and inserting in lieu thereof "1 cent".

Tax reductions.
Vol. 47, p. 266.

(c) The tax on dividends imposed by section 213 shall not apply to any dividends declared on or after the 1st day of the calendar year following the date so proclaimed.

Ante, p. 206.

(d) The capital-stock tax imposed by section 215 shall not apply to any taxpayer in respect of any year beginning on or after the 1st day of July following the date so proclaimed.

Ante, p. 207; post, p. 771.

(e) The excess-profits tax imposed by section 216 shall not apply to any taxpayer in respect of any taxable year after its taxable year during which the date so proclaimed occurs.

Ante, p. 208; post, p. 771.

SEC. 218. (a) Effective as of January 1, 1933, sections 117, 23(i), 169, 187, and 205 of the Revenue Act of 1932 are repealed.

Sections repealed.
Vol. 47, pp. 180, 207, 222, 223, 227.

(b) Effective as of January 1, 1933, section 23(r) (2) of the Revenue Act of 1932 is repealed.

Vol. 47, p. 183.

(c) Effective as of January 1, 1933, section 23(r) (3) of the Revenue Act of 1932 is amended by striking out all after the word "Territory" and inserting a period.

Section amended.
Vol. 47, p. 183.

(d) Effective as of January 1, 1933, section 182(a) of the Revenue Act of 1932 is amended by inserting at the end thereof a new sentence as follows: "No part of any loss disallowed to a partnership as a deduction by section 23(r) shall be allowed as a deduction to a member of such partnership in computing net income."

Vol. 47, p. 222.

Vol. 47, p. 183.

(e) Effective as of January 1, 1933, section 141(c) of the Revenue Act of 1932 is amended by striking out "except that for the taxable years 1932 and 1933 there shall be added to the rate of tax prescribed by sections 13(a), 201(b), and 204(a), a rate of three fourths of 1 per centum" and inserting in lieu thereof the following: "except that for the taxable years 1932 and 1933 there shall be added to the rate of tax prescribed by sections 13(a), 201(b), and 204(a), a rate of three fourths of 1 per centum and except that for the taxable years 1934 and 1935 there shall be added to the rate of tax prescribed by sections 13(a), 201(b), and 204(a), a rate of 1 per centum".

Vol. 47, p. 213.
Consolidated returns of corporations.

(f) No interest shall be assessed or collected for any period prior to September 15, 1933, upon such portion of any amount determined as a deficiency in income taxes as is attributable solely to the amendments made to the Revenue Act of 1932 by this section.

Assessment, etc., of interest prior to September 15, 1933.

(g) In cases where the effect of this section is to require for a taxable year ending prior to June 30, 1933, the making of an income-tax return not otherwise required by law, the time for making the return and paying the tax shall be the same as if the return was for a fiscal year ending June 30, 1933.

Time for making return hereunder.

(h) Section 55 of the Revenue Act of 1932 is amended by inserting before the period at the end thereof a semicolon and the following: "and all returns made under this Act after the date of enactment of the National Industrial Recovery Act shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President".

Revenue Act of 1932, amendment.
Vol. 47, p. 189.
Inspection of returns.

SEC. 219. Section 500 (a) (1) of the Revenue Act of 1926, as amended, is amended by striking out the period at the end of the second sentence thereof and inserting in lieu thereof a comma and the following: "except that no tax shall be imposed in the case of persons admitted free to any spoken play (not a mechanical repro-

Vol. 44, p. 91; Vol. 45, p. 863.
Tax on admissions and dues.

duction), whether or not set to music or with musical parts or accompaniments, which is a consecutive narrative interpreted by a single set of characters, all necessary to the development of the plot, in two or more acts, the performance consuming more than 1 hour and 45 minutes of time."

APPROPRIATION

Appropriations.
Post, pp. 275, 1055.

Amount.
Allocation.

Agricultural Adjust-
ment Act.
Amte, p. 34.

Cotton sales.
Provisos.
Total disposition by
March 1, 1936.

Option contracts of
sale authorized.

Information pertain-
ing to administration
of Act.

SEC. 220. For the purposes of this Act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,300,000,000. The President is authorized to allocate so much of said sum, not in excess of \$100,000,000, as he may determine to be necessary for expenditures in carrying out the Agricultural Adjustment Act and the purposes, powers, and functions heretofore and hereafter conferred upon the Farm Credit Administration.

SEC. 221. Section 7 of the Agricultural Adjustment Act, approved May 12, 1933, is amended by striking out all of its present terms and provisions and substituting therefor the following:

"SEC. 7. The Secretary shall sell the cotton held by him at his discretion, but subject to the foregoing provisions: *Provided*, That he shall dispose of all cotton held by him by March 1, 1936: *Provided further*, That notwithstanding the provisions of section 6, the Secretary shall have authority to enter into option contracts with producers of cotton to sell to the producers such cotton held by him, in such amounts and at such prices and upon such terms and conditions as the Secretary may deem advisable, in combination with rental or benefit payments provided for in part 2 of this title.

"Notwithstanding any provisions of existing law, the Secretary of Agriculture may in the administration of the Agricultural Adjustment Act make public such information as he deems necessary in order to effectuate the purposes of such Act."

TITLE III—AMEND-
MENTS TO EMERGENCY
RELIEF AND CONSTRU-
CTION ACT—MISCELLANEOUS
PROVISIONS.

TITLE III—AMENDMENTS TO EMERGENCY RELIEF AND CONSTRUCTION ACT AND MISCELLANEOUS PROVISIONS

Applications for loans
to Reconstruction Fi-
nance Corporation.
Vol. 47, p. 711.
Administrator to
have access to files, etc.
Post, p. 1110.

Proviso.
Issue of funds to
borrower.

SECTION 301. After the expiration of ten days after the date upon which the Administrator has qualified and taken office, (1) no application shall be approved by the Reconstruction Finance Corporation under the provisions of subsection (a) of section 201 of the Emergency Relief and Construction Act of 1932, as amended, and (2) the Administrator shall have access to all applications, files, and records of the Reconstruction Finance Corporation relating to loans and contracts and the administration of funds under such subsection: *Provided*, That the Reconstruction Finance Corporation may issue funds to a borrower under such subsection (a) prior to January 23, 1939, under the terms of any agreement or any commitment to bid upon or purchase bonds entered into with such borrower pursuant to an application approved prior to the date of termination, under this section, of the power of the Reconstruction Finance Corporation to approve applications.

DECREASE OF BORROWING POWER OF RECONSTRUCTION FINANCE CORPORATION

Decrease of borrow-
ing power of Recon-
struction Finance Cor-
poration.
Vol. 47, p. 9.

SEC. 302. The amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered under section 9 of the Reconstruction Finance Corporation Act, as amended, to have outstanding at any one time is decreased by \$400,000,000.

SEPARABILITY CLAUSE

SEC. 303. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Separability clause.

SHORT TITLE

SEC. 304. This Act may be cited as the "National Industrial Recovery Act."

Short title.

Approved, June 16, 1933, 11:55 a.m.

[CHAPTER 91.]

AN ACT

To relieve the existing national emergency in relation to interstate railroad transportation, and to amend sections 5, 15a, and 19a of the Interstate Commerce Act, as amended.

June 16, 1933.
[S. 1580.]
[Public, No. 68.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Railroad Transportation Act, 1933."

Emergency Railroad Transportation Act, 1933.

TITLE I—EMERGENCY POWERS

TITLE I—Emergency powers.

SECTION 1. As used in this title—

Definitions.

(a) The term "Commission" means the Interstate Commerce Commission.

"Commission."

(b) The term "Coordinator" means the Federal Coordinator of Transportation hereinafter provided for.

"Coordinator."

(c) The term "committee" means any one of the regional coordinating committees hereinafter provided for.

"Committee."

(d) The term "carrier" means any common carrier by railroad subject to the provisions of the Interstate Commerce Act, as amended, including any receiver or trustee thereof.

"Carrier."

(e) The term "subsidiary" means any company which is directly or indirectly controlled by, or affiliated with, any carrier or carriers. For the purpose of the foregoing definition a company shall be deemed to be affiliated with a carrier if so affiliated within the meaning of paragraph (8) of section 5 of the Interstate Commerce Act, as amended by this Act.

"Subsidiary."

(f) The term "employee" includes every person in the service of a carrier (subject to its continuing authority to supervise and direct the manner of rendition of his service) who performs any work defined as that of an employee or subordinate official in accordance with the provisions of the Railway Labor Act.

"Employee."

(g) The term "State commission" means the commission, board, or official, by whatever name designated, exercising power to regulate the rates or service of common carriers by railroad under the laws of any State.

"State commission."

SEC. 2. In order to foster and protect interstate commerce in relation to railroad transportation by preventing and relieving obstructions and burdens thereon resulting from the present acute economic emergency, and in order to safeguard and maintain an adequate national system of transportation, there is hereby created the office of Federal Coordinator of Transportation, who shall be appointed by the President, by and with the advice and consent of the Senate, or be designated by the President from the membership of the Commission. If so designated, the Coordinator shall be relieved from other duties as Commissioner during his term of service to such extent as the

Objects of title declared.

Office of Federal Coordinator of Transportation; created.

Not to serve on Commission of review.

Powers and duties of Coordinator.

Appointment of assistants.

Location, etc., of office.

Compensation; restriction.

Coordinator to divide carriers into three regional groups.

Post, p. 974.

Regional coordinating committees to be created.

Membership.

Selection by carriers; rules governing operation.

Railroad system limited to one representative.

Vote.

Selection of two special members; to represent steam and electric railroads.

Notice of meetings, etc.

Removals and vacancies.

Purposes of title.

Avoid unnecessary duplication, etc.; joint use of tracks and terminals.

Proviso.
Restriction on eliminating existing routes.
Control allowances and accessorial services.

Promote economies.
Financial reorganization of carriers.

President may direct; except that the Coordinator shall not sit as a member of the Commission in any proceedings for the review or suspension of any order issued by him as Coordinator. The Coordinator shall have such powers and duties as are hereinafter set forth and prescribed, and may, with the approval of the President, and without regard to the civil service laws and the Classification Act of 1923, as amended, appoint and fix the compensation of such assistants and agents, in addition to the assistance provided by the Commission, as may be necessary to the performance of his duties under this Act. The office of the Coordinator shall be in Washington, District of Columbia, and the Commission shall provide such office space, facilities, and assistance as he may request and it is able to furnish. The Coordinator shall receive such compensation as the President shall fix, except that if designated from the Commission, he shall receive no compensation in addition to that which he receives as a member of the Commission.

SEC. 3. The Coordinator shall divide the lines of the carriers into three groups, to wit, an eastern group, a southern group, and a western group, and may from time to time make such changes or subdivisions in such groups as he may deem to be necessary or desirable. At the earliest practicable date after the Coordinator shall have initially designated such groups, three regional coordinating committees shall be created, one for each group, and each committee shall consist of five regular members and two special members. The carriers in each group, acting each through its board of directors or its receiver or receivers or trustee or trustees or through an officer or officers designated for the purpose by such board, shall select the regular members of the committee representing that group, and shall prescribe the rules under which such committee shall operate; but no railroad system shall have more than one representative on any such committee. In such selection each carrier shall have a vote in proportion to its mileage lying within the group. The two special members of each committee shall be selected in such manner as the Coordinator may approve, one to represent the steam railroads within the group which had in 1932 railway operating revenues of less than \$1,000,000 and the other to represent electric railways within the group not owned by a steam railroad or operated as a part of a general steam railroad system of transportation. Each such special member shall have reasonable notice of all meetings of his committee at which any matter affecting any carrier which he represents is to be considered, and may participate in the consideration and disposition of such matter. Members of the committees may be removed from office and vacancies may be filled in like manner.

SEC. 4. The purposes of this title are (1) to encourage and promote or require action on the part of the carriers and of subsidiaries subject to the Interstate Commerce Act, as amended, which will (a) avoid unnecessary duplication of services and facilities of whatsoever nature and permit the joint use of terminals and trackage incident thereto or requisite to such joint use: *Provided*, That no routes now existing shall be eliminated except with the consent of all participating lines or upon order of the Coordinator, (b) control allowances, accessorial services and the charges therefor, and other practices affecting service or operation, to the end that undue impairment of net earnings may be prevented, and (c) avoid other wastes and preventable expense; (2) to promote financial reorganization of the carriers, with due regard to legal rights, so as to reduce fixed charges to the extent required by the public inter-

est and improve carrier credit; and (3) to provide for the immediate study of other means of improving conditions surrounding transportation in all its forms and the preparation of plans therefor.

SEC. 5. It shall be the duty of the committees on their own initiative, severally within each group and jointly where more than one group is affected, to carry out the purposes set forth in subdivision (1) of section 4, so far as such action can be voluntarily accomplished by the carriers. In such instances as the committees are unable, for any reason, legal or otherwise, to carry out such purposes by such voluntary action, they shall recommend to the Coordinator that he give appropriate directions to the carriers or subsidiaries subject to the Interstate Commerce Act, as amended, by order; and the Coordinator is hereby authorized and directed to issue and enforce such orders if he finds them to be consistent with the public interest and in furtherance of the purposes of this title.

SEC. 6. (a) The Coordinator shall confer freely with the committees and give them the benefit of his advice and assistance. At his request, the committees, the carriers, the subsidiaries, and the Commission shall furnish him, or his assistants and agents, such information and reports as he may desire in investigating any matter within the scope of his duties under this title; and the Coordinator, his assistants, and agents, and the Commission, shall at all times have access to all accounts, records, and memoranda of the carriers and subsidiaries. If, in any instance, a committee has not acted with respect to any matter which the Coordinator has brought to its attention and upon which he is of the opinion that it should have acted, under the provisions of section 5, he is hereby authorized and directed to issue and enforce such order, giving appropriate directions to the carriers and subsidiaries subject to the Interstate Commerce Act, as amended, with respect to such matter, as he shall find to be consistent with the public interest.

(b) Insofar as may be necessary for the purposes of this title, the Commission and the members and examiners thereof shall have the same power to administer oaths and require by subpoena the attendance and testimony of witnesses and the production of books, papers, tariffs, contracts, agreements, and documents and to take testimony by deposition, relating to any matter under investigation, as though such matter arose under the Interstate Commerce Act, as amended and supplemented; and any person subpoenaed or testifying in connection with any matter under investigation under this title shall have the same rights, privileges, and immunities and be subject to the same duties, liabilities, and penalties as are provided in the case of persons subpoenaed or testifying in connection with any matter under investigation under the Interstate Commerce Act, as amended.

SEC. 7. (a) A labor committee for each regional group of carriers may be selected by those railroad labor organizations which, as representatives duly designated and authorized to act in accordance with the requirements of the Railway Labor Act, entered into the agreements of January 31, 1932, and December 21, 1932, with duly authorized representatives of the carriers, determining the wage payments of the employees of the carriers. A similar labor committee for each regional group of carriers may be selected by such other railroad labor organizations as may be duly designated and authorized to represent employees in accordance with the requirements of the Railway Labor Act. It shall be the duty of the regional coordinating committees and the Coordinator to give reasonable notice to, and to confer with, the appropriate regional labor committee or committees upon the subject matter prior to taking any

Study of conditions for improving transportation.

Post, p. 216.

Provisions of title to be executed by regional committees, etc.

Ante, p. 212.

Authority of Coordinator when committee reports inability to perform.

Committee conferences.

Reports, etc., to be submitted.

Access to accounts, records, etc., of carriers.

Coordinator may act on his own initiative, if committee fails.

Proceedings before Commission.

Attendance of witnesses; production of books, etc.

Penalty provisions.

Labor committees; selection.

Railway labor organizations to represent.

Vol. 44, p. 577.

Committee to represent other organizations.

Labor conferences.

Notice to regional labor committee.

action or issuing any order which will affect the interest of the employees, and to afford the said labor committee or committees reasonable opportunity to present views upon said contemplated action or order.

Reduction in number of employees restricted.

(b) The number of employees in the service of a carrier shall not be reduced by reason of any action taken pursuant to the authority of this title below the number as shown by the pay rolls of employees in service during the month of May, 1933, after deducting the number who have been removed from the pay rolls after the effective date of this Act by reason of death, normal retirements, or resignation, but not more in any one year than 5 per centum of said number in service during May, 1933; nor shall any employee in such service be deprived of employment such as he had during said month of May or be in a worse position with respect to his compensation for such employment, by reason of any action taken pursuant to the authority conferred by this title.

Vacancies caused by death, etc.

Regional boards of adjustment, establishment.

(c) The Coordinator is authorized and directed to establish regional boards of adjustment whenever and wherever action taken pursuant to the authority conferred by this title creates conditions that make necessary such boards of adjustment to settle controversies between carriers and employees. Carriers and their employees shall have equal representation on such boards of adjustment for settlement of such controversies, and said boards shall exercise the functions of boards of adjustment provided for by the Railway Labor Act.

Equality of representation, etc.

Carriers to pay property losses of employees incident to transfers of work.

(d) The Coordinator is authorized and directed to provide means for determining the amount of, and to require the carriers to make just compensation for, property losses and expenses imposed upon employees by reason of transfers of work from one locality to another in carrying out the purposes of this title.

Compliance with Railway Labor and Bankruptcy Acts by carriers required.

(e) Carriers, whether under control of a judge, trustee, receiver, or private management, shall be required to comply with the provisions of the Railway Labor Act and with the provisions of section 77, paragraphs (o), (p), and (q), of the Act approved March 3, 1933, entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States', approved July 1, 1898, and Acts amendatory thereof and supplementary thereto."

Vol. 44, p. 577; Vol. 47, p. 1481.

Orders of Coordinator to be made public.

SEC. 8. Any order issued by the Coordinator pursuant to this title shall be made public in such reasonable manner as he may determine and shall become effective as of such date, not less than twenty days from the date of such publication, as the Coordinator shall prescribe in the order; and such order shall remain in effect until it is vacated by him or suspended or set aside by the Commission or other lawful authority, as hereinafter provided, and such order may include provision for the creation and administration of such just pooling arrangements or for such just compensation for the use of property or for carrier services as he may deem necessary or desirable and in furtherance of the purposes of this title.

Effective date, etc.

Pooling arrangements, etc.

Appeals to Commission.

SEC. 9. Any interested party, including, among others, any carrier, subsidiary, shipper, or employee, or any group of carriers, shippers, or employees, or any State commission, or the Governor of any State, or the official representative or representatives of any political subdivision thereof, dissatisfied with any order of the Coordinator may, at any time prior to the effective date of the order, file a petition with the Commission asking that such order be reviewed and suspended pending such review, and stating fully the reasons therefor. Such petitions shall be governed by such general rules as the Commission may establish. If the Commission, upon considering such

Rules governing.

petition and any answer or answers thereto, finds reason to believe that the order may be unjust to the petitioner or inconsistent with the public interest, the Commission is hereby authorized to grant such review and, in its discretion, the Commission may suspend the order if it finds immediate enforcement thereof would result in irreparable damage to the petitioner or work grave injury to the public interest, but if the Commission suspends an order, it shall expedite the hearing and decision on that order as much as possible. Thereupon the Commission shall, after due notice and a public hearing, review the order and take such action in accord with the purposes of this title as it finds to be just and consistent with the public interest, either confirming the order or setting it aside or reissuing it in modified form, and any order so confirmed or reissued shall thereafter remain in effect until vacated or modified by the Commission.

Review by commission; suspension of order.

SEC. 10. (a) The carriers or subsidiaries subject to the Interstate Commerce Act, as amended, affected by any order of the Coordinator or Commission made pursuant to this title shall, so long as such order is in effect, be, and they are hereby, relieved from the operation of the antitrust laws, as designated in section 1 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, and of all other restraints or prohibitions by law, State or Federal, other than such as are for the protection of the public health or safety, in so far as may be necessary to enable them to do anything authorized or required by such order made pursuant to this title: *Provided, however,* That nothing herein shall be construed to repeal, amend, suspend, or modify any of the requirements of the Railway Labor Act or the duties and obligations imposed thereunder or through contracts entered into in accordance with the provisions of said Act.

Suspension of the antitrust laws, etc. Vol. 33, p. 730.

Protection of public health or safety excepted.

Proviso.
Railway Labor Act not affected. Vol. 44, p. 577.

(b) The Coordinator shall issue no order which shall have the effect of relieving any carrier or subsidiary from the operation of the law of any State or of any order of any State commission until he has advised the State commission of said State, or the Governor of said State if there be no such commission, that such order is in contemplation, and shall afford the State commission or Governor so notified reasonable opportunity to present views and information bearing upon such contemplated order, nor unless such order is necessary, in his opinion, to prevent or remove an obstruction to or a burden upon interstate commerce.

Notification to State of intention to relieve carrier from operation of State law.

Hearings.

SEC. 11. Nothing in this title shall be construed to relieve any carrier from any contractual obligation which it may have assumed, prior to the enactment of this Act, with regard to the location or maintenance of offices, shops, or roundhouses at any point.

Prior contractual obligations continued in force.

SEC. 12. The willful failure or refusal of any carrier or subsidiary or of any officer or employee of any carrier or subsidiary to comply with the terms of any order of the Coordinator or of the Commission made pursuant to this title shall be a misdemeanor, and upon conviction thereof the carrier, subsidiary, or person offending shall be subject to a fine of not less than \$1,000 or more than \$20,000 for each offense, and each day during which such carrier, subsidiary, or person shall willfully fail or refuse to comply with the terms of such order shall constitute a separate offense. It shall be the duty of any district attorney of the United States to whom the Coordinator or the Commission may apply to institute in the proper court and to prosecute under the direction of the Attorney General of the United States all necessary proceedings for the enforcement of the provisions of this title and for the punishment

Penal provisions. Violation of Coordinator's, etc., order.

Penalty. Each day a separate offense.

Prosecution proceedings.

Payment of expenses.

Proviso.
Employee's right to
refuse to render ser-
vices, etc.

Study of means of
improvement, etc., to
be made.

Recommendations to
be submitted.

Transmission to
President, etc.

Expenses of Coordi-
nator.
Ante, p. 211.

Fund, obtained from
assessments on carriers.

Basis of computa-
tion.

Post, p. 954.

Post, p. 217.

Pro rata return of any
balance.

Free transportation,
etc., provided Coordi-
nator, assistants, etc.
Vol. 35, p. 60, waived.

Loans to carriers de-
nied when financial re-
organization essential.
Vol. 47, p. 7.

Proviso.
"Carrier" not to
include receiver, etc.
Court review of or-
ders.

Venue of suits on
orders of Coordinator
or Commission.
Vol. 33, p. 219,
amended.

of all violations thereof, and the costs and expenses of such prosecution shall be paid out of the appropriation for the expense of the courts of the United States: *Provided*, That nothing in this title shall be construed to require any employee or officer of any carrier to render labor or service without his consent, or to authorize the issuance of any orders requiring such service, or to make illegal the failure or refusal of any employee individually, or any number of employees collectively, to render labor or services.

SEC. 13. It shall further be the duty of the Coordinator, and he is hereby authorized and directed, forthwith to investigate and consider means, not provided for in this title, of improving transportation conditions throughout the country, including cost finding in rail transportation and the ability, financial or otherwise, of the carriers to improve their properties and furnish service and charge rates which will promote the commerce and industry of the country and including, also, the stability of railroad labor employment and other improvement of railroad labor conditions and relations; and from time to time he shall submit to the Commission such recommendations calling for further legislation to these ends as he may deem necessary or desirable in the public interest. The Commission shall promptly transmit such recommendations, together with its comments thereon, to the President and to the Congress.

SEC. 14. The expenses of the Coordinator except so far as they are borne by the Commission in accordance with the provisions of section 2, but not including the expenses of the coordinating committees, shall be allowed and paid, on the presentation of itemized vouchers therefor approved by the Coordinator, out of a fund obtained from assessments on the carriers, and said fund is hereby appropriated for the payment of such expenses. It shall be the duty of each carrier, within thirty days after the date of enactment of this Act, to pay into this fund, for the first year of the operation of this title, one and one-half dollars for every mile of road operated by it on December 31, 1932, as reported to the Commission, and to pay into said fund within thirty days after the expiration of such year a proportional amount covering any period of extension of this title by proclamation of the President under section 17, and it shall be the duty of the Secretary of the Treasury to collect such assessments. Any amount remaining in the fund when this title ceases to have effect shall be returned by the Secretary of the Treasury to the carriers in proportion to their contributions. The carriers and the Pullman Company shall be permitted, anything in the Interstate Commerce Act, as amended, to the contrary notwithstanding, to provide free transportation and other carrier service to the Coordinator and his assistants and agents and to the employees of the Commission when engaged in the service of the Coordinator.

SEC. 15. The Commission shall not approve a loan to a carrier under the Reconstruction Finance Corporation Act, as amended, if it is of the opinion that such carrier is in need of financial reorganization in the public interest: *Provided, however*, That the term "carrier" as used in this section shall not include a receiver or trustee.

SEC. 16. Any final order made under this title shall be subject to the same right of relief in court by any party in interest as is now provided in respect to orders of the Commission made under the Interstate Commerce Act, as amended. The provisions of the Urgent Deficiencies Appropriation Act of October 22, 1913 (38 Stat.L. 219), shall be applicable to any proceeding in court brought to suspend or set aside any order of the Coordinator or of the Commission entered pursuant to the provisions of this title.

SEC. 17. This title shall cease to have effect at the end of one year after the effective date, unless extended by a proclamation of the President for one year or any part thereof, but orders of the Coordinator or of the Commission made thereunder shall continue in effect until vacated by the Commission or set aside by other lawful authority, but notwithstanding the provisions of section 10 no such order shall operate to relieve any carrier from the effect of any State law or of any order of a State commission enacted or made after this title ceases to have effect.

Duration of title.
Extension by proclamation.
Post, p. 1740.
Continuing effectiveness of Coordinator's orders.

TITLE II—AMENDMENTS TO INTERSTATE COMMERCE ACT

TITLE II—Interstate Commerce Act amendments.

SECTION 201. Section 5 of the Interstate Commerce Act, as amended (U.S.C., title 49, sec. 5), is amended by striking out paragraphs (2) and (3) and by renumbering paragraphs (4) and (5) as paragraphs (2) and (3), respectively, and by striking out the last sentence of the paragraph so renumbered as paragraph (3).

Vol. 24, p. 380.
U. S. C., p. 1655.

SEC. 202. Such section 5 is further amended by striking out paragraphs (6), (7), and (8), and by inserting in lieu thereof the following paragraphs:

Combination, consolidation, etc.

“(4) (a) It shall be lawful, with the approval and authorization of the Commission, as provided in subdivision (b), for two or more carriers to consolidate or merge their properties, or any part thereof, into one corporation for the ownership, management, and operation of the properties theretofore in separate ownership; or for any carrier, or two or more carriers jointly, to purchase, lease, or contract to operate the properties, or any part thereof, of another; or for any carrier, or two or more carriers jointly, to acquire control of another through purchase of its stock; or for a corporation which is not a carrier to acquire control of two or more carriers through ownership of their stock; or for a corporation which is not a carrier and which has control of one or more carriers to acquire control of another carrier through ownership of its stock.

Mergers authorized.

Contract to operate another's properties.

Acquire control, through purchase of stock.

Holding companies, etc.

“(b) Whenever a consolidation, merger, purchase, lease, operating contract, or acquisition of control is proposed under subdivision (a), the carrier or carriers or corporation seeking authority therefor shall present an application to the Commission, and thereupon the Commission shall notify the Governor of each State in which any part of the properties of the carriers involved in the proposed transaction is situated, and also such carriers and the applicant or applicants, of the time and place for a public hearing. If after such hearing the Commission finds that, subject to such terms and conditions and such modifications as it shall find to be just and reasonable, the proposed consolidation, merger, purchase, lease, operating contract, or acquisition of control will be in harmony with and in furtherance of the plan for the consolidation of railway properties established pursuant to paragraph (3), and will promote the public interest, it may enter an order approving and authorizing such consolidation, merger, purchase, lease, operating contract, or acquisition of control, upon the terms and conditions and with the modifications so found to be just and reasonable.

Application for authority to be made to Commission.

Notices to governors of States, etc.

Approval, if in harmony with Commission's plan, and in public interest.

Terms and conditions.

“(5) Whenever a corporation which is not a carrier is authorized, by an order entered under paragraph (4), to acquire control of any carrier or of two or more carriers, such corporation thereafter shall, to the extent provided by the Commission, for the purposes of paragraphs (1) to (10), inclusive, of section 20 (relating to reports, accounts, and so forth, of carriers), including the penalties applicable in the case of violations of such paragraphs, be considered as

Holding company acquiring control of carriers.

Supervision of Commission.

- a common carrier subject to the provisions of this Act, and for the purposes of paragraphs (2) to (11), inclusive, of section 20a (relating to issues of securities and assumptions of liability of carriers), including the penalties applicable in the case of violations of such paragraphs, be considered as a 'carrier' as such term is defined in paragraph (1) of such section, and be treated as such by the Commission in the administration of the paragraphs specified. In the application of such provisions of section 20a in the case of any such corporation the Commission shall authorize the issue or assumption applied for only if it finds that such issue or assumption is consistent with the proper performance by each carrier which is under the control of such corporation of its service to the public as a common carrier, will not impair the ability of any such carrier to perform such service, and is otherwise compatible with the public interest.
- As to issues of securities, liabilities, etc.
To be treated as a "carrier."
Assumption of obligations.
- "(6) It shall be unlawful for any person, except as provided in paragraph (4), to accomplish or effectuate, or to participate in accomplishing or effectuating, the control or management in a common interest of any two or more carriers, however such result is attained, whether directly or indirectly, by use of common directors, officers, or stockholders, a holding or investment company or companies, a voting trust or trusts, or in any other manner whatsoever. It shall be unlawful to continue to maintain control or management accomplished or effectuated after the enactment of this amendatory paragraph and in violation of its provisions. As used in this paragraph and paragraph (7), the words 'control or management' shall be construed to include the power to exercise control or management.
- Control or management unification of two or more carriers.
"Control or management", construed.
Transactions deemed effecting control or management.
- "(7) For the purposes of paragraphs (6) and (11), but not in anywise limiting the application thereof, any transaction shall be deemed to accomplish or effectuate the control or management in a common interest of two carriers—
- "(a) If such transaction is by a carrier, and if the effect of such transaction is to place such carrier and persons affiliated with it, taken together, in control of another carrier.
- "(b) If such transaction is by a person affiliated with a carrier, and if the effect of such transaction is to place such carrier and persons affiliated with it, taken together, in control of another carrier.
- "(c) If such transaction is by two or more persons acting together, one of whom is a carrier or is affiliated with a carrier, and if the effect of such transaction is to place such persons and carriers and persons affiliated with any one of them and persons affiliated with any such affiliated carrier, taken together, in control of another carrier.
- "(8) For the purposes of paragraph (7) a person shall be held to be affiliated with a carrier if, by reason of the relationship of such person to such carrier (whether by reason of the method of, or circumstances surrounding organization or operation, or whether established through common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or any other direct or indirect means), it is reasonable to believe that the affairs of any carrier of which control may be acquired by such person will be managed in the interest of such other carrier.
- "(9) For the purposes of paragraphs (6), (7), (8), and (11), wherever reference is made to control it is immaterial whether such control is direct or indirect. As used in this paragraph and paragraphs (7), (8), and (11) the term 'control' shall be construed to include the power to exercise control.
- "(10) The Commission is hereby authorized, upon complaint or upon its own initiative without complaint, but after notice and hearing, to investigate and determine whether any person is violating
- Immaterial whether references to control relate to direct or indirect.
Control construed.
Investigations authorized.

the provisions of paragraph (6). If the Commission finds after such investigation that such person is violating the provisions of such paragraph, it shall by order require such person to take such action as may be necessary, in the opinion of the Commission, to prevent continuance of such violation.

Commission to order discontinuance of violations.

"(11) For the proper protection and in furtherance of the plan for the consolidation of railway properties established pursuant to paragraph (3) and the regulation of interstate commerce in accordance therewith, the Commission is hereby authorized, upon complaint or upon its own initiative without complaint, but after notice and hearing, to investigate and determine whether the holding by any person of stock or other share capital of any carrier (unless acquired with the approval of the Commission) has the effect (a) of subjecting such carrier to the control of another carrier or to common control with another carrier, and (b) of preventing or hindering the carrying out of any part of such plan or of impairing the independence, one of another, of the systems provided for in such plan. If the Commission finds after such investigation that such holding has the effects described, it shall by order provide for restricting the exercise of the voting power of such person with respect to such stock or other share capital (by requiring the deposit thereof with a trustee, or by other appropriate means) to the extent necessary to prevent such holding from continuing to have such effects.

Control, interfering with Commission's consolidation plan or carrier's independence to be investigated.

Restricting voting power of controlling stock.

"(12) If in the course of any proceeding under this section before the Commission, or of any proceeding before a court in enforcement of an order entered by the Commission under this section, it appears that since the beginning of such proceeding the plan for consolidation has been reopened under paragraph (3) for changes or modifications with respect to the allocation of the properties of any carrier involved in such proceeding, then such proceeding may be suspended.

Suspension of proceeding in certain cases.

"(13) The district courts of the United States shall have jurisdiction upon the application of the Commission, alleging a violation of any of the provisions of this section or disobedience of any order issued by the Commission thereunder by any person, to issue such writs of injunction or other proper process, mandatory or otherwise, as may be necessary to restrain such person from violation of such provision or to compel obedience to such order.

Jurisdiction of district courts.

"(14) The Commission may from time to time, for good cause shown, make such orders, supplemental to any order made under paragraph (1), (4), (10), or (11), as it may deem necessary or appropriate.

Supplemental orders authorized.

"(15) The carriers and any corporation affected by any order made under the foregoing provisions of this section shall be, and they are hereby, relieved from the operation of the antitrust laws as designated in section 1 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, and of all other restraints or prohibitions by or imposed under authority of law, State or Federal, insofar as may be necessary to enable them to do anything authorized or required by such order.

Carriers affected relieved from operation of antitrust laws. Vol. 38, p. 730. U.S.C., p. 352.

"(16) If any provision of the foregoing paragraphs of this section, or the application thereof to any person or circumstances, is held invalid, the other provisions of such paragraphs, and the application of such provision to any other person or circumstances, shall not be affected thereby.

Separability provisions.

"(17) As used in paragraphs (4) to (16), inclusive, the term 'person' includes an individual, partnership, association, joint-stock

"Person" defined.

"Carrier."

company, or corporation, and the term 'carrier' means a carrier by railroad subject to this Act."

Designated paragraphs renumbered. Vol. 42, p. 27. U.S.C., p. 1655.

SEC. 203. Such section 5 is further amended by renumbering as paragraph (18) the paragraph added by the Act entitled "An Act to amend section 407 of the Transportation Act of 1920", approved June 10, 1921, and by renumbering the remaining three paragraphs as paragraphs (19), (20), and (21), respectively.

Interstate Commerce Act. Provisions, as amended, to remain in force.

SEC. 204. The provisions of the Interstate Commerce Act, as amended, and of all other applicable Federal statutes, as in force prior to the enactment of this title, shall remain in force, as though this title had not been enacted, with respect to the acquisition by any carrier, prior to the enactment of this title, of the control of any other carrier or carriers.

Vol. 41, p. 488, amended. U.S.C., p. 1663. "Rates" defined.

SEC. 205. Section 15a of the Interstate Commerce Act, as amended (U.S.C., title 49, sec. 15a), is amended to read as follows:

"SEC. 15a. (1) When used in this section, the term 'rates' means rates, fares, and charges, and all classifications, regulations, and practices relating thereto.

Fair return for carriers; factors in determining.

"(2) In the exercise of its power to prescribe just and reasonable rates the Commission shall give due consideration, among other factors, to the effect of rates on the movement of traffic; to the need, in the public interest, of adequate and efficient railway transportation service at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable the carriers, under honest, economical, and efficient management, to provide such service."

Sums heretofore paid by carriers to Commission under section 15a (6) to be returned. U.S.C., p. 1663.

SEC. 206. (a) All moneys which were recoverable by and payable to the Interstate Commerce Commission, under paragraph (6) of section 15a of the Interstate Commerce Act, as in force prior to the enactment of this title, shall cease to be so recoverable and payable; and all proceedings pending for the recovery of any such moneys shall be terminated. The general railroad contingent fund established under such section shall be liquidated and the Secretary of the Treasury shall distribute the moneys in such fund among the carriers which have made payments under such section, so that each such carrier shall receive an amount bearing the same ratio to the total amount in such fund that the total of amounts paid under such section by such carrier bears to the total of amounts paid under such section by all carriers; except that if the total amount in such fund exceeds the total of amounts paid under such section by all carriers such excess shall be distributed among such carriers upon the basis of the average rate of earnings (as determined by the Secretary of the Treasury) on the investment of the moneys in such fund and differences in dates of payments by such carriers.

Liquidation of general railroad contingent fund.

Distribution among carriers.

(b) The income, war-profits, and excess-profits tax liabilities for any taxable period ending after February 28, 1920, of the carriers and corporations whose income, war-profits, or excess-profits tax liabilities were affected by section 15a of the Interstate Commerce Act, as in force prior to the enactment of this Act, shall be computed as if such section had never been enacted, except that, in the case of carriers or corporations which have made payments under paragraph (6) of such section, an amount equal to such payments shall be excluded from gross income for the taxable periods with respect to which they were made. All distributions made to carriers in accordance with subdivision (a) of this section shall be included in the gross income of the carriers for the taxable period in which this Act is enacted. The provisions of this subdivision shall not be held to affect (1) the statutes of limitations with respect

Tax liabilities for periods after February 28, 1920; computation.

Sums excluded from gross income.

Distributions included.

Restriction on affect of provisions.

to the assessment, collection, refund, or credit of income, war-profits or excess-profits taxes or (2) the liabilities for such taxes of any carriers or corporations if such liabilities were determined prior to the enactment of this Act in accordance with section 1106 (b) of the Revenue Act of 1926 or section 606 of the Revenue Act of 1928, or in accordance with a final judgment of a court, an order of the Board of Tax Appeals which had become final, or an offer in compromise duly accepted in accordance with law.

SEC. 207. Paragraph (a) of section 19a of the Interstate Commerce Act, as amended (U.S.C., title 49, sec. 19a (a)), is amended to read as follows:

“(a) That the Commission shall, as hereinafter provided, investigate, ascertain, and report the value of all the property owned or used by every common carrier subject to the provisions of this Act, except any street, suburban, or interurban electric railway which is not operated as a part of a general steam railroad system of transportation; but the Commission may in its discretion investigate, ascertain, and report the value of the property owned or used by any such electric railway subject to the provisions of this Act whenever in its judgment such action is desirable in the public interest. To enable the Commission to make such investigation and report, it is authorized to employ such experts and other assistants as may be necessary. The Commission may appoint examiners who shall have power to administer oaths, examine witnesses, and take testimony. The Commission shall, subject to the exception hereinbefore provided for in the case of electric railways, make an inventory which shall list the property of every common carrier subject to the provisions of this Act in detail, and show the value thereof as hereinafter provided, and shall classify the physical property, as nearly as practicable, in conformity with the classification of expenditures for road and equipment, as prescribed by the Interstate Commerce Commission.”

SEC. 208. Paragraphs (f) and (g) of such section 19a, as amended (U.S.C., title 49, sec. 19a (f), (g)), are amended to read as follows:

“(f) Upon completion of the original valuations herein provided for, the Commission shall thereafter keep itself informed of all new construction, extensions, improvements, retirements, or other changes in the condition, quantity, use, and classification of the property of all common carriers as to which original valuations have been made, and of the cost of all additions and betterments thereto and of all changes in the investment therein, and may keep itself informed of current changes in costs and values of railroad properties, in order that it may have available at all times the information deemed by it to be necessary to enable it to revise and correct its previous inventories, classifications, and values of the properties; and when deemed necessary, may revise, correct, and supplement any of its inventories and valuations.

“(g) To enable the Commission to carry out the provisions of the preceding paragraph, every common carrier subject to the provisions of this Act shall make such reports and furnish such information as the Commission may require.”

SEC. 209. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the other provisions of this Act or the application of such provision to any other person or circumstances shall not be affected thereby.

Approved, June 16, 1933, 12:05 p.m.

Vol. 44, p. 113; Vol. 45, p. 874.

Physical valuation of property.
Vol. 37, p. 701; Vol. 40, p. 271, amended.
Post, p. 515.
Street, etc., railways, not a part of railroad system excluded.

Discretionary inclusion in separate valuation report.

Employment of experts.

Examiners.

Classification and inventory.

U.S.C., p. 1667.

Valuations; current maintenance of.

New construction, etc., to be added.

Revision and inventories.

Duty of carriers to make reports.

Saving provisions.

[CHAPTER 92.]

AN ACT

June 16, 1933.

[S. 1872.]

[Public, No. 69.]

To extend the times for commencing and completing the construction of a bridge across the French Broad River on the proposed Morristown-Newport Road between Jefferson and Cocke Counties, Tennessee.

French Broad River.
Time extended for
bridging, Jefferson and
Cocke Counties, Tenn.

Vol. 46, p. 1064.

Amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the French Broad River on the proposed Morristown-Newport Road between Jefferson and Cocke Counties, Tennessee, authorized to be built by the Highway Department of the State of Tennessee, by an Act of Congress approved February 6, 1931, are hereby extended one and three years, respectively, from February 6, 1933.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 16, 1933, 12:45 p.m.

[CHAPTER 93.]

AN ACT

June 16, 1933.

[H. R. 4589.]

[Public, No. 70.]

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1934, and for other purposes.

District of Columbia.
Appropriations for
expenses of, fiscal year
1934, from District revenues
and \$5,700,000
from the Treasury.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1934, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition \$5,700,000 is appropriated, out of any money in the Treasury not otherwise appropriated, to be advanced July 1, 1933; and all the remainder out of the combined revenues of the District of Columbia, namely:

General expenses.

GENERAL EXPENSES

Executive Office.

EXECUTIVE OFFICE

Office personnel.
Additional, for En-
gineer Commissioner.

For personal services, \$38,794, plus so much as may be necessary to compensate the Engineer Commissioner at such rate in grade 8 of the professional and scientific service of the Classification Act of 1923, as amended, as may be determined by the Board of Commissioners: *Provided,* That in expending appropriations or portions of appropriations contained in this Act for the payment of personal services in accordance with the Classification Act of 1923, as amended, with the exception of the two civilian Commissioners the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended: *Provided,* That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service; (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act; (3) to

Provisos.
Salaries limited to
average rates under
Classification Act; ex-
ceptions.

Vol. 42, p. 1488; Vol.
45, p. 776; Vol. 46, p.
1003.

U. S. C., p. 65; Supp.
VI, p. 31.

Restriction not appli-
cable to clerical-me-
chanical services.

No reduction in fixed
salaries.

Vol. 42, p. 1490;
Vol. 46, p. 1065.

require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit; (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated;

Transfer to another position without pay reduction.

Higher rates permitted.

If only one position in a grade.

Purchasing division: For personal services, \$48,793;
 Building inspection division: For personal services, \$97,846;
 Plumbing inspection division: For personal services, \$31,783; two members of plumbing board at \$127.50 each; in all, \$32,038.

Purchasing division.
 Building inspection division.
 Plumbing inspection division.

PUBLIC CONVENIENCE STATIONS

Public convenience stations.

For maintenance of public convenience stations, including compensation of necessary employees, \$12,500.

Maintenance.

CARE OF DISTRICT BUILDING

Care of District Building.

For personal services, including temporary labor, and service of cleaners as necessary at not to exceed 48 cents per hour, \$81,000: *Provided*, That no other appropriation made in this Act shall be available for the employment of additional assistant engineers or watchmen for the care of the District Building.

Operating force.

Proviso.
 Employment of assistant engineers or watchmen.

For fuel, light, power, repairs, laundry, and miscellaneous supplies, \$28,300.

Operating supplies.

ASSESSOR'S OFFICE

Assessor's office.

For personal services, \$193,000.

Personal services.

COLLECTOR'S OFFICE

Collector's office.

For personal services, \$39,000.

Personal services.

AUDITOR'S OFFICE

Auditor's office.

For personal services, \$106,000; and the compensation of the present incumbent of the position of disbursing officer of the District of Columbia shall be exclusive of his compensation as United States property and disbursing officer for the National Guard of the District of Columbia.

Personal services.
 Present disbursing officer permitted other duties.

OFFICE OF CORPORATION COUNSEL

Corporation Counsel's office.

For the corporation counsel, including extra compensation as general counsel of the Public Utilities Commission, and other personal services, \$75,400.

Extra pay. Public Utilities Commission.

CORONER'S OFFICE

Coroner's office.

For personal services, including deputy coroners, in accordance with the Classification Act of 1923, as amended, \$8,651.

Services, including deputies.
 Vol. 46, p. 1003.

For the maintenance of a non-passenger-carrying motor wagon for the morgue, jurors' fees, witness fees, ice, disinfectants, telephone service, and other necessary supplies, repairs to the morgue, and the necessary expenses of holding inquests, including stenographic services in taking testimony, and photographing unidentified bodies, \$3,750.

Morgue, etc., expenses.

Office of Superin-
tendent of Weights,
etc.
Personal service, etc.
Inspection, etc.

OFFICE OF SUPERINTENDENT OF WEIGHTS, MEASURES, AND MARKETS

For personal services, \$37,500.

For purchase of commodities, including personal services, in connection with investigation and detection of sales of short weight and measure, \$300.

Markets.

For maintenance and repairs to markets, \$5,500.

Motor vehicles.

For maintenance and repair of non-passenger-carrying motor vehicles, \$1,750.

Engineer depart-
ment.

OFFICE OF CHIEF CLERK, ENGINEER DEPARTMENT

Chief Clerk's office.

For personal services, \$24,935.

CENTRAL GARAGE

Central garage.

For personal services, \$4,539.

Municipal Archi-
tect's office.

MUNICIPAL ARCHITECT'S OFFICE

Personal services.

For personal services, \$40,000.

Apportionments.

All apportionments of appropriations for the use of the municipal architect in payment of personal services employed on construction work provided for by said appropriations shall be based on an amount not exceeding 3 per centum of a total of not more than \$2,000,000 of appropriations made for such construction projects and not exceeding 2¾ per centum of a total of the appropriations in excess of \$2,000,000.

Public Utilities Com-
mission.

PUBLIC UTILITIES COMMISSION

Commissioners, peo-
ple's counsel, etc.

For two commissioners, people's counsel, and for other personal services, \$82,000, of which amount not to exceed \$5,000 may be used for or in employment of expert services by contract or otherwise and without reference to the Classification Act of 1923, as amended, and of which amount not to exceed \$688 shall be immediately available.

Experts.

Incidental expenses.

For incidental and all other general necessary expenses authorized by law, including the purchase of newspapers, \$1,500.

Issuance of orders re-
quiring meters in taxi-
cabs forbidden.

No part of the appropriations contained in this Act shall be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Utilities Commission requiring the installation of meters in taxicabs until such regulation or order shall have been approved by Congress: *Provided*, That this prohibition shall not be construed to affect any order or part of an order of such Public Utilities Commission other than with respect to the requirement of the installation of such meters.

Proviso.
Other orders not af-
fected.

BOARD OF EXAMINERS, STEAM ENGINEERS

Examiners, steam
engineers.

Salaries: Three members, at \$127.50 each, \$382.

DEPARTMENT OF INSURANCE

Insurance depart-
ment.

For personal services, \$17,702.

SURVEYOR'S OFFICE

Surveyor's office.

For personal services, \$68,000.

Employees' Com-
pensation fund.

DISTRICT OF COLUMBIA EMPLOYEES' COMPENSATION FUND

Payment for injuries.
Vol. 41, p. 104.

For carrying out the provisions of section 11 of the District of Columbia Appropriation Act approved July 11, 1919, extending to the employees of the government of the District of Columbia the provisions of the Act entitled "An Act to provide compensation for

employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, \$30,000.

Administrative Expenses, Compensation to Injured Employees of the District of Columbia: For the enforcement of the Act entitled "An Act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes", approved May 17, 1928 (U.S.C., Supp. V, title 33, sec. 901), \$50,750, for transfer to and expenditure by the Employees' Compensation Commission under its appropriations "Salaries and expenses", \$50,000, and "Printing and binding", \$750.

For financing of the liability of the government of the District of Columbia, created by the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes", approved May 22, 1920, and Acts amendatory thereof (U.S.C., title 5, sec. 707a), \$150,000, which amount shall be placed to the credit of the "civil service retirement and disability fund."

DEPARTMENT OF VEHICLES AND TRAFFIC

For personal services, \$60,000.

For purchase, installation, and modification of electric traffic lights, signals and controls, markers, painting white lines, labor, maintenance of nonpassenger-carrying motor vehicles and such other expenses as may be necessary in the judgment of the Commissioners, \$45,000: *Provided*, That no part of this or any other appropriation contained in this Act shall be expended for building, installing, and maintaining street-car loading platforms and lights of any description employed to distinguish same.

For the purchase of motor vehicle identification number plates, \$20,000.

FREE PUBLIC LIBRARY

For personal services, and for substitutes and other special and temporary services, including extra services on Sundays, holidays, and Saturday half holidays, at the discretion of the librarian, \$265,000.

Miscellaneous: For books, periodicals, newspapers, and other printed material, including payment in advance for subscription books, and society publications, \$40,000: *Provided*, That the disbursing officer of the District of Columbia is authorized to advance to the librarian of the free Public Library, upon requisition previously approved by the auditor of the District of Columbia, sums of money not exceeding \$25 at the first of each month, to be expended for the purchase of certain books, pamphlets, numbers of periodicals or newspapers, or other printed material, and to be accounted for on itemized vouchers.

For binding, including necessary personal services, \$18,452.

For maintenance, alterations, repairs, fuel, lighting, fitting up buildings, care of grounds, maintenance of motor delivery vehicles, and other contingent expenses, \$25,000.

For rent of suitable quarters for branch libraries in Chevy Chase and Woodridge, \$4,800.

REGISTER OF WILLS

For personal services, \$60,000.

For miscellaneous and contingent expenses, telephone bills, printing, typewriters, photostat paper and supplies, including laboratory

Vol. 39, p. 742.

Administrative expenses, compensation to injured employees.

Vol. 45, p. 600.
U.S.C., Supp. VI, p. 664.

Transfer to Employees' Compensation Commission.

Retirement Act. Contribution to from District revenues.

Vol. 41, p. 619; Vol. 44, p. 912; Vol. 46, p. 468.
U.S.C., Supp. VI, p. 46.

Vehicles and traffic department.

Personal services.

Expenses, etc.

Proviso.
Not available for street-car loading platforms.

Identification plates.

Public Library.

Personal services.

Miscellaneous.

Proviso.
Advances for books purchased, etc.

Binding.

Contingent expenses.

Chevy Chase and Woodridge branches.

Register of Wills.

Personal services.

Contingent expenses

coats and photographic developing room equipment, towels, towel service, window washing, street-car tokens, furniture and equipment and repairs thereto, and purchase of books of reference, law books, and periodicals, \$9,000.

Recorder of Deeds.

RECORDER OF DEEDS

Personal services.
Recopying old land records.

For personal services, \$80,000, of which \$6,000 shall be available only for recopying old land records of the District of Columbia.

Contingent expenses.

For miscellaneous and contingent expenses, including telephone service, printing, binding, rebinding, repairing, and preservation of records; typewriters, towels, towel service, furniture and equipment and repairs thereto; books of reference, law books and periodicals, street-car tokens, postage, not exceeding \$100 for rest room for sick and injured employees and the equipment of and medical supplies for said rest room, and all other necessary incidental expenses, \$10,000.

Rent.

For rent of offices of the recorder of deeds, \$10,000.

Contingent expenses.

CONTINGENT AND MISCELLANEOUS EXPENSES

Objects specified.

For checks, books, law books, books of reference, periodicals, newspapers, stationery; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; ice; repairs to pound and vehicles, not to exceed \$500; traveling expenses not to exceed \$1,000, including payment of dues and traveling expenses in attending conventions when authorized by the Commissioners of the District of Columbia; expenses authorized by law in connection with the removal of dangerous or unsafe and insanitary buildings, including payment of a fee of \$6 per diem to each member of board of survey, other than the inspector of buildings, while actually employed on surveys of dangerous or unsafe buildings; and other general necessary expenses of District offices; \$28,000: *Provided*, That no part of this or any other appropriation contained in this Act shall be expended for printing or binding a schedule or list of supplies and materials for the furnishing of which contracts have been or may be awarded.

Removing unsafe, etc., buildings.

For printing and binding, including the printing of the report on the power needs of the District of Columbia, \$55,000.

Proviso.
Printing, etc., of list of supplies forbidden.

Printing and binding.

Automobiles, maintenance, etc.

For maintenance, care, repair, and operation of passenger-carrying automobiles owned by the District of Columbia, including personal services, \$50,000.

Restriction on use of District-owned vehicles.

All motor-propelled passenger-carrying vehicles owned by the District of Columbia shall be used exclusively for "official purposes" directly pertaining to the public services of said District, and shall be under the direction and control of the Commissioners, who may from time to time alter or change the assignment for use thereof or direct the joint or interchangeable use of any of the same by officials and employees of the District, except as otherwise provided in this Act; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment, except as to the Commissioners of the District of Columbia and in cases of officers and employees the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the Commissioners: *Provided*, That no passenger-carrying automobile, except busses, patrol wagons, and ambulances, and except as otherwise specifically authorized in this Act, shall be acquired under any provision of this Act, by purchase or exchange, at a cost, including the value of a vehicle exchanged, exceeding \$650. No motor vehicles

Under control of Commissioners.

Transportation between domicile and place of employment.

Proviso.
Purchase price restriction.

Transfer forbidden.

shall be transferred from the police or fire departments to any other branch of the government of the District of Columbia.

Appropriations in this Act shall not be used for the payment of premiums or other cost of fire insurance.

Fire insurance premiums forbidden.

Telephones may be maintained in the residences of the superintendent of the water department, sanitary engineer, chief inspector of the street-cleaning division, assistant superintendent of the street-cleaning division, inspector of plumbing, Director of Public Welfare, health officer, assistant health officer, chief of the bureau of preventable diseases, chief engineer of the fire department, superintendent of police, electrical inspector in charge of the fire-alarm system, one fire-alarm operator, and two fire-alarm repair men, the superintendent of machinery, and the fire marshal, under appropriations contained in this Act. The commissioners may connect any or all of these telephones either to the system of the Chesapeake and Potomac Telephone Company or the telephone system maintained by the District of Columbia, or to both of such systems. Telephones may also be maintained in the residences of the general superintendent of penal institutions and such other officials of the workhouse and reformatory as may be approved by the Commissioners.

Telephones allowed at residences of designated officials.

For postage for strictly official mail matter, including the rental of postage meter equipment, \$40,000.

Connections permitted.

Postage.

The Commissioners are authorized, in their discretion, to furnish necessary transportation in connection with strictly official business of the District of Columbia by the purchase of street car and bus fares from appropriations contained in this Act: *Provided*, That the expenditures herein authorized shall be so apportioned as not to exceed a total of \$9,500: *Provided further*, That the provisions of this paragraph shall not include the appropriations herein made for the fire and police departments.

Car fare, etc.

Proviso.
Limitation.

Fire and police departments excepted.

For judicial expenses, including witness fees, and expert services in District cases before the Supreme Court of said District, \$1,500: *Provided*, That the Commissioners of the District of Columbia are authorized, when in their judgment such action be deemed in the public interest, to contract for stenographic reporting services without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) under available appropriations contained in this Act.

Judicial expenses.

Proviso.
Contracts for reporting permitted.
R.S., sec. 3709, p. 733, waived.
U.S.C., p. 1309.

For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, \$4,000: *Provided*, That this appropriation shall not be available for the payment of advertising in newspapers published outside of the District of Columbia, notwithstanding the requirement for such advertising provided by existing law.

General advertising.

Proviso.
Outside advertising.

For advertising notice of taxes in arrears July 1, 1933, as required to be given by the Act of February 28, 1898, as amended, to be reimbursed by a charge of 50 cents for each lot or piece of property advertised, \$8,000.

Taxes in arrears.
Vol. 30, p. 250.

EMPLOYMENT SERVICE

For personal services and miscellaneous and contingent expenses required for maintaining a public employment service for the District of Columbia, \$9,435.

Employment service.

EMERGENCY FUND

To be expended only in case of emergency, such as riot, pestilence, public insanitary conditions, calamity by flood or fire or storm, and of like character, and in all other cases of emergency not otherwise sufficiently provided for, in the discretion of the Commissioners,

Emergency fund.

Expenses; restriction.

Proviso.
Voucher for expenses.

\$1,000: *Provided*, That the certificate of the Commissioners shall be sufficient voucher for the expenditure of not to exceed \$1,000 for such investigations as they may deem necessary.

Refund of erroneous collections.

REFUND OF ERRONEOUS COLLECTIONS

Payments authorized.
Vol. 36, p. 967.

To enable the Commissioners, in any case where special assessments, school tuition charges, payments for lost library books, rents, fees, or collections of any character have been erroneously covered into the Treasury, to refund such erroneous payments, wholly or in part, including the refunding of fees paid for building permits authorized by the District of Columbia Appropriation Act approved March 2, 1911 (36 Stat., p. 967), \$4,000: *Provided*, That this appropriation shall be available for such refunds of payments made within the past three years.

Conference on Uniform State Laws.

To aid in support of the National Conference of Commissioners on Uniform State Laws, \$250.

Street, etc., improvement and repair.

STREET AND ROAD IMPROVEMENT AND REPAIR

Highways department, salaries.
Assessment and permit work.

Salaries, Highways Department: For personal services, \$155,000.
For assessment and permit work, paving of roadways under the permit system, and construction and repair of sidewalks and curbs around public reservations and municipal and United States buildings, including purchase or condemnation of streets, roads, and alleys, and of areas less than two hundred and fifty square feet at the intersection of streets, avenues, or roads in the District of Columbia, to be selected by the Commissioners, and including maintenance of nonpassenger-carrying motor vehicles, \$150,000

Gasoline tax road and street fund.

GASOLINE TAX, ROAD AND STREET IMPROVEMENTS AND REPAIRS

Paving, etc., streets and roads from.

For paving, repaving, grading, and otherwise improving streets, avenues, and roads, including personal services and the maintenance of motor vehicles used in this work, and including curbing and gutters and replacement of curb-line trees where necessary, as follows, to be paid from the special fund created by section 1 of the Act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924 (43 Stat., p. 106), and accretions by repayment of assessments:

Vol. 43, p. 106.

Designated streets to be improved.

For paving, repaving, and surfacing, including curbing and gutters where necessary, the following:

Northwest: Thirty-first Street, Chesapeake and Ohio Canal to K Street and South Street, Thirty-first Street to Wisconsin Avenue, \$7,400;

Grading streets, alleys, and roads.

For grading streets, alleys, and roads, including construction of necessary culverts and retaining walls, \$50,000;

Surfacing block pavements, etc.

For surfacing block pavements and paving the unpaved center strips of paved roadways, \$25,000;

Minor changes in roadways, etc.

For minor changes in roadway and sidewalks on plans to be approved by the Commissioners of the District of Columbia to facilitate vehicular and pedestrian traffic, \$5,000;

Curbs and gutters, shoulders, etc.

For construction of curbs and gutters, or concrete shoulders in connection with all forms of macadam roadways and adjustment of roadways thereto, together with resurfacing and replacing of base of such roadways where necessary, \$175,000;

Surfacing, etc., pavements.

For the surfacing and resurfacing or replacement of asphalt, granite block, or concrete pavements with the same or other approved material, \$375,000;

For construction, maintenance, operation, and repair of bridges, including \$45,000, or so much thereof as may be necessary, for replacement of the fender pile system of the Highway Bridge, and not to exceed \$7,500 for surveys, engineering investigations, and preparation of plans for a viaduct or bridge in the line of New Hampshire Avenue over the tracks of the Baltimore and Ohio Railroad, and including maintenance of nonpassenger-carrying motor vehicles, \$100,000.

For current work of repairs to streets, avenues, roads, and alleys, including the reconditioning of existing gravel streets and roads, and including the purchase, exchange, maintenance, and operation of non-passenger-carrying motor vehicles used in this work, \$500,000: *Provided*, That the Commissioners of the District of Columbia, should they deem such action to be to the advantage of the District of Columbia, are hereby authorized to purchase a municipal asphalt plant at a cost not to exceed \$30,000;

This appropriation shall be available for repairing pavements of street railways when necessary; the amounts thus expended shall be collected from such railroad companies as provided by section 5 of "An Act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected;

In all, not to exceed \$1,237,400, to be immediately available; to be disbursed and accounted for as "Gasoline tax, road and street improvements and repairs," and for that purpose shall constitute one fund: *Provided*, That assessments in accordance with existing law shall be made for paving and repaving roadways where such roadways are paved or repaved with funds derived from the collection of the tax on motor-vehicle fuels and accretions by repayment of assessments.

For additional street and road improvements and repairs to aid in the relief of unemployment, to be allotted for such projects and purposes and in such amounts as the Director of the Bureau of the Budget may approve (including the allocation of additional sums to any or all of the general items herein chargeable to the gasoline tax fund), there is hereby appropriated out of the gasoline tax fund and to be immediately available, such sums (not to exceed in the aggregate \$1,500,000) as may be deemed surplus in such fund: *Provided*, That of said amount the sum of \$575,000 is hereby made available for the construction of a bridge to replace the Calvert Street Bridge over Rock Creek, including necessary changes in water and sewer mains, and including the employment of engineering or other professional services by contract or otherwise, without reference to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5), or the Classification Act of 1923, as amended, and engineering and incidental expenses, and the Commissioners are authorized to enter into contract or contracts for construction of said bridge at a cost not to exceed \$1,250,000; but no part of said sum shall be available for expenditure in connection with the construction of said Calvert Street Bridge until the Commissioners of the District of Columbia shall have made a restudy and reinvestigation to determine which particular type of bridge is most economical and serviceable, and best suited to the proposed location; and the Commission of Fine Arts shall have approved the type of bridge decided upon, and any street railway company using said bridge shall install thereon, at its own expense, an approved underground system of street-car propulsion and, at its own expense, shall thereafter maintain such underground construction, and bear the cost of surfacing and resurfacing and main-

Bridges, construction, repair, etc.

Highway bridge, improvements.
Plans for New Hampshire Avenue viaduct.

Motor vehicles.

Repairs, etc.

Proviso.
Purchase of asphalt plant authorized.

Street railways, pavements.
Vol. 20, p. 105.

Disbursements, etc.

Proviso.
Assessments under existing law.

Street improvements, etc., for unemployment relief.

Allocations from gasoline, etc., fund.

Proviso.
Calvert Street Bridge to be replaced.
Post, p. 853.

Employment of engineers.
R.S., sec. 3709, p. 733.
U.S.C., p. 1309.
Vol. 42, p. 1488.
U.S.C., p. 65; Supp. VI, p. 31.
Contracts authorized.
Limit of cost.

Study of suitable type.

Approval by Fine Arts Commission.
Street railway using bridge to install electric system at its expense; other items.

Relocating, etc.,
plow pit.

Widening, etc., des-
ignated roadways.

Transfer from Ar-
lington Memorial
Bridge, construction
appropriation.
Post, p. 285.

taining in good condition the space between the railway tracks and two feet exterior thereto as provided by law, and shall defray the cost of excess construction occasioned by such use including the relocation and construction of closed plow pits at the west approach to the bridge in accordance with plans to be approved by the Commissioners of the District of Columbia: *Provided further*, That of said amount of \$1,500,000, the sum of \$45,741 is hereby made available for widening to seventy-three feet and repaving the roadway of Constitution Avenue northwest, North Capitol to First Street, and for widening to eighty feet and repaving the roadway of Constitution Avenue northwest, First Street to Second Street, in accordance with plans therefor to be jointly approved by the National Capitol Park and Planning Commission and the Commissioners of the District of Columbia, including the necessary reconstruction, relocation, changes, and adjustments of all water mains, sewers in advance of paving, trees, sidewalks, lamp posts, fire hydrants or other structures affected, and including personal services and all necessary incidental expenses, and the total cost of said work shall not exceed \$76,235, of which sum not to exceed \$30,494 shall be transferred from and in accordance with the appropriation in the Independent Offices Appropriation Act, 1934, for the construction of the Arlington Memorial Bridge.

MISCELLANEOUS ROAD AND STREET IMPROVEMENTS AND REPAIRS

Opening streets, etc.,
permanent highway
system.
Vol. 37, p. 950.

Indefinite appropria-
tion for, from District
revenues.

Provisos.
Alley improvements,
building lines, etc.

Limitation.

Changing sidewalk
widths, etc.

Open competition for
street repair, etc., con-
tracts.

Repairs, due to infe-
rior work by contrac-
tor.

Repayment.

Laboratory tests.

To carry out the provisions of existing law which authorize the Commissioners of the District of Columbia to open, extend, straighten, or widen any street, avenue, road, or highway, except Fourteenth Street extension beyond the southern boundary of Walter Reed Hospital Reservation, in accordance with the plan of the permanent system of highways for the District of Columbia, there is appropriated such sum as is necessary for said purpose, including the procurement of chains of title, during the fiscal year 1934, to be paid wholly out of the revenues of the District of Columbia: *Provided*, That this appropriation shall be available to carry out the provisions of existing law for the opening, extension, widening, or straightening of alleys and minor streets and for the establishment of building lines in the District of Columbia: *Provided further*, That the amount expended hereunder shall not exceed \$25,000.

The Commissioners of the District of Columbia are authorized and empowered, in their discretion, to fix or alter the respective widths of sidewalks and roadways (including tree spaces and parking) of all highways that may be improved under appropriations contained in this Act.

No part of any appropriation contained in this Act shall be available for repairing, resurfacing, or newly paving any street, avenue, or roadway by private contract unless the specifications for such work shall be so prepared as to permit of fair and open competition in paving material as well as in price.

In addition to the provision of existing law requiring contractors to keep new pavements in repair for a period of one year from the date of the completion of the work, the Commissioners of the District of Columbia shall further require that where repairs are necessary during the four years following the said one-year period, due to inferior work or defective materials, such repairs shall be made at the expense of the contractor, and the bond furnished by the contractor shall be liable for such expense.

No part of the appropriations contained in this Act shall be used for the operation of a testing laboratory of the highways department for making tests of materials in connection with any activity of the District government.

BRIDGES AND WHARVES

Bridges and wharves.

Benning Bridge over the Anacostia River: For completing the construction of a bridge to replace the bridge and trestle in line of Benning Road over the Anacostia River in accordance with the provisions and conditions contained in the District of Columbia Appropriation Act for the fiscal year 1933, \$148,500.

Benning, over Anacostia River.
Completing construction.

For reconstruction, where necessary, and for maintenance and repair of wharves under the control of the Commissioners of the District of Columbia, in the Washington Channel of the Potomac River, \$5,000.

Reconstructing, etc., wharves.

TREES AND PARKINGS

Trees and parkings.

For personal services, \$22,000.

Personal services.

For contingent expenses, including laborers, trimmers, nurserymen, repairmen, teamsters, hire of carts, wagons, or motor trucks, trees, tree boxes, tree stakes, tree straps, tree labels, planting and care of trees on city and suburban streets, care of trees, tree spaces, purchase and maintenance of nonpassenger-carrying motor vehicles, and miscellaneous items, \$84,000.

Contingent expenses.

SEWERS

Sewers.

Salaries, sewer department: For personal services, \$160,000.

Personal services.

For cleaning and repairing sewers and basins, including the replacement of the following motor trucks: One at not to exceed \$650; one at not to exceed \$750; one at not to exceed \$2,000; for operation and maintenance of the sewage pumping service, including repairs to boilers, machinery, and pumping stations, and employment of mechanics and laborers, purchase of coal, oil, waste, and other supplies, and for the maintenance of nonpassenger-carrying motor vehicle used in this work, \$195,000.

Cleaning, repair, etc.

For main and pipe sewers and receiving basins, \$100,000.

Main and pipe.

For suburban sewers, including the maintenance of nonpassenger-carrying motor vehicles used in this work, and the replacement of the following motor trucks: Three at not to exceed \$650 each; one at not to exceed \$3,500; \$175,000.

Suburban.

For assessment and permit work, sewers, including not to exceed \$1,000 for purchase or condemnation of rights of way for construction, maintenance, and repair of public sewers, \$75,000.

Assessment and permit work.

COLLECTION AND DISPOSAL OF REFUSE

City refuse.

For personal services, \$120,000.

Personal services.

For dust prevention, sweeping, and cleaning streets, avenues, alleys, and suburban streets, under the immediate direction of the Commissioners, and for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters in the discretion of the Commissioners, including services and purchase and maintenance of equipment, rent of storage rooms; maintenance and repair of stables; hire and maintenance of horses; hire, purchase, maintenance, and repair of wagons, harness, and other equipment; maintenance and repair of nonpassenger-carrying motor-propelled vehicles necessary in cleaning streets and purchase of motor-propelled street-cleaning equipment; and necessary incidental expenses, \$375,000.

Sweeping, cleaning, snow and ice removal, etc.

To enable the Commissioners to carry out the provisions of existing law governing the collection and disposal of garbage, dead animals, night soil, and miscellaneous refuse and ashes in the District of Columbia, including inspection; fencing of public and private property designated by the Commissioners as public dumps; and

Garbage, dead animals, ashes, etc.

Reduction plant. incidental expenses, \$800,000, including not to exceed \$14,000 for repair and improvement of the garbage-reduction plant: *Provided*, *That* any proceeds received from the disposal of city refuse or garbage shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in the manner provided by law: *Provided further*, *That* this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business or from apartment houses of four or more apartments in which the landlord furnishes heat to tenants.

Proviso.
Proceeds covered in; division of.

Collections restricted.

Incinerator in southeast section forbidden.

No part of the funds appropriated in this Act shall be available for the operation of a high-temperature incinerator for the disposal of combustible refuse in the southeast section of the District of Columbia.

Public playgrounds.

PUBLIC PLAYGROUNDS

Personal services. *Proviso.*
Employments restricted.

For personal services, \$97,167: *Provided*, *That* employments hereunder, except directors who shall be employed for twelve months, shall be distributed as to duration in accordance with corresponding employments provided for in the District of Columbia Appropriation Act for the fiscal year 1924.

Maintenance, etc.

For general maintenance, repairs and improvements, equipment, supplies, incidental and contingent expenses of playgrounds, including labor and maintenance of one motor truck, \$30,000, of which \$5,000 shall be available for putting the Northeast Playground in condition for play purposes.

Public school playgrounds during summer.

For the maintenance and contingent expenses of keeping open during the summer months the public-school playgrounds, under the direction and supervision of the Commissioners; for special and temporary services, directors, assistants, and janitor service during the summer vacation, and, in the larger yards, daily after school hours during the school term, \$25,000.

Swimming pools.

For supplies, repairs, maintenance, and necessary expenses of operating three swimming pools, \$2,568.

Bathing pools.

Bathing pools: For superintendence, \$510; for temporary services, supplies, and maintenance, \$3,500; for repairs to buildings, pools, and upkeep of grounds, \$1,215; in all, \$5,225.

Electrical department.

ELECTRICAL DEPARTMENT

Personal services.
Supplies, contingent expenses, etc.

For personal services, \$115,000.

For general supplies, repairs, new batteries and battery supplies, telephone rental and purchase, telephone service charges, wire and cable for extension of telegraph and telephone service, repairs of lines and instruments, purchase of poles, tools, insulators, brackets, pins, hardware, cross arms, ice, record book, stationery, livery, blacksmithing, extra labor, new boxes, maintenance of motor trucks and other necessary items, \$29,000.

Placing wires underground.
Police patrol and fire alarm systems, etc.

For placing wires of fire alarm, police patrol, and telephone services underground, extension and relocation of police-patrol and fire-alarm systems, purchase and installing additional lead-covered cables, labor, material, appurtenances, and other necessary equipment and expenses, \$15,000.

Lighting, etc.

Lighting: For purchase, installation, and maintenance of public lamps, lampposts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and public spaces, part cost of maintenance of airport and airway lights necessary for operation of the air mail, and for all necessary expenses in connection therewith, including rental of storerooms, extra labor, operation, maintenance, and repair of motor trucks, this sum to be expended in accord-

Air mail lights.

ance with the provisions of sections 7 and 8 of the District of Columbia Appropriation Act for the fiscal year 1912 (36 Stat., pp. 1008-1011, sec. 7), and with the provisions of the District of Columbia Appropriation Act for the fiscal year 1913 (37 Stat., pp. 181-184, sec. 7), and other laws applicable thereto, and including not to exceed \$26,000 for operation and maintenance of electric traffic lights, signals, and controls, \$800,000, together with \$25,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1933: *Provided*, That this appropriation shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt-hour for current consumed: *Provided further*, That no part of this appropriation shall be available for the payment on any contract required by law to be awarded through competitive bidding, which is not awarded to the lowest responsible bidder on specifications, and such specifications shall be so drawn as to admit of fair competition.

Vol. 36, p. 1008; Vol. 37, p. 181.

Traffic signals, etc.

Proviso.
Electric street lighting rates.

Awards to lowest contractor.

PUBLIC SCHOOLS

For personal services of administrative and supervisory officers in accordance with the Act fixing and regulating the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, approved June 4, 1924 (43 Stat., pp. 367-375), including salaries of presidents of teachers colleges in the salary schedule for first assistant superintendents, \$550,000.

Public schools.

Personal services.

Vol. 43, p. 368.

For personal services of clerks and other employees, \$138,000.

Clerks, etc.

For personal services in the department of school attendance and work permits in accordance with the Act approved June 4, 1924 (43 Stat., pp. 367-375), the Act approved February 5, 1925 (43 Stat., pp. 806-808), and the Act approved May 29, 1928 (45 Stat., p. 998), \$33,413.

School attendance and work permit department.

Vol. 43, pp. 367-375, 806-808, Vol. 45, p. 998.

For personal services of teachers and librarians in accordance with the Act approved June 4, 1924 (43 Stat., pp. 367-375), including for teachers colleges assistant professors in salary class eleven, and professors in salary class twelve, \$5,432,760: *Provided*, That as teacher vacancies occur during the fiscal year 1934 in grades one to four, inclusive, of the elementary schools, such vacancies may be filled by the assignment of teachers now employed in kindergartens, and teachers employed in kindergartens are hereby made eligible to teach in the said grades: *Provided further*, That teaching vacancies that occur during the fiscal year 1934 wherever found may be filled by the assignment of teachers of special subjects and teachers not now assigned to classroom instruction, and such teachers are hereby made eligible for such assignment without further examination: *Provided further*, That in the interests of economy the Board of Education may at its discretion during the fiscal year 1934 appoint as temporary teachers in public schools of the District of Columbia qualified teachers from the eligible list of applicants established by examinations: *Provided further*, That in filling all such vacancies teachers now in the schools shall have the preference.

Teachers, librarians, etc.
Vol. 43, pp. 367-375.

Proviso.
Assignment of kindergarten teachers, grades 1-4.

Placing unassigned teachers of special, etc., subjects.

Temporary services.

Preference in filling vacancies.

Vacation schools.

For the instruction and supervision of children in the vacation schools and playgrounds, and supervisors and teachers of vacation schools and playgrounds may also be supervisors and teachers of day schools, \$25,000.

No part of any appropriation made in this Act shall be paid to any person employed under or in connection with the public schools of the District of Columbia who shall solicit or receive, or permit

Soliciting subscriptions, etc., in schools prohibited.

to be solicited or received, on any public-school premises, any subscription or donation of money or other thing of value from any pupil enrolled in such public schools for presentation of testimonials to school officials or for any purpose except such as may be authorized by the Board of Education at a stated meeting upon the written recommendation of the Superintendent of Schools.

To carry out the purposes of the Act approved June 11, 1926, entitled "An Act to amend the Act entitled 'An Act for the retirement of public-school teachers in the District of Columbia', approved January 15, 1920, and for other purposes" (41 Stat., pp. 387-390), \$400,000.

Exception.

Annuities.
Vol. 44, p. 728; Vol. 41,
p. 337.

Night schools.

NIGHT SCHOOLS

Salaries.

For teachers and janitors of night schools, including teachers of industrial, commercial, and trade instruction, and teachers and janitors of night schools may also be teachers and janitors of day schools, \$75,000.

Contingent expenses.

For contingent and other necessary expenses, including equipment and purchase of all necessary articles and supplies for classes in industrial, commercial, and trade instruction, \$4,000.

Deaf, dumb, and blind.

THE DEAF, DUMB, AND BLIND

Instruction of deaf and dumb.

For maintenance and instruction of deaf and dumb persons admitted to the Columbia Institution for the Deaf from the District of Columbia, under section 4864 of the Revised Statutes, and as provided for in the Act approved March 1, 1901 (U.S.C., title 24, sec. 238), and under a contract to be entered into with the said institution by the Commissioners, \$32,000.

R.S., sec. 4864, p. 942.
Vol. 31, p. 844.
U.S.C., p. 635.

Colored deaf mutes.

For maintenance and instruction of colored deaf-mutes of teachable age belonging to the District of Columbia, in Maryland, or some other State, under a contract to be entered into by the Commissioners, \$6,000: *Provided*, That all expenditures under this appropriation shall be made under the supervision of the Board of Education.

Tuition, under contract.
Proviso.
Supervision.Blind children.
Tuition, under contract.
Proviso.
Supervision of expenses.

For maintenance and instruction of blind children of the District of Columbia, in Maryland, or some other State, under a contract to be entered into by the Commissioners, \$10,000: *Provided*, That all expenditures under this appropriation shall be made under the supervision of the Board of Education.

Americanization work.

AMERICANIZATION WORK

Instructing foreigners of all ages.

For Americanization work and instruction of foreigners of all ages in both day and night classes, and teachers and janitors of Americanization schools may also be teachers and janitors of the day schools, \$7,500.

Contingent expenses.

For contingent and other necessary expenses, including books, equipment, and supplies, \$600.

Community centers.

COMMUNITY CENTER DEPARTMENT

Salaries and expenses.

For personal services of the director, general secretaries, and community secretaries in accordance with the Act approved June 4, 1924 (43 Stat., pp. 369, 370); clerks and part-time employees, including janitors on account of meetings of parent-teacher associations and other activities, and contingent expenses, equipment, supplies, and lighting fixtures, \$30,000.

Vol. 43, pp. 369, 375.

CARE OF BUILDINGS AND GROUNDS

For personal services, including care of smaller buildings and rented rooms at a rate not to exceed \$96 per annum for the care of each schoolroom, other than those occupied by atypical or ungraded classes, for which service an amount not to exceed \$120 per annum may be allowed, \$750,000.

Care of buildings and grounds.
Personal services.

Smaller buildings and rented rooms.

MISCELLANEOUS

For the maintenance of schools for tubercular and crippled pupils, \$9,000.

For transportation for pupils attending schools for tubercular pupils, and for pupils attending schools for crippled pupils, \$18,500: *Provided*, That expenditures for street car and bus fares, from this fund shall not be subject to the general limitations on the use of street car and bus fares covered by this Act.

Miscellaneous.

Schools for tubercular and crippled pupils.

Transportation.

Proviso.
Car, etc., fares allowed.

For purchase and repair of furniture, tools, machinery, material, and books, and apparatus to be used in connection with instruction in manual and vocational training, and incidental expenses connected therewith, \$60,000, to be immediately available.

Manual, etc., training expenses.

For fuel, gas, and electric light and power, \$240,000.

Fuel, light, power, etc.

FURNITURE

For completely furnishing and equipping buildings and additions to buildings, as follows: School in Foxhall Village, \$3,200; Phelps Vocational School, \$40,000; Logan School, \$6,000; Keene School, \$6,000; Bancroft school, \$5,600; Douglass-Simmons assembly-gymnasium and M Street Junior High School gymnasium, \$3,040; in all, \$63,840, to be immediately available and to continue available until June 30, 1935.

Furniture.

Equipping designated buildings.

For contingent expenses, including United States flags, furniture and repairs of same, stationery, ice, paper towels, and other necessary items not otherwise provided for, and including not exceeding \$8,000 for books of reference and periodicals, not exceeding \$1,500 for replacement of pianos at an average cost of not to exceed \$300 each, not exceeding \$5,000 for labor, \$120,000, to be immediately available: *Provided*, That a bond shall not be required on account of military supplies or equipment issued by the War Department for military instruction and practice by the students of high schools in the District of Columbia.

Immediately available.

Contingent expenses.

No money appropriated in this Act for the purchase of furniture and equipment for the public schools of the District of Columbia shall be expended unless the requisitions of the Board of Education therefor shall be approved by the Commissioners of the District of Columbia, or by the purchasing officer and the auditor for the District of Columbia acting for the Commissioners.

Proviso.
No bond required for Army supplies to cadets.

Purchases subject to Commissioners' approval.

For textbooks and other educational books and supplies as authorized by the Act of January 31, 1930 (46 Stat., p. 62), including not to exceed \$7,000 for personal services, \$180,000, to be immediately available.

Supplies to pupils.
Vol. 46, p. 62.

For maintenance of kindergartens, \$5,600, to be immediately available.

Kindergartens.

For purchase of apparatus, fixtures, specimens, technical books, and for extending the equipment and for the maintenance of laboratories of the department of physics, chemistry, biology, and general science in the several high and junior high schools and teachers colleges, and for the installation of the same, \$15,000, to be immediately available.

Supplies for physics, etc., departments.

School gardens.

For utensils, material, and labor, for establishment and maintenance of school gardens, including rent of grounds, \$2,000.

Nature study, etc., teachers.

The Board of Education is authorized to designate the months in which the ten salary payments now required by law shall be made to teachers assigned to the work of instruction in nature study and school gardens.

Children of Army, Navy, etc., admitted free.

The children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition.

Repairs, etc., to buildings.

For repairs and improvements to school buildings, repairing and renewing heating, plumbing, and ventilating apparatus, installation and repair of electric equipment, and installation of sanitary drinking fountains, and maintenance of motor trucks, \$325,000, of which amount \$100,000 shall be immediately available.

Equipment, etc., school-yard playgrounds.
Proviso.
Use, etc.

For the purchase, installation, and maintenance of equipment, for school yards for the purposes of play of pupils, \$7,500: *Provided*, That such playgrounds shall be kept open for play purposes in accordance with the schedule maintained for playgrounds under the jurisdiction of the playground department.

Buildings and grounds.

BUILDINGS AND GROUNDS

Construction, etc., designated schools; payable from balances for the Municipal Center.

Not to exceed \$570,000 of any unexpended balances of appropriations contained in the District of Columbia appropriation Acts for the fiscal years 1932 and 1933 for the Municipal Center is hereby reappropriated and made available for the construction of public-school buildings as follows:

Vol. 46, p. 1384; Vol. 47, p. 350.

Logan.
Post, p. 860.

For the erection of an eight-room building on a site already appropriated for in the vicinity of the Logan School, \$95,000;

Reno, senior high.

For beginning the construction of a senior high school building at Forty-first and Chesapeake Streets northwest, in the Reno section, \$475,000, and the Commissioners are authorized to enter into contract or contracts for such building at a cost not to exceed \$1,150,000;

Total; immediately available.

In all, \$570,000, to be immediately available and to be disbursed and accounted for as "Buildings and grounds, public schools", and for that purpose shall constitute one fund and remain available until expended: *Provided*, That no part of this appropriation shall be used for or on account of any school building not herein specified.

Accounted as one fund.

Provisos.
Use for unauthorized projects forbidden.

Under-age instruction prohibited.

No part of the foregoing appropriations for public schools shall be used for instructing children under five years of age except children entering during the first half of the school year who will be five years of age by November 1, 1933, and children entering during the second half of the school year who will be five years of age by March 15, 1934: *Provided*, That this limitation shall not be considered as preventing the employment of a matron and the care of children under school age at the Webster School whose parent or parents are in attendance in connection with Americanization work.

Webster School provisions.

Building contract requirements.

None of the money appropriated by this Act shall be paid or obligated toward the construction of or addition to any building the whole and entire construction of which, exclusive of heating, lighting, plumbing, painting, and treatment of grounds, shall not have been awarded in one or a single contract, separate and apart from any other contract, project, or undertaking, to the lowest responsible bidder complying with all the legal requirements as to a deposit of money or the execution of a bond, or both, for the faithful performance of the contract: *Provided*, That nothing herein shall be construed as repealing existing law giving the Commissioners the right to reject all bids.

Right to reject bids.

The plans and specifications for all buildings provided for in this Act under appropriations administered by the Commissioners of the District of Columbia shall be prepared under the supervision of the municipal architect, and those for school buildings after consultation with the Board of Education, and shall be approved by the commissioners and shall be constructed in conformity thereto.

The school buildings authorized and appropriated for herein shall be constructed with all doors intended to be used as exits or entrances opening outward, and each of said buildings having in excess of eight rooms shall have at least four exits.¹ Appropriations carried in this Act shall not be used for the maintenance of school in any building unless all outside doors thereto used as exits or entrances shall open outward and be kept unlocked every school day from one half hour before until one half hour after school hours.

Preparation of plans.

Exit, etc., requirements.

METROPOLITAN POLICE

Police.

SALARIES

For the pay and allowances of officers and members of the Metropolitan Police Force, in accordance with the Act entitled "An Act to fix the salaries of the Metropolitan Police Force, the United States Park Police Force, and the fire department of the District of Columbia" (43 Stat., pp. 174-175), as amended by the Act of July 1, 1930 (46 Stat., pp. 839-841), including compensation at the rate of \$2,100 per annum for the present assistant property clerk of the police department, \$2,570,000.

Salaries, etc.
Vol. 43, p. 174; Vol. 46, p. 839.

For personal services, \$103,000.

Personal services.

MISCELLANEOUS

For fuel, \$7,000.

Miscellaneous.

For repairs and improvements to police stations and station grounds, \$8,000.

Fuel.

Repairs, etc.

For miscellaneous and contingent expenses, including rewards for fugitives, purchase of gas equipment and firearms, maintenance of card system, stationery, city directories, books of reference, periodicals, newspapers, telegraphing, telephoning, photographs, rental and maintenance of teletype system and labor-saving devices, telephone service charges, purchase, maintenance and servicing of radio broadcasting systems, including purchase of equipment, gas, ice, washing, meals for prisoners, medals of award, not to exceed \$300 for car tickets, furniture and repair thereto, beds and bed clothing, insignia of office, police equipments and repairs to same, and mounted equipment, flags and halyards, storage of stolen or abandoned property, and traveling and other expenses incurred in prevention and detection of crime and other necessary expenses, including expenses of harbor patrol, \$70,000, of which amount not exceeding \$2,000 may be expended by the major and superintendent of police for prevention and detection of crime, under his certificate, approved by the Commissioners, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided*, That the Commissioners are authorized to employ the electrician of the District Building to repair speedometers at such cost not exceeding \$250 as they may approve payment to be in addition to his regular compensation, and such services to be performed after regular working hours.

Contingent expenses.

Radio system.

Prevention and detection of crime.

Proviso.
Speedometer repairs.

For purchase, exchange, and maintenance of passenger-carrying and other motor vehicles and the replacement of those worn out in the service and condemned, \$60,000, including not to exceed \$2,000 for two patrol wagons and not to exceed \$2,800 for two police cruisers.

Motor vehicles.

¹ So in original.

Uniforms.

Uniforms: For furnishing uniforms and other official equipment prescribed by department regulations as necessary and requisite in the performance of duty to officers and members of the Metropolitan Police, including cleaning, alteration, and repair of articles transferred from one individual to another, \$45,000.

House of Detention.

HOUSE OF DETENTION

Maintenance, etc.

For maintenance of a suitable place for the reception and detention of girls and women over seventeen years of age, arrested by the police on charge of offense against any laws in force in the District of Columbia, or held as witnesses or held pending final investigation or examination, or otherwise, including transportation, the purchase and maintenance of necessary motor vehicles, clinic supplies, food, upkeep and repair of buildings, fuel, gas, ice, laundry, supplies and equipment, electricity, and other necessary expenses, \$8,880; for personal services, \$7,120; in all, \$16,000.

Policemen, etc., relief fund.

POLICEMEN AND FIREMEN'S RELIEF FUND

Payments from.

To pay the relief and other allowances as authorized by law, such sum as is necessary for said purposes for the fiscal year 1934 is appropriated from the policemen and firemen's relief fund.

Fire Department.

FIRE DEPARTMENT

SALARIES

Salaries, officers, etc.
Vol. 43, p. 175; Vol. 46, p. 839.

For the pay of officers and members of the fire department, in accordance with the Act entitled "An Act to fix the salaries of officers and members of the Metropolitan Police Force, the United States Park Police Force, and the fire department of the District of Columbia" (43 Stat. 175), as amended by the Act of July 1, 1930 (46 Stat. 839-841), \$1,800,000.

Personal services.

For personal services, \$4,794.

MISCELLANEOUS

Repairs, etc., to buildings.
Uniforms, etc.

For repairs and improvements to buildings and grounds, \$20,000.
Uniforms: For furnishing uniforms and other official equipment prescribed by department regulations as necessary and requisite in the performance of duty to officers and members of the fire department, including cleaning, alteration, and repair of articles transferred from one individual to another, \$21,000.

Repairs to apparatus, etc.

For repairs to apparatus, motor vehicles, and other motor-driven apparatus, fire boat and for new apparatus, new motor vehicles, new appliances, employment of mechanics, helpers, and laborers in the fire department repair shop, and for the purchase of necessary supplies, materials, equipment, and tools, \$41,000: *Provided*, That the Commissioners are authorized, in their discretion, to build or construct, in whole or in part, fire-fighting apparatus in the fire department repair shop.

Hose, fuel, etc.

For hose, \$9,000.

For fuel, \$20,000.

For contingent expenses, furniture, fixtures, oil, blacksmithing, gas and electric lighting, flags and halyards, medals of award, and other necessary items, \$20,000.

HEALTH DEPARTMENT

Health Department.

SALARIES

For personal services, \$155,000.

Personal services.

PREVENTION OF CONTAGIOUS DISEASES

For contingent expenses incident to the enforcement of the provisions of an Act to prevent the spread of contagious diseases in the District of Columbia, approved March 3, 1897 (29 Stat., pp. 635-641), and an Act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebrospinal meningitis, and typhoid fever in the District of Columbia, approved February 9, 1907 (34 Stat., pp. 889-890), and an Act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District of Columbia, approved May 13, 1908 (35 Stat., pp. 126-127), under the direction of the health officer of said District, manufacture of serums, including their use in indigent cases, and for the prevention of infantile paralysis and other communicable diseases, and of an Act for the prevention of venereal diseases in the District of Columbia, and for other purposes, approved February 26, 1925 (43 Stat., pp. 1001-1003), and for maintenance of disinfecting service, including salaries or compensation for personal services, when ordered in writing by the Commissioners and necessary for the enforcement and execution of said Acts, and for the prevention of such other communicable diseases as hereinbefore provided, and purchase of reference books and medical journals, \$28,000: *Provided*, That any bacteriologist employed under this appropriation may be assigned by the health officer to the bacteriological examination of milk and other dairy products and of the water supplies of dairy farms, and to such other sanitary works as in the judgment of the health officer will promote the public health, whether such examinations be or be not directly related to contagious diseases.

Prevention of contagious diseases.

Enforcement expenses.

Vol. 29, p. 635.

Vol. 34, p. 889.

Registration of tuberculosis.

Vol. 35, p. 126.

Infantile paralysis.

Venereal diseases.

Vol. 43, p. 1001.

Disinfecting service.

Proviso.
Bacteriological examination of milk, etc.

Isolating wards, Garfield Hospital.

For isolating wards for minor contagious diseases at Garfield Memorial Hospital, maintenance, \$22,500, or so much thereof as in the opinion of the Commissioners may be necessary.

Maintenance of dispensaries, etc.

For the maintenance of a dispensary or dispensaries for the treatment of indigent persons suffering from tuberculosis and of indigent persons suffering from venereal diseases, including payment for personal services, rent, supplies, and contingent expenses, \$33,112: *Provided*, That the Commissioners may accept such volunteer services as they deem expedient in connection with the establishment and maintenance of the dispensaries herein authorized: *Provided further*, That this shall not be construed to authorize the expenditure or the payment of any money on account of any such volunteer service.

Provisos.
Volunteer services.

No pay therefor authorized.

For enforcement of the provisions of an Act to provide for the drainage of lots in the District of Columbia, approved May 19, 1896 (29 Stat., pp. 125-126), and an Act to provide for the abatement of nuisances in the District of Columbia by the Commissioners, and for other purposes, approved April 14, 1906, \$500.

Drainage of lots, etc.

Vol. 29, p. 126.

Abatement of nuisances.

Vol. 34, p. 114.

HYGIENE AND SANITATION, PUBLIC SCHOOLS

Hygiene, etc., public schools.

Personal services.

Dental clinics.

Proviso.
Division of inspectors and nurses.

Salaries: For personal services in the conduct of hygiene and sanitation work in the public schools, including the necessary expenses of maintaining free dental clinics, \$80,000: *Provided*, That of the persons employed as medical inspectors one shall be a woman, four shall be dentists, and four shall be of the colored race, and that

of the graduate nurses employed as public-school nurses three shall be of the colored race.

Maintenance of laboratories, etc.

For maintenance of laboratories, including reference books and periodicals, apparatus, equipment, and necessary contingent and miscellaneous expenses, \$2,000.

Preventing food, candy, etc., adulterations. Vol. 30, pp. 246, 398.

For contingent expenses incident to the enforcement of an Act relating to the adulteration of foods and drugs in the District of Columbia approved February 17, 1898 (30 Stat., pp. 246-248), an Act to prevent the adulteration of candy in the District of Columbia, approved May 5, 1898 (30 Stat., p. 398), an Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, approved June 30, 1906 (34 Stat., pp. 768-772), and an Act to regulate, within the District of Columbia, the sale of milk, cream, and ice cream, and for other purposes, approved February 27, 1925 (43 Stat., pp. 1004-1008), including traveling and other necessary expenses of dairy-farm inspectors; and including not to exceed \$100 for special services in detecting adulteration of drugs and foods, including candy and milk, \$6,000: *Provided*, That inspectors of dairy farms may receive an allowance for furnishing privately owned motor vehicles in the performance of official duties at the rate of not to exceed \$312 per annum for each inspector.

Pure food law. Vol. 34, p. 768.

Milk regulations. Vol. 43, p. 1004.

Proviso. Dairy farm inspection; motor vehicle allowance.

Ambulances, etc.

For maintenance and operation of motor ambulances and motor vehicles, \$800.

Child welfare and hygiene.

Child welfare and hygiene: For maintaining a child-hygiene service, including the establishment and maintenance of child-welfare stations for the clinical examinations, advice, care, and maintenance of children under six years of age, payment for personal services, rent, fuel, periodicals, and supplies, \$44,000: *Provided*, That the Commissioners may accept such volunteer services as they may deem expedient in connection with the establishment and maintenance of the service herein authorized: *Provided further*, That this shall not be construed to authorize the expenditure or the payment of any money on account of any such volunteer service.

Provisos. Volunteer service may be accepted.

No pay therefor.

Courts and prisons.

COURTS AND PRISONS

Juvenile Court.

JUVENILE COURT

Personal services.

Salaries: For personal services, \$50,000.

Jurors.

Miscellaneous: For compensation of jurors, \$1,125.

Contingent expenses.

For fuel, ice, gas, laundry work, stationery, books of reference, periodicals, typewriters and repairs thereto, preservation of records, mops, brooms, and buckets, removal of ashes and refuse, telephone service, traveling expenses, meals of jurors and prisoners, repairs to courthouse and grounds, furniture, fixtures, and equipment, and other incidental expenses not otherwise provided for, \$2,750.

Advances authorized for returning, etc., absconding probationers.

The disbursing officer of the District of Columbia is authorized to advance to the chief probation officer of the juvenile court upon requisition previously approved by the judge of the juvenile court and the auditor of the District of Columbia, sums of money not to exceed \$50 at any one time, to be expended for transportation and traveling expenses to secure the return of absconding probationers, and to be accounted for monthly on itemized vouchers to the accounting officer of the District of Columbia.

POLICE COURT

Police Court.
Personal services.
Contingent expenses.

Salaries: For personal services, \$85,000.

For law books, books of reference, directories, periodicals, stationery, preservation of records, typewriters and repairs thereto, fuel, ice, gas, electric lights and power, telephone service, laundry work, removal of ashes and rubbish, mops, brooms, buckets, dusters, sponges, painter's and plumber's supplies, toilet articles, medicines, soap and disinfectants, lodging and meals for jurors and bailiffs when ordered by the court, United States flags and halyards, and all other necessary and incidental expenses of every kind not otherwise provided for, \$5,500.

For witness fees and compensation of jurors, \$23,000.
For repairs and alterations to building, \$1,420.

Witnesses and jurors.
Building repairs, etc.

MUNICIPAL COURT

Municipal Court.
Salaries.

Salaries: For personal services, including compensation of five judges without reference to the limitation in this Act restricting salaries within the grade, \$63,000.

For compensation of jurors, \$4,000: *Provided*, That deposits made on demands for jury trials in accordance with rules prescribed by the court under authority granted in section 11 of the Act approved March 3, 1921 (41 Stat., p. 1312), shall be earned unless, prior to three days before the time set for such trials, including Sundays and legal holidays, a new date for trial be set by the court, cases be discontinued or settled, or demands for jury trials be waived.

Jurors.
Deposits for jury trials earned unless new date set.
Vol. 41, p. 1312.

For contingent expenses, including books, law books, books of reference, fuel, light, telephone, lodging and meals for jurors, and for deputy United States marshals while in attendance upon jurors, when ordered by the court; fixtures, repairs to furniture, building and building equipment, and all other necessary miscellaneous items and supplies, \$2,750.

Contingent expenses.

SUPREME COURT, DISTRICT OF COLUMBIA

District Supreme Court.

Salaries: For the chief justice, eight associate justices, nine stenographers (one for the chief justice and one for each associate justice), and other personal services, \$112,000.

Salaries.

Fees of jurors and witnesses: For mileage and per diem of jurors, for mileage and per diem of witnesses and for per diem in lieu of subsistence, and payment of the expenses of witnesses in said court as provided by section 850, Revised Statutes (U.S.C., title 28, sec. 604), \$85,000.

Jurors and witnesses.

For not exceeding twenty deputy marshals who act as bailiffs, clerks of jury commissioners, and per diems of jury commissioners, and for expenses of meals and lodging for jurors in United States cases, and of bailiffs in attendance upon same when ordered by the court, \$31,942: *Provided*, That the compensation of each jury commissioner for the fiscal year 1934 shall not exceed \$250.

Bailiffs, etc.

Proviso.
Jury commissioners.

Probation system: For personal services, \$9,758; contingent expenses, \$242; in all, \$10,000.

Probation system.

Courthouse: For personal services for care and protection of the courthouse, under the direction of the United States marshal of the District of Columbia, \$30,000, to be expended under the direction of the Attorney General.

Courthouse, care, etc.

For repairs and improvements to the courthouse, including repair and maintenance of the mechanical equipment, and for labor and material and every item incident thereto, \$4,000, to be expended under the direction of the Architect of the Capitol.

Repairs, etc.

Court of Appeals.

COURT OF APPEALS

Salaries.

Salaries: For the chief justice and four associate justices, and all other officers and employees of the court; reporting service; and not to exceed \$950 for necessary expenditures in the conduct of the clerk's office; in all, \$83,500: *Provided*, That the reports of the court shall not be sold for a price exceeding that approved by the court and for not more than \$6.50 per volume.

Proviso.
Sale of reports.

Care, etc., of building.

Building: For personal services for care and protection of the Court of Appeals Building, including one mechanician, under the direction of the Architect of the Capitol, \$7,089: *Provided*, That the clerk of the court of appeals shall be the custodian of said building, under the direction and supervision of the justices of said court.

Proviso.
Custodian.

Incidental expenses.

For mops, brooms, buckets, disinfectants, removal of refuse, electrical supplies, books, and all other necessary and incidental expenses not otherwise provided for, \$660.

Miscellaneous.

MISCELLANEOUS

Support of convicts out of the District.

Support of convicts: For support, maintenance, and transportation of convicts transferred from District of Columbia; expenses of shipping remains of deceased convicts to their homes in the United States, and expenses of interment of unclaimed remains of deceased convicts; expenses incurred in identifying and pursuing escaped convicts and rewards for their recapture; and discharge gratuities provided by law; to be expended under the direction of the Attorney General, \$45,000.

Lunacy writs.
Expenses of executing.
Vol. 33, p. 740.

Writs of lunacy: For expenses attending the execution of writs de lunatico inquirendo and commitments thereunder in all cases of indigent insane persons committed or sought to be committed to Saint Elizabeths Hospital by order of the executive authority of the District of Columbia under the provisions of existing law, and expenses of commitments to the District Training School, including personal services, \$7,957.

Miscellaneous, authorized by Attorney General.

Miscellaneous court expenses: For such miscellaneous expenses as may be authorized by the Attorney General for the Supreme Court of the District of Columbia and its officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and including such expenses other than for personal services as may be authorized by the Attorney General for the Court of Appeals, District of Columbia, \$35,000.

Printing and binding.

Printing and binding: For printing and binding for the Supreme Court and the Court of Appeals of the District of Columbia, except records and briefs in cases in which the United States is a party, \$6,200.

Public Welfare.

PUBLIC WELFARE

Board of Public Welfare.

BOARD OF PUBLIC WELFARE

Personal services.

For personal services, \$96,000.

Child-welfare division.

DIVISION OF CHILD WELFARE

Administration expenses.

Administration: For administrative expenses, including placing and visiting children, city directory, purchase of books of reference and periodicals not exceeding \$50, and all office and sundry expenses, \$3,500, and no part of the money herein appropriated shall be used for the purpose of visiting any ward of the Board of Public Welfare placed outside the District of Columbia and the States of Virginia and Maryland; and a ward placed outside said District and the States of Virginia and Maryland shall be visited not less than once

Limitation on visiting wards of, outside the District, etc.

a year by a voluntary agent or correspondent of said Board, and that said Board shall have power, upon proper showing, in its discretion, to discharge from guardianship any child committed to its care.

For board and care of all children committed to the guardianship of said board by the courts of the District, and for temporary care of children pending investigation or while being transferred from place to place, with authority to pay not more than \$1,500 each to institutions under sectarian control and not more than \$400 for burial of children dying while under charge of the Board, \$250,000.

To carry out the purposes of the Act entitled "An Act to provide home care for dependent children in the District of Columbia", approved June 22, 1926 (44 Stat., pp. 758-760), including not to exceed \$11,152 for personal services in the District of Columbia, \$171,152: *Provided*, That this appropriation shall be so apportioned by the Commissioners as to prevent a deficiency therein, and no more than \$100 per month shall be paid therefrom to any one family.

For the maintenance, under the jurisdiction of the Board of Public Welfare, of a suitable place in a building entirely separate and apart from the House of Detention for the reception and detention of children under seventeen years of age arrested by the police on charge of offense against any laws in force in the District of Columbia, or committed to the guardianship of the Board, or held as witnesses, or held temporarily, or pending hearing, or otherwise, including transportation, food, clothing, medicine and medical supplies, rental, repair and upkeep of buildings, fuel, gas, electricity, ice, supplies and equipment, and other necessary expenses including not to exceed \$15,940 for personal services, \$34,000.

The disbursing officer of the District of Columbia is authorized to advance to the director of public welfare, upon requisitions previously approved by the auditor of the District of Columbia and upon such security as may be required of said director by the Commissioners, sums of money not to exceed \$400 at any one time, to be used for expenses in placing and visiting children, traveling on official business of the Board, and for office and sundry expenses, all such expenditures to be accounted for to the accounting officers of the District of Columbia within one month on itemized vouchers properly approved.

JAIL

Salaries: For personal services, \$65,000.

For maintenance and support of prisoners of the District of Columbia at the jail, expenses incurred in identifying and pursuing escaped prisoners and rewards for their recapture, repair and improvements to buildings, cells, and locking devices, newspapers, books, and periodicals not to exceed \$100, maintenance of non-passenger-carrying motor vehicle, and expense of electrocutions, \$67,500.

GENERAL ADMINISTRATION, WORKHOUSE AND REFORMATORY, DISTRICT OF COLUMBIA

For personal services, \$280,000.

For maintenance, care, and support of inmates, rewards for fugitives, discharge gratuities provided by law, medical supplies, newspapers, books, books of reference, and periodicals, farm implements, tools, equipment, transportation expenses, purchase and maintenance of livestock and horses, purchase, exchange, maintenance, operation, and repair of nonpassenger-carrying vehicles and motor bus; fuel for heating, lighting, and power, and all other necessary items, \$320,000.

Board, etc., of children.

Home care of dependent children.
Vol. 44, p. 758.

Proviso.
Limitation on expenditure.

Receiving, etc., home for children under 17.
Maintenance, etc.

Advances to director.

Limit.

Jail.

Salaries.

Maintenance and support of prisoners.

Workhouse and Reformatory.

Personal services.

Maintenance, etc.

Fuel, etc.

Building construction.
Equipment.
Additional sum.
Vol. 46, p. 1404.

For continuing construction of permanent buildings, including sewers, water mains, roads, and other necessary utilities, and for equipment for new buildings, \$42,800, together with a further sum of not exceeding \$54,000 of the unexpended balance of the appropriation for maintenance, care, and support of inmates, and so forth, workhouse and reformatory, District of Columbia, contained in the District of Columbia Appropriation Act for the fiscal year 1932.

Repairs.

For repairs to buildings and grounds, and maintenance of utilities, marine and railroad transportation facilities, and mechanical equipment not used in industrial enterprises, \$22,000.

Working capital.

To provide a working capital fund for such industrial enterprises as may be approved by the Commissioners of the District of Columbia, \$35,000: *Provided*, That the various departments and institutions of the District of Columbia and the Federal Government may purchase, at fair market prices, as determined by the Commissioners, such surplus products and services as meet their requirements; receipts from the sale of products and services shall be deposited to the credit of said working capital fund, and said fund, including all receipts credited thereto, shall be used as a revolving fund for the fiscal year 1934 for the purchase and repair of machinery, tools, and equipment, purchase of raw materials and manufacturing supplies, purchase, maintenance, and operation of nonpassenger-carrying vehicles, purchase and maintenance of horses, and purchase of fuel for manufacturing purposes; for freight, personal services, and all other necessary expenses; and for the payment to inmates or their dependents of such pecuniary earnings as the Commissioners may deem proper.

Proviso.
Purchase of services and products.

Receipts deposited as revolving fund.
Availability, etc.

Advances authorized for returning absconders.

The disbursing officer of the District of Columbia is authorized to advance to the general superintendent of penal institutions, upon requisitions previously approved by the auditor of the District of Columbia, and upon such security as the Commissioners may require of said superintendent, sums of money not exceeding \$200 at one time, to be used only for expenses in returning escaped prisoners, payable from the maintenance appropriations for the workhouse and reformatory, all such expenditures to be accounted for to the accounting officers of the District of Columbia within one month on itemized vouchers properly approved.

National Training School for Boys.

NATIONAL TRAINING SCHOOL FOR BOYS

Care, etc., of boys committed thereto.

For care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract to be made by the Board of Public Welfare with the authorities of said National Training School for Boys, \$27,000.

National Training School for Girls.

NATIONAL TRAINING SCHOOL FOR GIRLS

Personal services.
Contingent expenses.

Salaries: For personal services, \$27,500.

For groceries, provisions, light, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicines, medical attendance, transportation, labor, sewing machines, fixtures, books, magazines, and other supplies which represent greater educational advantages; stationery, horses, vehicles, harness, cows, pigs, fowls, sheds, fences, repairs, typewriting, stenography, and other necessary items, and including compensation not exceeding \$1,500 for additional labor or services; for identifying and pursuing escaped inmates and for rewards for their capture, for transportation and other necessary expenses incident to securing suitable homes for paroled or discharged girls, and for maintenance of nonpassenger-carrying motor vehicles, \$31,000.

Apprehending absconders.

MEDICAL CHARITIES

Medical charities.

For care and treatment of indigent patients under contracts to be made by the Board of Public Welfare with the following institutions and for not to exceed the following amounts, respectively:

Care, etc., of indigent patients at designated hospitals.

Children's Hospital, \$15,000.

Central Dispensary and Emergency Hospital, \$45,000.

Eastern Dispensary and Casualty Hospital, \$15,000.

Washington Home for Incurables, \$10,000.

COLUMBIA HOSPITAL AND LYING-IN ASYLUM

Columbia Hospital.

For general repairs, including labor and material, to be expended in the discretion and under the direction of the Architect of the Capitol, \$5,000.

Repairs, etc.

TUBERCULOSIS HOSPITAL

Tuberculosis Hospital.

For personal services, \$73,500.

Personal services.
Contingent expenses.

For provisions, fuel, forage, harness, and vehicles, and repairs to same, gas, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, medical books, books of reference, and periodicals not to exceed \$200, temporary services not to exceed \$1,000, maintenance of motor truck, and other necessary items, \$59,000.

For repairs and improvements to buildings and grounds, including roads and sidewalks, \$3,000.

Repairs, etc.

CHILDREN'S TUBERCULOSIS SANATORIUM

Children's Tuberculosis Sanatorium.

For personal services, maintenance, and other necessary expenses, including maintenance of motor vehicles and the purchase and maintenance of horses and wagons, \$25,000.

Maintenance, etc.

For completely furnishing and equipping the Children's Tuberculosis Sanatorium, including not to exceed \$1,950 for the purchase of one nonpassenger and two passenger-carrying motor vehicles (including one bus), \$45,000.

Equipment, etc.

Motor vehicles.

GALLINGER MUNICIPAL HOSPITAL

Gallinger Hospital.

Salaries: For personal services, including not to exceed \$2,000 for temporary labor, \$295,000.

Personal services.

For maintenance of the hospital; for maintenance of the quarantine station, smallpox hospital, and public crematorium, including expenses incident to furnishing proper containers for the reception, burial, and identification of the ashes of all human bodies of indigent persons that are cremated at the public crematorium and remain unclaimed after twelve months from the date of such cremation; for maintenance and purchase of horses and horse-drawn vehicles; for medical books, books of reference, and periodicals, not to exceed \$500; for maintenance of nonpassenger-carrying motor vehicles; and for all other necessary expenses, \$195,000.

Maintenance, etc.

For repairs and improvements to buildings and grounds, \$4,500.

Repairs, etc.
Incidental expenses.

Purchase of books, musical instruments and music, expense of commencement exercises, entertainments, and inspection by New York State Board of Regents, and other incidental expenses of the training school for nurses, \$600.

DISTRICT TRAINING SCHOOL

District Training School.

For personal services, including not to exceed \$1,000 for temporary labor, \$75,000.

Personal services.

Maintenance, etc.	For maintenance and other necessary expenses, including the maintenance of nonpassenger-carrying motor vehicles, the purchase and maintenance of horses and wagons, farm machinery and implements, \$80,000.
Repairs, etc.	For repairs and improvements to buildings and grounds, \$5,000.
Industrial School for Colored Children.	Home
	INDUSTRIAL HOME SCHOOL FOR COLORED CHILDREN ⁷
Personal services.	Salaries: For personal services, \$30,575; temporary labor, \$425; in all, \$31,000.
Maintenance.	For maintenance, including purchase and maintenance of farm implements, horses, wagons, and harness, and maintenance of nonpassenger-carrying motor vehicles, and not to exceed \$1,250 for manual-training equipment and materials, \$25,000.
Repairs, etc.	For repairs and improvements to buildings and grounds, \$1,928.
Deposit of receipts from products.	All moneys received at said school as income from sale of products and from payment of board or of instruction or otherwise shall be paid into the Treasury of the United States to the credit of the District of Columbia.
Industrial School.	Home
	INDUSTRIAL HOME SCHOOL
Personal services.	Salaries: For personal services, \$20,575; temporary labor, \$425; in all, \$21,000.
Maintenance.	For maintenance, including care of horses, purchase and care of wagon and harness, maintenance of nonpassenger-carrying motor vehicle, \$21,000.
Repairs, etc.	For repairs and improvement to buildings and grounds, including not to exceed \$2,000 for laundry equipment, \$4,000.
Home for Aged and Infirm.	
	HOME FOR AGED AND INFIRM
Personal services.	Salaries: For personal services, \$49,300; temporary labor, \$1,700; in all, \$51,000.
Contingent expenses.	For provisions, fuel, forage, harness, and vehicles and repairs to same, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items, and maintenance of nonpassenger-carrying motor vehicles, \$65,000.
Repairs, etc.; day labor.	For repairs and improvements to buildings and grounds, such work to be performed by day labor or otherwise in the discretion of the Commissioners, \$4,500.
Municipal Lodging House, etc.	
	MUNICIPAL LODGING HOUSE AND WOOD YARD
Maintenance, etc.	For personal services, \$2,934; maintenance, \$4,066; in all, \$7,000.
War Veterans' Service office.	
	WAR VETERANS' SERVICE OFFICE
Personal services.	For personal services, without reference to the Classification Act of 1923, as amended, to enable the municipal government to aid and advise war veteran residents of the District of Columbia and their dependents as to their rights and privileges under Federal legislation of which veterans and/or their dependents may be beneficiaries, including assistance in the presentation of claims to the Veterans' Administration or other appropriate Federal agencies, \$5,100, to be expended under the direction of the Commissioners of the District of Columbia.
Assisting presentation of claims.	
	EMERGENCY RELIEF
Emergency relief.	
	EMERGENCY RELIEF
Relief of unemployed, etc., residents.	For the purpose of affording relief to residents of the District of Columbia who are unemployed or otherwise in distress because of

the existing emergency, to be expended by the Board of Public Welfare of the District of Columbia by employment and/or direct relief, in the discretion of the Board of Commissioners and under rules and regulations to be prescribed by the board and without regard to the provisions of any other law, payable from the revenues of the District of Columbia, \$1,300,000, to be immediately available: *Provided*, That not to exceed 8 per centum of such amount shall be available for administrative expenses, including necessary personal services.

Method of expenditure.

Wholly from District revenues.

Proviso.
Administrative expenses.

TEMPORARY HOME FOR UNION EX-SOLDIERS AND SAILORS

(DEPARTMENT OF THE POTOMAC, GRAND ARMY OF THE REPUBLIC)

For personal services, \$3,747; maintenance, \$9,253; and repairs to buildings and grounds, \$500; in all, \$13,500, to be expended under the direction of the Commissioners; and Union ex-soldiers, sailors, or marines of the Civil War, ex-soldiers, sailors, or marines of the Spanish War, Philippine insurrection, or China relief expedition, and soldiers, sailors, or marines of the World War or who served prior to July 2, 1921, shall be admitted to the home, all under the supervision of a board of management.

Grand Army soldiers, etc., temporary home.

FLORENCE CRITTENTON HOME

For care and maintenance of women and children under a contract to be made with the Florence Crittenton Home by the Board of Public Welfare, maintenance, \$6,000.

Florence Crittenton Home.

Maintenance, etc.

SOUTHERN RELIEF SOCIETY

For care and maintenance of needy and infirm Confederate veterans, their widows and dependents, residents in the District of Columbia, under a contract to be made with the Southern Relief Society by the Board of Public Welfare, \$10,000.

Southern Relief Society, for needy Confederate veterans.

NATIONAL LIBRARY FOR THE BLIND

For aid and support of the National Library for the Blind, located at 1800 D Street Northwest, to be expended under the direction of the Commissioners of the District of Columbia, \$5,000.

National Library for the Blind.

COLUMBIA POLYTECHNIC INSTITUTE

To aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street Northwest, to be expended under the direction of the Commissioners of the District of Columbia, \$3,000.

Columbia Polytechnic Institute.

SAINT ELIZABETHS HOSPITAL

For support of indigent insane of the District of Columbia in Saint Elizabeths Hospital, as provided by law, \$1,807,580.

Saint Elizabeths Hospital.

Support of District insane.

NONRESIDENT INSANE

For deportation of nonresident insane persons, in accordance with the Act of Congress "to change the proceedings for admission to the Government Hospital for the Insane in certain cases, and for other purposes", approved January 31, 1899, including persons held in the psychopathic ward of the Gallinger Municipal Hospital, \$5,500.

Deporting nonresident insane.
Vol. 30, p. 811.

In expending the foregoing sum the disbursing officer of the District of Columbia is authorized to advance to the Director of Public Welfare, upon requisitions previously approved by the auditor of the

Advances authorized to Director of Public Welfare.

Limitation.

District of Columbia, and upon such security as the Commissioners may require of said Director, sums of money not exceeding \$300 at one time, to be used only for deportation of nonresident insane persons, and to be accounted for monthly on itemized vouchers to the accounting officer of the District of Columbia.

RELIEF OF THE POOR

Relief of the poor.

For relief of the poor, including medical and surgical supplies, artificial limbs, and for pay of physicians to the poor, to be expended under the direction of the Board of Public Welfare, \$8,000.

Payment to abandoned families.
Vol. 34, p. 87.
Vol. 44, p. 753.

For payment to beneficiaries named in section 3 of "An Act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances", approved March 23, 1906, to be disbursed by the disbursing officer of the District of Columbia on itemized vouchers duly audited and approved by the auditor of said District, \$7,000.

Ex-service men.

BURIAL OF EX-SERVICE MEN

Burial of indigent, in Arlington Cemetery, etc.

For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent Union ex-soldiers, ex-sailors, or ex-marines, of the United States service, either Regular or Volunteer, who have been honorably discharged or retired, and who died in the District of Columbia, to be disbursed by the Secretary of War at a cost not exceeding \$45 for such burial expenses in each case, exclusive of cost of grave, \$135.

TRANSPORTATION OF INDIGENT PERSONS

Transporting indigent persons.

For transportation of indigent persons, including indigent veterans of the World War and their families, \$5,000.

Vocational rehabilitation of disabled residents.
Vol. 45, p. 1260.

Vocational rehabilitation of disabled residents, District of Columbia: To carry out the provisions of the Act entitled "An Act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes", approved February 23, 1929 (45 Stat., p. 1260), \$15,000.

Militia.

MILITIA

Expenses authorized, under commanding general.

For the following, to be expended under the authority and direction of the commanding general, who is hereby authorized and empowered to make necessary contracts and leases, namely:

Personal services.

Expenses of camps, etc.

For personal services, \$18,000; temporary labor, \$5,000; for expenses of camps, including hire of horses for officers required to be mounted, and for the payment of commutation of subsistence for enlisted men who may be detailed to guard or move the United States property at home stations on days immediately preceding and immediately following the annual encampments; damages to private property incident to encampment; reimbursement to the United States for loss of property for which the District of Columbia may be held responsible; cleaning and repairing uniforms, arms, and equipment; instruction, purchase, and maintenance of athletic, gymnastic, and recreational equipment at armory or field encampments, not to exceed \$500; practice marches, drills, and parades; rent of armories, drill halls, and storehouses; fuel, light, heat, care, and repair of armories, offices, and storehouses; machinery and dock, including dredging alongside of dock; construction of buildings for storage and other purposes at target range; telephone service; printing, stationery, and postage; horses and mules for mounted organizations; maintenance

and operation of passenger and nonpassenger-carrying motor vehicles; street-car fares (not to exceed \$200) necessarily used in the transaction of official business; not exceeding \$400 for traveling expenses, including attendance at meetings or conventions of associations pertaining to the National Guard; and for general incidental expenses of the service, \$9,000; in all, \$32,000.

PUBLIC BUILDINGS AND PUBLIC PARKS

Public Buildings and
Public Parks.

SALARIES, PUBLIC PARKS, DISTRICT OF COLUMBIA

For personal services, \$300,000.

Personal services.

GENERAL EXPENSES, PUBLIC PARKS

Public parks.

General expenses: For general expenses in connection with the maintenance, care, improvement, furnishing of heat, light, and power of public parks, grounds, fountains, and reservations, propagating gardens and greenhouses under the jurisdiction of the Office of Public Buildings and Public Parks of the National Capital, including \$5,000 for the maintenance of the tourists' camp on its present site in East Potomac Park, and including personal services of seasonal or intermittent employees at per diem rates of pay approved by the Director, not exceeding current rates of pay for similar employment in the District of Columbia; the hire of draft animals with or without drivers at local rates approved by the Director; the purchase and maintenance of draft animals, harness, and wagons; contingent expenses; city directories; communication service; car fare; traveling expenses; professional, scientific, technical, and law books; periodicals and reference books; blank books and forms; photographs; dictionaries and maps; leather and rubber articles for the protection of employees and property; the maintenance, repair, exchange, and operation of not to exceed two motor-propelled passenger-carrying vehicles and all necessary bicycles, motorcycles, and self-propelled machinery; the purchase, maintenance, and repair of equipment and fixtures and so forth, \$333,000: *Provided*, That not exceeding \$20,000 of the amount herein appropriated may be expended for placing and maintaining portions of the parks in condition for outdoor sports and for expenses incident to the conducting of band concerts in the parks.

Maintenance and
general expenses.

Provided.
Outdoor sports, band
concerts, etc.

PARK POLICE

Park police.

Salaries: For pay and allowances of the United States park police force, in accordance with the Act approved May 27, 1924, as amended, \$145,000.

Salaries.
Vol. 43, p. 175; Vol.
46, p. 839.

For uniforming and equipping the United States park police force, including the purchase, issue, operation, maintenance, repair, exchange, and storage of revolvers, bicycles, and motor-propelled passenger-carrying vehicles, uniforms, ammunition, and radio equipment, \$9,000.

Uniforms, equip-
ment, etc.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

National Capital
Park and Planning
Commission.

For reimbursement to the United States in compliance with section 4 of the Act approved May 29, 1930 (46 Stat., p. 482), as amended, \$1,000,000.

Reimbursement for
acquired lands.
Vol. 46, p. 485.

For each and every purpose, except the acquisition of land, requisite for and incident to the work of the National Capital Park

Incidental expenses,
etc.

Vol. 43, p. 463; Vol. 44,
p. 374; Vol. 45, p. 1070.
U.S.C., p. 1292.

and Planning Commission as authorized by the Act entitled "An Act providing for a comprehensive development of the park and play-ground system of the National Capital", approved June 6, 1924 (U.S.C., title 40, sec. 71), as amended, including personal services in the District of Columbia, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, not to exceed \$1,500 for printing and binding, not to exceed \$500 for traveling expenses and car fare of employees of the commission, and not to exceed \$300 for professional, scientific, technical, and reference books, and periodicals, \$31,000.

National Zoological
Park.

NATIONAL ZOOLOGICAL PARK

Expenses.

For roads, walks, bridges, water supply, sewerage, and drainage; grading, planting, and otherwise improving the grounds, erecting and repairing buildings and enclosures; care, subsistence, purchase, and transportation of animals; necessary employees; traveling and incidental expenses not otherwise provided for, including not to exceed \$2,000 for travel and field expenses in the United States and foreign countries for the procurement of live specimens and for the care, subsistence, and transportation of specimens obtained in the course of such travel; maintenance and operation of one motor-propelled passenger-carrying vehicle required for official purposes; for the purchase, issue, operation, maintenance, repair, and exchange of bicycles and nonpassenger-carrying motor vehicles, revolvers and ammunition; not exceeding \$2,500 for purchasing and supplying uniforms to park police, keepers, and assistant keepers; not exceeding \$100 for the purchase of necessary books and periodicals, \$180,000, no part of which sum shall be available for architect's fees or compensation.

Water service.

WATER SERVICE

From water rev-
enues.

The following sums are appropriated wholly out of the revenues of the water department for expenses of the Washington Aqueduct and its appurtenances and for expenses of water department, namely:

Washington Aque-
duct.

WASHINGTON AQUEDUCT

Maintenance, etc., of,
and accessories.

For operation, including salaries of all necessary employees, maintenance and repair of Washington Aqueducts and their accessories, including Dalecarlia, Georgetown, McMillan Park, first and second High Service Reservoirs, Washington Aqueduct tunnel, the filtration plants, the pumping plants and the plant for the preliminary treatment of the water supply, ordinary repairs, grading, opening ditches, and other maintenance of Conduit Road, purchase, installation, and maintenance of water meters on Federal services, purchase, care, repair, and operation of vehicles, including the purchase and exchange of one passenger-carrying motor vehicle at a cost not to exceed \$650; purchase and repair of rubber boots and protective apparel, and for each and every purpose connected therewith, \$400,000.

Control of Secretary
of War not affected.

Nothing herein shall be construed as affecting the superintendence and control of the Secretary of War over the Washington Aqueduct, its rights, appurtenances, and fixtures connected with the same and over appropriations and expenditures therefor as now provided by law.

Revenue, inspection,
and distribution.

For revenue and inspection and distribution branches: For personal services, \$150,000.

Operating expenses.

For maintenance of the water department distribution system, including pumping stations and machinery, water mains, valves, fire and public hydrants, and all buildings and accessories, and

motor trucks, and the replacement by purchase and/or exchange of the following motor-propelled vehicles: Three seven-hundred-and-fifty-pound trucks not to exceed \$550 each, one one-and-one-half-ton truck not to exceed \$700, one three-ton truck not to exceed \$1,600, and one five-ton truck not to exceed \$2,000; purchase of fuel, oils, waste, and other materials, and the employment of all labor necessary for the proper execution of this work; and for contingent expenses, including books, blanks, stationery, printing and binding not to exceed \$2,000, postage, purchase of technical reference books and periodicals, not to exceed \$275, and other necessary items, \$7,500; in all for maintenance, \$265,000, of which not exceeding \$5,000 shall be available for operation of pumps at Bryant Street pumping station upon interruption of service from Dalecarlia pumping station.

For extension of the water department distribution system, laying of such service mains as may be necessary under the assessment system, \$142,000. Distribution expenses.

For installing and repairing water meters on services to private residences and business places as may not be required to install meters under existing regulations, as may be directed by the Commissioners; said meters at all times to remain the property of the District of Columbia, \$10,000. Meters.

For installing fire and public hydrants, \$10,000. Hydrants.

For replacement of old mains and divide valves in various locations, on account of inadequate size and bad condition of pipe on account of age, and laying mains in advance of pavements, \$50,000, to be immediately available. Replacing mains.

For additional extension, improvement, and repair of the water distribution system, including necessary mains, machinery, and equipment, to aid in the relief of unemployment and to be allotted for such projects and purposes and in such amounts as the Director of the Bureau of the Budget may approve (including the allocation of additional sums to any or all of the four immediately preceding items), there is hereby appropriated wholly out of the revenues of the water department such sums (not to exceed in the aggregate \$635,000) as may be deemed surplus in such revenues. New mains.

During the fiscal year ending June 30, 1934, the Commissioners of the District of Columbia are authorized to allow a discount of 10 per centum on the amount of any bill for water charges paid within fifteen days after the date of the rendition thereof. Discounts, payment of water charges.

SEC. 2. That the services of draftsmen, assistant engineers, levelers, transitmen, rodmen, chainmen, computers, copyists, overseers, and inspectors temporarily required in connection with sewer, water, street, street-cleaning, or road work, or construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations may be employed exclusively to carry into effect said appropriations when specifically and in writing ordered by the Commissioners, and all such necessary expenditures for the proper execution of said work shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners in their Budget estimates shall report the number of such employees performing such services, and their work, and the sums paid to each, and out of what appropriation: *Provided*, That the expenditures hereunder shall not exceed \$42,000 during the fiscal year 1934: *Provided further*, That, excluding inspectors in the sewer department and one inspector in the electrical department, no person shall be employed in pursuance of the authority contained in this paragraph for a longer period than nine months in the aggregate during the fiscal year. Construction work, etc., under Commissioners.

Precious Limitation on expenses.

Period of employment.

Temporary labor,
etc.

The Commissioners, or their duly designated representatives, are further authorized to employ temporarily such laborers, skilled laborers, drivers, hostlers, and mechanics as may be required exclusively in connection with sewer, water, street, and road work, and street cleaning, or the construction and repair of buildings, and bridges, furniture and equipments, and any general or special engineering or construction or repair work, and to incur all necessary engineering and other expenses, exclusive of personal services, incidental to carrying on such work and necessary for the proper execution thereof, said laborers, skilled laborers, drivers, hostlers, and mechanics to be employed to perform such work as may not be required by law to be done under contract, and to pay for such services and expenses from the appropriations under which such services are rendered and expenses incurred.

Horses, vehicles, etc.

SEC. 3. That all horses, harness, horse-drawn vehicles necessary for use in connection with construction and supervision of sewer, street, street lighting, road work, and street-cleaning work, including maintenance of said horses and harness, and maintenance and repair of said vehicles, and purchase of all necessary articles and supplies in connection therewith, or on construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations, may be purchased, hired, and maintained, and motor trucks may be hired exclusively to carry into effect said appropriations, when specifically and in writing ordered by the Commissioners; and all such expenditures necessary for the proper execution of said work, exclusive of personal services, shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners in the Budget estimates shall report the number of horses, vehicles, and harness purchased, and horses and vehicles hired, and the sums paid for same, and out of what appropriation; and all horses owned or maintained by the District shall, so far as may be practicable, be provided for in stables owned or operated by said District: *Provided*, That such horses, horse-drawn vehicles, and carts as may be temporarily needed for hauling and excavating material in connection with works authorized by appropriations may be temporarily employed for such purposes under the conditions named in section 2 of this Act in relation to the employment of laborers, skilled laborers, and mechanics.

Specific authority re-
quired.

Proviso.
Temporary work, etc.

Miscellaneous trust
funds.
Expenses payable
from.
Vol. 33, p. 368.

SEC. 4. That the Commissioners are authorized to employ in the execution of work, the cost of which is payable from the appropriation account created in the District of Columbia Appropriation Act, approved April 27, 1904, and known as the Miscellaneous trust-fund deposits, District of Columbia, necessary personal services, horses, carts, and wagons, and to hire therefor motor trucks when specifically and in writing authorized by the Commissioners, and to incur all necessary expenses incidental to carrying on such work and necessary for the proper execution thereof, including the purchase, exchange, maintenance, and operation of motor vehicles for inspection and transportation purposes, such services and expenses to be paid from said appropriation account: *Provided*, That the Commissioners may delegate to their duly authorized representatives the employment under this section of laborers, mechanics, and artisans.

Proviso.
Employment of la-
borers, etc.

Leaves of absence.

Any person employed under any of the provisions of this Act who has been employed for ten consecutive months or more shall not be denied the leave of absence with pay for which the law provides.

Material, supplies,
vehicles, etc.
Purchase from stock
of Government activi-
ties no longer needed.

SEC. 5. That the Commissioners and other responsible officials, in expending appropriations contained in this Act, so far as possible, shall purchase material, supplies, including food supplies and equipment, when needed and funds are available, in accordance with the

regulations and schedules of the General Supply Committee or from the various services of the Government of the United States possessing material, supplies, passenger-carrying and other motor vehicles, and equipment no longer required. Surplus articles purchased from the Government, if the same have not been used, shall be paid for at a reasonable price, not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage. The various services of the Government of the United States are authorized to sell such surplus articles to the municipal government under the conditions specified, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: *Provided*, That this section shall not be construed to amend, alter, or repeal the Executive order of December 3, 1918, concerning the transfer of office materials, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities.

Price stipulation.

Proviso.
Transfers under Executive order.

SEC. 6. No part of the appropriations contained in this Act shall be used to pay any increase in the salary of any officer or employee of the District of Columbia by reason of the reallocation of the position of such officer or employee to a higher grade after June 30, 1932, by the Personnel Classification Board or the Civil Service Commission, and salaries paid accordingly shall be payment in full.

Increase of pay by reason of reallocation to higher grade.

SEC. 7. Title II of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, to the extent that it provides for the impoundment of appropriations on account of reductions in compensation of officers and employees, shall not operate to require such impoundment under appropriations contained in this Act.

Provisions for impounding, on account of salary reductions not operative.
Anle, p. 14.

SEC. 8. When specifically approved by the Director of the Bureau of the Budget upon recommendation of the Commissioners of the District of Columbia, transfers may be made between subheads of appropriations provided in this Act for the free Public Library, public playgrounds, public schools (except buildings and grounds and repairs to buildings), health department, and public welfare, respectively: *Provided*, That such transfers under this section shall not be made between appropriations for the several municipal services named, and all transfers, whether approved or contemplated, shall be reported to Congress in the estimates of the District of Columbia for the fiscal year 1935.

Transfers between subheads of appropriations allowed; exception.

Proviso.
Not to apply to specified service.

Report thereof to Congress.

Approved, June 16, 1933, 12:50 p.m.

[CHAPTER 94.]

AN ACT

To transfer Bedford County from the Nashville division to the Winchester division of the middle Tennessee judicial district.

June 16, 1933.

[H. R. 5909.]

[Public, No. 71.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Bedford County of the Nashville division of the middle district of the State of Tennessee is hereby detached from the Nashville division and attached to and made a part of the Winchester division of the middle district of such State.

Tennessee judicial district.
Transfer of Bedford County to Winchester Division.

Approved, June 16, 1933, 12:55 p.m.

[CHAPTER 95.]

AN ACT

June 16, 1933.

[S. 1561.]

[Public, No. 72.]

Providing for payment of \$50 to each enrolled Chippewa Indian of the Red Lake Band of Minnesota from the timber funds standing to their credit in the Treasury of the United States.

Red Lake Band of
Chippewa Indians.

Per capita payment
to, from tribal funds.

Acceptance, etc.

Payments not sub-
ject to any lien, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to withdraw from the Treasury so much as may be necessary of the principal timber fund on deposit to the credit of the Red Lake Band of the Chippewa Indians of the State of Minnesota and to make therefrom payment of \$50, in two equal installments of \$25 each, one as soon as practicable after the passage of this Act, and one on or about December 1, 1933, to each enrolled Chippewa Indian of the Red Lake Band of Minnesota, under such regulations as such Secretary shall prescribe. No payment shall be made under this Act until the Chippewa Indians of the Red Lake Band of Minnesota shall, in such manner as such Secretary shall prescribe, have accepted such payments and ratified the provisions of this Act. The money paid to the Indians under this Act shall not be subject to any lien or claim of whatever nature against any of said Indians, except that not to exceed 15 per centum of each installment may be deducted to apply toward individual obligations due the United States or the Red Lake Band of Chippewa Indians,

Approved, June 16, 1933, 12:57 p.m.

[CHAPTER 96.]

AN ACT

June 16, 1933.

[H.R. 5040.]

[Public, No. 73.]

To extend the gasoline tax for one year, to modify postage rates on mail matter, and for other purposes.

Revenue Act of 1932,
amendments.
Gasoline, tax con-
tinued after June, 1933.
Vol. 47, p. 270,
repealed.

Postal rates.
President authorized
to modify.
Vol. 47, p. 285.
Post, p. 760.

Effective date and
duration.
Postmasters' allow-
ances, etc., correspond-
ingly modified.

Vol. 47, p. 285.

First class matter.

Vol. 47, p. 285,
amended.
Rate increase, for
local delivery repealed.
R.S., sec. 3904, p. 759.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 629 of the Revenue Act of 1932 is amended by striking out the following: “, or after June 30, 1933, in the case of articles taxable under section 617, relating to the tax on gasoline.”

SEC. 2. The President is authorized during the period ending June 30, 1934, to proclaim such modifications of postage rates on mail matter (except that in the case of first-class matter the rate shall not be reduced to less than 2 cents an ounce or fraction thereof) as, after a survey by him, he may deem advisable by reason of increase in business, the interests of the public, or the needs of the Postal Service, and such modifications shall be in effect on and after such date as he shall proclaim and until July 1, 1934. In case a modification of the rate of postage on first-class matter is proclaimed, the President shall also make a corresponding modification in the percentages of gross postal receipts specified in section 1001 (c) of the Revenue Act of 1932 as amended by this Act, which percentages shall be in effect during the period such modification of the rate of postage on first-class matter is in effect. Nothing in this section shall be construed as giving the President authority to change the rate fixed by law on first-class matter mailed for local delivery, postal cards, and private mailing or post cards.

SEC. 3. (a) Section 1001 (a) of the Revenue Act of 1932 is amended by striking out the period at the end thereof and inserting a colon and the following: “*Provided*, That such additional rate shall not apply on or after July 1, 1933, to first-class matter mailed for local delivery.”

(b) The first sentence of section 1001 (c) of the Revenue Act of 1932 is amended, effective July 1, 1933, by striking out the period at the end thereof and inserting a comma and the following: "except that in the case of such post offices as have city or village letter-carrier service 90 per centum of the gross postal receipts shall be counted for such purpose."

Percentage of receipts in determining class of post office.
Vol. 47, p. 286, amended.

SEC. 4. (a) Effective fifteen days after the date of the enactment of this Act, section 620 of the Revenue Act of 1932 is amended to read as follows:

Vol. 47, p. 267, amended.

"SEC. 620. TAX-FREE SALES

Tax-free sales.

"Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax under this title shall be imposed with respect to the sale of any article—

"(1) for use by the vendee as material in the manufacture or production of, or as a component part of, an article enumerated in this title;

Articles for further manufacture.

"(2) for resale by the vendee for such use by his vendee, if such article is in due course so resold;

Resale by vendee.

"(3) for resale by the vendee to a State or political subdivision thereof for use in the exercise of an essential governmental function, if such article is in due course so resold.

To a State, etc., for official use.

For the purposes of this title the manufacturer or producer to whom an article is sold under paragraph (1) or resold under paragraph (2) shall be considered the manufacturer or producer of such article. The provisions of paragraphs (1) and (2) shall not apply with respect to tires or inner tubes or articles enumerated in section 604, relating to the tax on furs."

Manufacturer or producer defined.

Tires, furs, etc., excluded.
Vol. 47, p. 261.

(b) Effective fifteen days after the date of the enactment of this Act, section 601 (c) (1) of the Revenue Act of 1932 is amended by adding at the end thereof the following:

Lubricating oils.
Vol. 47, p. 259.

"Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax shall be imposed under this section upon lubricating oils sold to a manufacturer or producer of lubricating oils for resale by him, but for the purposes of this title such vendee shall be considered the manufacturer or producer of such lubricating oils."

Sales to manufacturer for resale, tax free.

Vendee deemed manufacturer, etc.

(c) Effective fifteen days after the date of the enactment of this Act, section 621 (a) of the Revenue Act of 1932 is amended by inserting after paragraph (2) thereof the following new paragraph:

Credits and refunds.
Vol. 47, p. 268, amended.

"(3) to a manufacturer, producer, or importer in the amount of tax paid by him under this title with respect to the sale of any article to a dealer, if the manufacturer, producer, or importer has in his possession such evidence as the regulations may prescribe that (A) such article has after the date this paragraph takes effect been delivered by the dealer to a State or political subdivision thereof for use in the exercise of an essential governmental function and (B) the manufacturer, producer, or importer has repaid or agreed to repay the amount of such tax to the dealer or has obtained the consent of the dealer to the allowance of the credit or refund."

Allowance of, sales of taxable articles to States, etc.

Condition.

SEC. 5. Effective fifteen days after the date of the enactment of this Act, title IV of the Revenue Act of 1932 is amended by adding at the end thereof a new section to read as follows:

New section.
Vol. 47, p. 270, amended.

“SEC. 630. EXEMPTION FROM TAX OF CERTAIN SUPPLIES FOR VESSELS

Tax exemptions, ships' stores, supplies, etc.

“Under regulations prescribed by the Commissioner, with the approval of the Secretary, no tax under this title shall be imposed upon any article sold for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on vessels of war of the United States or of any foreign nation, vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions. Articles manufactured or produced with the use of articles upon the importation of which tax has been paid under this title, if laden for use as supplies on such vessels, shall be held to be exported for the purposes of section 601 (b).”

Vol. 47, p. 266, amended.

SEC. 6. (a) Effective September 1, 1933, section 616 of the Revenue Act of 1932 is amended to read as follows:

“SEC. 616. TAX ON ELECTRICAL ENERGY FOR DOMESTIC OR COMMERCIAL CONSUMPTION

Electric energy for domestic or commercial consumption.

Tax payment by vendor.

Resale to tenants construed.

“(a) There is hereby imposed upon electrical energy sold for domestic or commercial consumption and not for resale a tax equivalent to 3 per centum of the price for which so sold, to be paid by the vendor under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe. The sale of electrical energy to an owner or lessee of a building, who purchases such electrical energy for resale to the tenants therein, shall for the purposes of this section be considered as a sale for consumption and not for resale, but the resale to the tenant shall not be considered a sale for consumption.

Provisions inapplicable.

Vol. 47, pp. 267-269. Sale to Federal, State, etc., governments.

“(b) The provisions of sections 619, 622, and 625 shall not be applicable with respect to the tax imposed by this section.

Public-owned plants.

“(c) No tax shall be imposed under this section upon electrical energy sold to the United States or to any State or Territory, or political subdivision thereof, or the District of Columbia. None of the provisions of this section shall apply to publicly owned electric and power plants. The right to exemption under this subsection shall be evidenced in such manner as the Commissioner, with the approval of the Secretary, may, by regulation, prescribe.”

Electric energy furnished prior to September 1, 1933.

(b) Despite the provisions of this section the tax imposed under section 616 of the Revenue Act of 1932 before its amendment by this section on electrical energy furnished before September 1, 1933, shall be imposed, collected, and paid in the same manner and shall be subject to the same provisions of law (including penalties) as if this section had not been enacted.

Approved, June 16, 1933, 1 p.m.

[CHAPTER 97.]

AN ACT

To amend the probation law.

June 16, 1933.
[H.R. 5208.]
[Public, No. 74.]

United States courts. Arrest of probationer, wherever found.

Vol. 43, p. 1260. U.S.C., p. 516.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of the second paragraph of section 2 of the Act of March 4, 1925, entitled “An Act to provide for the establishment of a probation system in the United States courts, except in the District of Columbia” (U.S.C., title 18, sec. 725), be, and the same is hereby, amended to read as follows: “At any time within the probation

period the probation officer may arrest the probationer wherever found, without a warrant, or the court which has granted the probation may issue a warrant for his arrest, which warrant may be executed by either the probation officer or the United States marshal of either the district in which the probationer was put upon probation or of any district in which the probationer shall be found and, if the probationer shall be so arrested in a district other than that in which he has been put upon probation, any of said officers may return probationer to the district out of which such warrant shall have been issued."

Return to jurisdiction.

Approved, June 16, 1933, 1:05 p.m.

[CHAPTER 98.]

AN ACT

To provide for organizations within the Farm Credit Administration to make loans for the production and marketing of agricultural products, to amend the Federal Farm Loan Act, to amend the Agricultural Marketing Act, to provide a market for obligations of the United States, and for other purposes.

June 16, 1933.
[H. R. 5790.]
[Public, No. 75.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Farm Credit Act of 1933.

TITLE I

SECTION 1. This Act shall be known as the "Farm Credit Act of 1933."

Title.

ESTABLISHMENT OF PRODUCTION CREDIT CORPORATIONS AND BANKS FOR COOPERATIVES

Production Credit Corporations and Banks for Cooperatives.

SEC. 2. The Governor of the Farm Credit Administration, hereinafter in this Act referred to as the "governor", is authorized and directed to organize and charter twelve corporations to be known as "Production Credit Corporations" and twelve banks to be known as "Banks for Cooperatives." One such corporation and one such bank shall be established in each city in which there is located a Federal land bank. The directors of the several Federal land banks shall be ex officio the directors of the respective Production Credit Corporations and Banks for Cooperatives. Such directors shall have power, subject to the approval of the governor, to employ and fix the compensation of such officers and employees of such corporations and banks as may be necessary to carry out the powers and duties conferred upon such corporations and banks under this Act.

Organization, etc.

Location.

Directors.

Power to employ and fix compensation.

CHARTERS AND BYLAWS

SEC. 3. The charters of the Production Credit Corporations and the Banks for Cooperatives shall be granted by the governor upon application of the directors of the Federal land bank of the proper district, and applications and charters shall be in such form as the governor shall prescribe. The directors shall have power, subject to the approval of the governor, to adopt such bylaws as may be necessary for the conduct of the business of the corporations and banks.

Charters and bylaws.

CAPITAL OF PRODUCTION CREDIT CORPORATIONS

SEC. 4. The capital stock of each Production Credit Corporation shall be in such amount as the governor determines is required for the purpose of meeting the credit needs of the district to be served by such corporation, and such amount may be increased or decreased from time to time by the governor in accordance with such credit

Production Credit Corporations.

Capital stock. Amount to be determined by governor.

Limitation.

Initial capital, subscribed and held by governor, as agent.

Payments to be made out of the revolving fund.

needs. Such capital stock shall be divided into shares of \$100 each. The initial capital stock of each such corporation shall be \$7,500,000, which shall be subscribed for by the governor and held by him on behalf of the United States. Payments on subscriptions to stock by the governor shall be subject to call in whole or in part by the board of directors of the corporation with the approval of the governor. The governor shall make such payments out of the revolving fund created in section 5. The stock ownership of the United States in such corporation shall be evidenced by such means as the governor shall determine.

REVOLVING FUND AND APPROPRIATION

Revolving fund created.
Post, p. 348.

Available balances of designated funds to so constitute, etc.
Post, p. 276.

Crop, etc., loans.
Vol. 47, p. 5.

Collections on farm loans.
Vol. 47, p. 795.

Balances.

Advances, stock or crop production excepted.
Vol. 47, p. 713.

Unobligated balances of sums made available by designated Acts.

Post, p. 348.
Vol. 47, p. 60.

Additional authorizations.

Sums for administrative expenses.
Post, p. 276.

Use of funds for salaries not restricted.

SEC. 5. (a) There is hereby created a revolving fund of not to exceed \$120,000,000 which shall be made up as follows:

(1) The Reconstruction Finance Corporation is authorized and directed to make available to the Governor of the Farm Credit Administration all unobligated balances of the following funds and all sums heretofore returned or released to the corporation from such funds:

(A) Any balances of funds for, and all collections on loans by, the Secretary of Agriculture pursuant to section 2 of the Reconstruction Finance Corporation Act as amended;

(B) All collections on loans made or to be made pursuant to the Act of February 4, 1933 (Public, Numbered 327, Seventy-second Congress);

(C) All balances of funds authorized and directed to be made available to the Secretary of Agriculture by such Act and not used for loans pursuant thereto; and

(D) Any balances of the funds originally directed to be allocated and made available to the Secretary of Agriculture by such Acts except as expended pursuant to subsection (e) of section 201 of the Emergency Relief and Construction Act of 1932.

(2) There are hereby made available to the Governor of the Farm Credit Administration all unobligated balances of appropriations and funds available thereunder to enable the Secretary of Agriculture to make advances or loans under the following Acts and resolutions, and all repayments of such advances and loans: March 3, 1921 (41 Stat. 1347), March 20, 1922 (42 Stat. 467), April 26, 1924 (43 Stat. 110), February 28, 1927 (44 Stat. 1251), February 25, 1929 (45 Stat. 1306), as amended May 17, 1929 (46 Stat. 3), March 3, 1930 (46 Stat. 78, 79), December 20, 1930 (46 Stat. 1032), as amended February 14, 1931 (46 Stat. 1160), and February 23, 1931 (46 Stat. 1276), and Public Resolution Numbered 11, Seventy-second Congress, approved March 3, 1932.

(3) There is hereby authorized to be appropriated the sum of \$40,000,000 out of any money in the Treasury not otherwise appropriated.

(b) There is hereby authorized to be appropriated the sum of \$2,000,000, which shall remain available until expended, for all necessary administrative expenses in connection with the establishment and supervision of the Production Credit Corporations and the Production Credit Associations.

(c) The authority of the Governor of the Farm Credit Administration to allocate and expend out of the funds covered by subsection (a) of this section such amounts as he shall deem necessary for salaries, expenses, and all other administrative expenditures in the execution of the functions for which such funds have hitherto been available shall not be deemed to be restricted by this section.

(d) The authority to make loans during the calendar year 1933 pursuant to the Act of February 4, 1933 (Public Numbered 327, Seventy-second Congress), as amended, out of funds made available by that Act shall not be deemed to be restricted by this section.

Making farm, etc., loans.
Vol. 47, p. 795.

STOCK OWNERSHIP OF PRODUCTION CREDIT CORPORATIONS IN PRODUCTION CREDIT ASSOCIATIONS

Stock ownership of Production Credit Corporations in Production Credit Associations.

SEC. 6. (a) Each Production Credit Corporation shall have power to invest its funds in stock of production credit associations as provided in this section. Such corporation is authorized to subscribe and pay for class A stock in each Production Credit Association located in the district served by such corporation in amounts sufficient to maintain the amount of class A stock held by it and other holders of class A stock equal, as nearly as may be, to 20 per centum of the volume of loans made or to be made by such association, as estimated by the corporation, but at no time shall the amount of class A stock outstanding be less than \$5,000 except with the consent of the association. Notwithstanding the provisions of the preceding sentence, (1) the governor, under rules and regulations prescribed by him, may permit a Production Credit Corporation to maintain the class A holdings of stock by the corporation and other investors at such amount, in excess of 20 per centum of such loans, as may be necessary, and (2) the corporation may at any time require the association to retire and cancel stock held by the corporation in such association, if, in the judgment of the corporation, the association has resources available therefor.

Investments in local associations authorized.

Post, p. 983.

Amount.

Larger holdings.

Retirement of corporation stock if resources warrant.

(b) Under such rules and regulations as may be prescribed by the governor and subject to such restrictions and limitations as he may prescribe, each Production Credit Corporation is authorized to subscribe and pay for stock in production credit associations not organized under this Act if such associations are controlled by cooperative associations as defined in section 55. Only stock which is preferred as to assets on liquidation and is entitled to participate in dividend distributions without discrimination may be subscribed for. The amount of the stock subscribed for by any Production Credit Corporation in any such association shall not at any one time exceed 75 per centum of the total paid-in capital of such association.

Stock subscriptions in association not organized under this Act, if controlled by cooperative associations.

Post, p. 286.

Preferred, etc., stock only, to be subscribed for.

Maximum.

(c) The amount of the excess of earnings on stock held by the corporation above amounts necessary to pay operating expenses and restore losses and impairment of capital, if any, of the corporation shall be devoted to the creation and maintenance of a surplus equal to at least 25 per centum of the paid-in capital of the corporation. The amount of the surplus shall be invested as the governor shall prescribe in direct obligations of the United States or in class A stock of Production Credit Associations, or both.

Surplus, to equal 25 per centum of capital, to be created from stock earnings.

To be invested in Federal obligations, etc.

(d) The amount of such excess of earnings not required in order to comply with the provisions of subsection (c) shall be paid into the revolving fund heretofore authorized. Stock held by the governor in the Production Credit Corporation shall be retired upon such payment in an amount equal to the amount of such payment.

Excess production earnings to be paid into revolving fund.

Retirement of Governor's stock.

TITLE II—PRODUCTION CREDIT ASSOCIATIONS

Production Credit Associations.

ESTABLISHMENT OF PRODUCTION CREDIT ASSOCIATIONS

SECTION 20. The governor is authorized and directed to organize and charter corporations to be known as "Production Credit Associations." Such associations may be organized by ten or more farmers desiring to borrow money under the provisions of this

Local associations to be organized and chartered.

Objects to be specified in articles of incorporation.

Authority of governor.

Regulations to be prescribed.

Fixing maximum loans.

Adoption of bylaws.

title. Such individuals shall enter into articles of incorporation which shall specify in general terms the objects for which the association is formed and the powers to be exercised by it in carrying out the functions conferred upon it by this Act. Such articles shall be signed by the individuals uniting to form the association and a copy thereof shall be forwarded to the Production Credit Corporation of the district, and such copy shall be filed and preserved in its office. The governor may, for good cause shown, deny a charter to such individuals. Upon the approval of such articles by the governor, the association shall become as of the date of such approval a body corporate. The governor shall have power, under rules and regulations prescribed by him, or by prescribing the terms of the charter of the association, or both, to provide for the organization, management, and conduct of the business of the association; and the power of the governor shall extend to prescribing the amount of the stock of such association; fixing the territory within which its operations may be carried on; fixing the method of election and appointment of, and the amount and payment of the compensation of, directors, officers, and employees; fixing the maximum amount of individual loans which may be made; prescribing the conditions under which the stock may be retired; and providing for the consolidation of two or more such associations. The governor may, at any time, direct such changes in the charter of any such association as he finds necessary in accomplishing the purposes of this title. Bylaws of any such association may be adopted by the directors but shall not be valid unless approved by the governor.

STOCK OF PRODUCTION CREDIT ASSOCIATIONS

Division of stock into two classes.

Class A, to be purchased by investors, etc.

Class B, subscribed by farmer borrowers, etc.

Voting rights.

Class B stock not transferable; exception.

Exchange, by class B holder.

Dividends.

Credit against indebtedness.

Class A preference in liquidation.

Appointments and elections of officers, etc., while Corporation is stockholder.

SEC. 21. The stock of such associations shall be divided into shares of \$5 each; and there shall be two classes of such stock: (1) Class A stock which is to be held by Production Credit Corporations, and which may be purchased and held by investors, and (2) class B stock which may be purchased only by farmer borrowers from the association and individuals eligible to become borrowers. Class B stock only shall be entitled to voting rights but each holder of such stock shall be entitled to no more than one vote. No class B stock, or any interest therein or right to receive dividends thereon, shall be transferred by act of parties or operation of law except to another farmer borrower or an individual eligible to become a borrower, and then only with the approval of the directors of the association. Each holder of class B stock, within two years after he has ceased to be a borrower, shall exchange such class B stock at the fair book value (not to exceed par) thereof, as determined by the association, for class A stock. All stock shall share in dividend distributions without preference, but the directors of the association may, in their discretion, apply the amount of any dividend payable to a holder of class B stock to any indebtedness of such holder to the association. Class A stock shall be preferred as to assets of the association upon liquidation. During such time as any Production Credit Corporation is a holder of any stock of any such association, the appointment or election of directors, the secretary-treasurer, and the loan committee of such association shall be subject to the approval of the president of the Production Credit Corporation and during such time any such director, secretary-treasurer, or other officer may, at any time, be removed by the president of the Production Credit Corporation.

EARNINGS OF PRODUCTION CREDIT ASSOCIATIONS

SEC. 22. Each Production Credit Association shall, at the end of its fiscal year, apply the amount of its earnings in excess of operating expenses during such fiscal year, first, to making up any losses in excess of its reserve for bad and doubtful debts; second, to the restoration of the amount of the impairment, if any, of capital; third, to the creation and maintenance of a reserve account for bad and doubtful debts, the amount of which account shall be prescribed by the Production Credit Corporation; and fourth, to the creation and maintenance of a guaranty fund equal to at least 25 per centum of the paid-in capital of the association. Any sums remaining may, with the approval of the Production Credit Corporation, be devoted to the payment of dividends but no rate of dividend in excess of 7 per centum per annum shall be paid. Sums in the guaranty fund herein provided for shall be invested subject to such rules and regulations as may be prescribed by the Production Credit Corporation.

SEC. 23. Each Production Credit Association shall, under such rules and regulations as may be prescribed by the Production Credit Corporation of the district with the approval of the governor, invest its funds and make loans to farmers for general agricultural purposes, but such part of its funds as is represented by the guaranty fund provided for in section 22 shall not be devoted to making loans to farmers. Such loans shall be made on such terms and conditions, at such rates of interest, and with such security as may be prescribed by the Production Credit Corporation. No loan shall be made for a less amount than \$50, nor shall any one borrower be indebted to the association at any one time in an amount in excess of 20 per centum of the capital and guaranty fund of the association or, if the loan is secured by collateral approved by the Corporation, in an amount in excess of 50 per centum of the capital and guaranty fund, but loans may be made to any borrower in an amount in excess of 50 per centum of the capital and guaranty fund if the loan is approved by the Production Credit Commissioner of the Farm Credit Administration. Borrowers shall be required to own, at the time the loan is made, class B stock in an amount equal in fair book value (not to exceed par), as determined by the association, to \$5 per \$100 or fraction thereof of the amount of the loan. Such stock shall not be canceled or retired upon payment of the loan but may be transferred or exchanged as provided in section 21.

SEC. 24. Production Credit Associations doing business under this Act are authorized to borrow from, and rediscount paper with, Federal Intermediate Credit Banks subject to the restrictions, limitations, and conditions applicable under title II of the Federal Farm Loan Act, as amended (U.S.C., title 12, ch. 8). Except with the approval of the Governor, Production Credit Associations shall not have the power to borrow from or rediscount paper with any other bank or agency.

Production credit associations.

Use of excess earnings to defray losses, etc.

To restore capital impairment.

Create reserve for discharging bad debts, etc.

Maintenance of a guaranty fund. Remainder to dividends; limitations.

Investments.

Loans to farmers for general agricultural purposes.

Funds excluded.

Conditions required.

Borrowers to own class B stock; ratio to amount of loan.

Exchange, on loan repayment.

Federal Intermediate Credit Banks; authority conferred to borrow from, and rediscount paper with.

Vol. 42, p. 1454; Vol. 47, p. 159.

U.S.C., p. 315; Supp. VI, p. 133.

Restriction.

TITLE III—CENTRAL BANK FOR COOPERATIVES

ESTABLISHMENT OF BANK

SECTION 30. The governor is authorized and directed to organize and charter a corporation to be known as the "Central Bank for Cooperatives" with its principal office in the District of Columbia and such other offices as in the opinion of the governor may be necessary.

Central Bank for Cooperatives.

Establishment, in District of Columbia, etc.

BOARD OF CENTRAL BANK

Board of directors.
Composition, ap-
pointment, etc.

SEC. 31. (a) The board of directors of the Central Bank for Cooperatives shall consist of seven members, one of whom shall be the Cooperative Bank Commissioner of the Farm Credit Administration, who shall be chairman of the board of directors. The other six directors shall be appointed by the governor, of whom the successors of three first appointed shall be appointed from nominees selected by borrowers as provided in subsection (b). The terms of the directors first appointed shall be for one, two, and three years as designated by the governor at the time of appointment and their successors shall hold their offices during a term of three years, but a director appointed to fill a vacancy shall hold his office for the unexpired term of the director whose place he is selected to fill. Any appointed director may at any time be removed for cause by the governor. No compensation shall be paid any director as a director of the corporation but the corporation, subject to the approval of the governor, may allow directors a reasonable per diem and expenses.

Terms of office.

Vacancies.

No compensation;
expenses allowed.

Choosing successors.

(b) The successors of three of the directors first appointed shall be selected one each year by the governor from among individuals nominated by borrowers (except Banks for Cooperatives). The governor shall, not less than sixty days prior to the end of the term of any director whose successor is to be appointed from among nominees as herein provided, or as soon as practicable after a vacancy occurs in the office of such director other than by the expiration of his term, cause notice of the vacancy to be sent to each borrower eligible to vote for nominees. Each such borrower shall be eligible to cast one vote. The governor shall not count any ballot received after the expiration of thirty days after the sending of notice. From those (not exceeding three) receiving the highest number of votes, as shown by his count, the governor shall appoint the director.

Each borrower en-
titled to one vote.

Chairman and board.

POWERS OF CHAIRMAN AND BOARD

Powers.

SEC. 32. The chairman of the board of the corporation shall be the executive officer of the corporation and the powers of the board of directors shall be such powers as may be prescribed in the charter and bylaws.

Central Bank.

CAPITAL STOCK OF CENTRAL BANK

Capital stock.
Authority of gov-
ernor to increase or
decrease.

SEC. 33. The capital stock of the central bank shall be in such amount as the governor determines is required for the purpose of meeting the credit needs of eligible borrowers from the bank under this title, and the governor may from time to time increase or decrease such amount, subject to the limitations contained in sections 35 and 37, in accordance with such needs. The stock of such bank shall be divided into shares of \$100 each. Out of the revolving fund created under section 6 of the Agricultural Marketing Act, as amended, the governor, on behalf of the United States, shall subscribe for and make payments for stock in the Central Bank and such payments shall be subject to call in whole or in part by the chairman of the board of the Central Bank with the approval of the governor.

Limitation.
Prof. p. 263.
Shares.
Subscriptions for, to
be paid from revolving
fund, Agricultural Mar-
keting Act.
Vol. 46, p. 14; U.S.C.,
Supp. VI, p. 63.

LENDING POWER OF CENTRAL BANK

Lending power.
Loans to cooperative
associations.
Vol. 46, p. 14.

SEC. 34. The Central Bank is authorized to make loans to cooperative associations, as defined in the Agricultural Marketing Act, as amended, including amendments made in Title V of this Act, for

any of the purposes and subject to the conditions and limitations set forth in such Act, as so amended, and to make loans, by way of discount or otherwise and subject to such terms and conditions as may be prescribed by the chairman of the board of the Central Bank, to Banks for Cooperatives established under section 2 of this Act.

Post, p. 265.

Ante, p. 267.

STOCK SUBSCRIPTIONS OF BORROWERS FROM CENTRAL BANK

SEC. 35. (a) Cooperative associations borrowing from the Central Bank shall be required to own, at the time the loan is made, an amount of stock of the bank equal in fair book value (not to exceed par), as determined by the bank, to \$100 per \$2,000 or fraction thereof of the amount of the loan. Upon discharge of the loan the stock held by the borrowing association shall be retired and canceled and the association shall be paid therefor, or in case the stock subscription is included in the amount of the loan there shall be credited on the final payment of the loan, an amount equal to the amount paid for the stock or loaned to subscribe for the stock, as the case may be, minus the pro rata impairment, if any, of capital and guaranty fund of the Central Bank, as determined by the chairman of the board of the Central Bank.

Ownership of bank stock required.

Proportion to loan.

Stock to be canceled on payment of loan.

(b) In any case in which a cooperative association applying for a loan is not authorized, under the law of the State in which it is organized, to subscribe for stock in the Central Bank, the bank shall, in lieu of stock subscription, require the borrowing association to pay into a guaranty fund, or the bank may retain out of the amount of the loan and credit to the guaranty fund, an amount equal to the amount which the borrowing association would have been required to own in stock if such association had been authorized to hold such stock. Upon discharge of its loan, the provisions of the last sentence of subsection (a) shall apply with respect to sums of such association in the guaranty fund in the same manner as if such sums were represented by stock.

Requirement waived where State law does not authorize such subscription.

Payment to banks' guaranty fund in lieu.

Cancellation on discharge.

EARNINGS AND RESERVES OF CENTRAL BANK

SEC. 36. The Central Bank for Cooperatives shall, at the end of its fiscal year, apply the amount of its earnings in excess of operating expenses during such fiscal year, first, to making up any losses incurred; second, to the restoration of the amount of the impairment, if any, of capital and guaranty fund as determined by the chairman of the board; and at least 25 per centum of the remainder of such excess of earnings shall be applied to the creation and maintenance of a surplus equal to at least 25 per centum of the amount of the capital and guaranty fund. Any sums remaining may, with the approval of the chairman of the board, be devoted to the payment of dividends. Subscribers to the guaranty fund shall be entitled to dividends in the same amounts as subscribers to stock. No rate of dividend in excess of 7 per centum per annum shall be paid. Dividends on stock held by the governor, when paid, shall be credited to the revolving fund created under section 6 of the Agricultural Marketing Act, as amended.

Earnings and reserves.

Surplus to be applied in covering losses, etc.

Guaranty fund created.

Dividends; restriction.

Credit of, held by governor.

DEBENTURES OF CENTRAL BANK

SEC. 37. The Central Bank is authorized to issue debentures, but the amount of debentures which may be outstanding may not exceed at any one time five times the paid-in capital and surplus of the bank. Such debentures shall be issued at such times and subject to such terms and conditions as the board of directors shall determine but shall bear such interest rates as may be fixed by the chairman of

Debentures.

Issue, etc.; amount limited.

Terms, interest, security, etc.

the board. Such debentures shall be secured by collateral which shall be at least equal in value to the amount of debentures outstanding and which shall consist of cash, direct obligations of the United States, or notes or other obligations discounted or purchased or representing loans made under section 34. The provisions of law applicable to the preparation and issue of Federal intermediate credit bank debentures shall, so far as applicable, govern the preparation and issue of debentures issued under this section. The governor shall appoint a custodian of such collateral who shall have power subject to such rules and regulations as the governor may prescribe to approve and accept substitutions of collateral.

Ante, p. 262.
Provisions governing issue.

Custodian of collateral to be appointed.

Loans by central and regional banks for cooperatives.

DIVISION OF LENDING AUTHORITY OF CENTRAL AND REGIONAL BANKS FOR COOPERATIVES

Division of lending authority to be defined.

SEC. 38. The governor shall, by regulation or by prescribing the terms of the charters issued to the Central Bank for Cooperatives and the Banks for Cooperatives, or both, provide such limitations, as between the two types of banks, on the classes of borrowers to which loans may be made and the amount of the loans which may be made to individual borrowers, as will best insure the absence of duplication of effort by the two types of banks and will secure the greatest efficiency in extending the benefits of this title and Title IV to borrowers.

Banks for Cooperatives.

TITLE IV—BANKS FOR COOPERATIVES

Stock.

STOCK OF BANKS

Amount of.

SECTION 40. The capital stock of each Bank for Cooperatives established under section 2 shall be in such amount as the governor determines is required for the purpose of meeting the credit needs of eligible borrowers from the bank under this title, and such amount may be increased or decreased from time to time by the governor in accordance with such needs. Such stock shall be divided into shares of \$100 each. Out of the revolving fund created under section 6 of the Agricultural Marketing Act, as amended, the governor, on behalf of the United States, shall make payments for stock in the banks and such payments shall be subject to call in whole or in part by the board of directors of the bank with the approval of the governor.

Increase or decrease permitted.

Shares.

Subscriptions for, to be paid from revolving fund, Agricultural Marketing Act. Vol. 46, p. 14. U.S.C., Supp. VI, p. 63.

LENDING POWER OF BANKS FOR COOPERATIVES

Lending power. Loans to cooperative associations. Vol. 46, p. 14.

SEC. 41. The Banks for Cooperatives are authorized to make loans to cooperative associations for any of the purposes and subject to the conditions and limitations set forth in the Agricultural Marketing Act, as amended, including amendments made by Title V of this Act, and subject to such terms and conditions as may be prescribed by the board of the bank with the approval of the governor.

Post, p. 265.

STOCK SUBSCRIPTIONS AND EARNINGS AND RESERVES

Ownership of stock required, in proportion to loan. *Ante*, p. 263.

SEC. 42. The provisions of sections 35 and 36 shall apply in the case of Banks for Cooperatives in the same manner and to the same extent as such provisions are applicable to the Central Bank for Cooperatives, except that powers conferred on the chairman of the board of the Central Bank shall be exercised by the boards of directors of the Banks for Cooperatives, subject to the approval of the governor.

RETIREMENT OF STOCK

SEC. 43. The governor may at any time require any such bank to retire and cancel stock held by the governor in such bank, if, in the judgment of the governor, the bank has resources available therefor, and amounts received by the governor in any such case shall be credited to the revolving fund created under section 6 of the Agricultural Marketing Act, as amended.

Retirement of stock.

TITLE V—AMENDMENTS TO AGRICULTURAL MARKETING ACT

Agricultural Marketing Act amendments.

SECTION 50. (a) The following provisions of the Agricultural Marketing Act, as amended, are hereby repealed:

Provisions repealed.

- (1) Section 3 (relating to Advisory Commodity Committees);
- (2) Paragraph (4) of section 5 (relating to powers of the Farm Board to investigate overproduction);
- (3) Paragraph (5) of section 5 (relating to miscellaneous investigations by the Farm Board);
- (4) Paragraph (3) of subsection (a) of section 7 (relating to loans to assist in forming clearing house associations);
- (5) Paragraph (4) of subsection (a) of section 7 (relating to education in the advantages of cooperative marketing);
- (6) Paragraph (5) of subsection (a) of section 7 (relating to loans to enable cooperatives to advance a greater share of the market price of commodities than is practicable under other credit facilities);
- (7) Section 10 (authorizing the Farm Board to assist in forming clearing house associations); and
- (8) Section 11 (authorizing the Farm Board to enter into price insurance agreements).

Advisory Commodity Committees.
Vol. 46, p. 12.
Overproduction studies.

Vol. 46, p. 13.
Miscellaneous investigations.

Clearing house loans.
Vol. 46, p. 14.

Cooperative marketing advantages.
Vol. 46, p. 14.

Facilitating price advance, etc.

Assistance in forming clearing house associations.

Vol. 46, p. 16.
Price insurance.
Vol. 46, p. 17.

Outstanding loans for facilitating price advances, etc., may be extended, etc.
Vol. 46, p. 14.

(b) The repeal of section 7 (a) (5) shall not be construed to prohibit the extension, renewal, or refinancing of any loan made thereunder and outstanding on the date of the enactment of this Act, but loans to extend, renew, or refinance any such loan shall bear interest rates as determined under section 8 (a) of the Agricultural Marketing Act as amended by section 54 of this Act.

Vol. 46, p. 14, amended.

SEC. 51. Paragraph (1) of subsection (a) of section 7 of the Agricultural Marketing Act, as amended, is amended to read as follows:

"(1) the effective merchandising of agricultural commodities and food products thereof and the financing of its operations;"

Financing operations added.

SEC. 52. Paragraph (2) of subsection (a) of section 7 of the Agricultural Marketing Act, as amended, is amended to read as follows:

Physical marketing facilities.

"(2) the construction or acquisition by purchase or lease, or refinancing the cost of such construction or acquisition, of physical marketing facilities for preparing, handling, storing, processing, or merchandising agricultural commodities or their food products;"

Provisions for refinancing cost, added.

SEC. 53. Subsection (c) of section 7 of the Agricultural Marketing Act, as amended, is amended to read as follows:

Limitations on loans for physical facilities.

"(c) Loans for the construction or acquisition by purchase or lease of physical facilities, or for refinancing the cost of such construction or acquisition,¹ shall be subject to the following conditions:

"(1) No such loan shall be made in an amount in excess of 60 per centum of the value of the facilities.

Not to exceed 60 per cent of value.

"(2) No loan for the purchase or lease of such facilities shall be made unless the Governor of the Farm Credit Administration finds that the purchase price or rent to be paid is reasonable."

Reasonable price or rent.

¹ So in original.

Vol. 46, p. 14, amended.

SEC. 54. Subsection (a) of section 8 of the Agricultural Marketing Act is amended to read as follows:

Loans and advances. Interest rates modified.

“(a) Loans to any cooperative association shall bear such rates of interest as the Governor of the Farm Credit Administration shall by regulation prescribe, but in no case shall the rate be less than 3 per centum per annum or more than 6 per centum per annum on the unpaid principal. In fixing such rates of interest, the governor shall fix such rates as he deems the needs of the lending agencies require and in the case of loans made for the purposes of section 7 (a) (1) the rate shall, as nearly as practicable, conform to a rate 1 per centum per annum in excess of the Federal Intermediate Credit Bank discount rate at the time the loan is made, and in the case of loans made for the purposes of section 7 (a) (2) the rate of interest shall, as nearly as practicable, conform to the prevailing rate on mortgage loans made to members of national farm-loan associations at the time the loan is made.”

Vol. 46, p. 18, amended.

SEC. 55. Subsection (a) of section 15 of the Agricultural Marketing Act, as amended, is amended to read as follows:

“Cooperative association,” defined.

“(a) As used in this Act the term ‘ cooperative association ’ means any association in which farmers act together in collectively processing, preparing for market, handling and/or marketing the farm products of persons so engaged and also means any association in which farmers act together in collectively purchasing, testing, grading, and/or processing their farm supplies: *Provided, however,* That such associations are operated for the mutual benefit of the members thereof as such producers or purchasers and conform to one or both of the following requirements:

Proviso. Operation for mutual benefit, etc.

“First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; and

“Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum.

“And in any case to the following:

“Third. That the association shall not deal in the products of or supplies for non-members to an amount greater in value than such as are handled by it for members.”

Provisions common to corporations created under Act.

TITLE VI—PROVISIONS COMMON TO CORPORATIONS CREATED UNDER ACT

General corporate powers.

GENERAL CORPORATE POWERS

SECTION 60. The Central Bank for Cooperatives, and the Production Credit Corporations, the Production Credit Associations, and the Banks for Cooperatives, organized under this Act, shall have succession, until dissolved in accordance with this or any other Act of Congress; shall have power to sue and be sued in any court, to adopt and use a corporate seal, to make contracts, to acquire, hold, and dispose of real and personal property necessary and incident to the conduct of their business, to prescribe fees and charges (which in any case shall be subject to the rules and regulations prescribed by the governor) for loans and other services; and shall have such other powers necessary and incident to carrying out their powers and duties under this or any other Act of Congress as may be provided by the governor in their charters or in any amendments thereto. Each such bank, association, or corporation shall, for the purposes of jurisdiction, be deemed a citizen of the State or District within which its principal office is located. No district court of the United States shall have jurisdiction of any action or suit by or against any

Jurisdiction of courts, denied.

Production Credit Corporation or Production Credit Association upon the ground that it was incorporated under this Act or that the United States owns a majority of the stock in it, nor shall any district court of the United States within the land bank district served by such association or corporation have jurisdiction by removal or otherwise of any suit by or against any such association or corporation except in cases by or against the United States or by or against any officer of the United States and except in cases by or against any receiver of any such corporation or association appointed in accordance with section 65.

Receivers not included.
Post, p. 269.

EXAMINATIONS

SEC. 61. At least once each year and at such other times as the governor deems necessary, the Central Bank for Cooperatives, and each Production Credit Corporation, Production Credit Association, and Bank for Cooperatives, organized under this Act, shall be examined by examiners designated by the governor. The governor shall assess the cost of such examinations against the bank, association, or corporation examined, which shall pay such costs to the governor. The amounts so assessed and unpaid shall be a prior lien on all assets of the bank, association, or corporation examined except on assets pledged to secure loans.

Annual, etc., examinations provided for.

Assessment of costs.

FISCAL AGENTS OF UNITED STATES

SEC. 62. The Central Bank for Cooperatives, the Production Credit Corporations, Production Credit Associations, and Banks for Cooperatives, organized under this Act, when designated for that purpose by the Secretary of the Treasury, shall act as fiscal agents of the United States Government and when acting as such shall perform such duties as shall be prescribed by the Secretary of the Treasury.

Corporations made fiscal agents.
Post, p. 347.

SEC. 63. The Central Bank for Cooperatives, and the Production Credit Corporations, Production Credit Associations, and Banks for Cooperatives, organized under this Act, and their obligations, shall be deemed to be instrumentalities of the United States, and as such, any and all notes, debentures, bonds, and other such obligations issued by such banks, associations, or corporations shall be exempt both as to principal and interest from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States or by any State, Territorial, or local taxing authority. Such banks, associations, and corporations, their property, their franchises, capital, reserves, surplus, and other funds, and their income, shall be exempt from all taxation now or hereafter imposed by the United States or by any State, Territorial, or local taxing authority; except that any real property and any tangible personal property of such banks, associations, and corporations shall be subject to Federal, State, Territorial, and local taxation to the same extent as other similar property is taxed. The exemption provided herein shall not apply with respect to any Production Credit Association or its property or income after the stock held in it by the Production Credit Corporation has been retired, or with respect to the Central Bank for Cooperatives, or any Production Credit Corporation or Bank for Cooperatives, or its property or income after the stock held in it by the United States has been retired.

To be exempt from tax, etc., payments.

Exceptions.

Production Credit Association not exempt.

UNLAWFUL ACTS AND PENALTIES

SEC. 64. (a) Whoever makes any material representation knowing it to be false, or whoever willfully overvalues any property or security, for the purpose of influencing in any way the action of the

Unlawful acts and penalties.

Falserepresentations, etc.
Post, p. 347.

Regional credit corporations.
Vol. 47, p. 713.

Farm Credit Administration or any division, officer, or employee thereof, or of any corporation organized under this Act, or in which a Production Credit Corporation organized under this Act holds stock, or of any regional agricultural credit corporation established pursuant to subsection (e) of section 201 of the Emergency Relief and Construction Act of 1932, upon any application, advance, discount, purchase or repurchase agreement, or loan, or any change or extension of any of the same, by renewal, deferment of action or otherwise, or the acceptance, release, or substitution of security therefor, shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both.

Counterfeiting, etc.

(b) Whoever (1) falsely makes, forges, or counterfeits any note, debenture, bond, or other obligation, coupon, or paper in imitation of or purporting to be a note, debenture, bond, or other obligation, coupon, or paper issued by the Farm Credit Administration or by any corporation referred to in subsection (a) of this section; or (2) passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited note, debenture, bond, or other obligation, coupon, or paper, purporting to have been issued by the Farm Credit Administration or by any such corporation, knowing the same to be false, forged, or counterfeited; or (3) falsely alters any note, debenture, bond, or other obligation, coupon, or paper issued or purporting to have been issued by the Farm Credit Administration or by any such corporation; or (4) passes, utters, or publishes, or attempts to pass, utter, or publish, any of the same as true, knowing it to be falsely altered or spurious, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than five years, or both.

Embezzlement, etc.

(c) Whoever, being an employee, officer, or agent of the Farm Credit Administration or connected in any capacity with any corporation referred to in subsection (a) of this section, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to the Farm Credit Administration or such corporation or pledged or otherwise entrusted to the same; or (2) with intent to defraud the United States, or any such corporation, or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Farm Credit Administration or of any such corporation, makes any false entry in any book, report, or statement of or to the Farm Credit Administration or any such corporation, or draws any order, or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, mortgage, judgment, or decree thereof; or (3) with intent to defraud the United States or any corporation referred to in subsection (a) of this section, participates or shares in or receives directly or indirectly any money, profit, property, or benefits through any transaction, loan, commission, contract, or any other act of any such corporation, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than five years, or both.

Fraud.

(d) Whoever knowingly, with intent to defraud the United States or any corporation referred to in subsection (a) of this section, shall conceal, remove, dispose of, or convert, to his own use or to that of another, any property mortgaged or pledged to, or held by, the Farm Credit Administration, or any such corporation, as security for any obligation, shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both.

Criminal Code made applicable.
Vol. 35, pp. 1108-1109.
U.S.C., p. 475.

(e) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U.S.C., title 18, secs. 202 to 207, inclusive), in so far as applicable, are extended to apply to con-

tracts or agreements made by the Farm Credit Administration, its divisions, officers, and employees, and by the corporations referred to in subsection (a) of this section, which, for the purposes hereof, shall be held to include advances, loans, discounts, and purchase and repurchase agreements; extensions and renewals thereof; and acceptances, releases, and substitutions of security therefor.

(f) Whoever conspires with another to accomplish any of the acts made unlawful by the preceding provisions of this section shall, on conviction thereof, be subject to the same fine or imprisonment, or both, as is applicable in the case of conviction for doing such unlawful act.

Conspiracy.

LIQUIDATION

SEC. 65. Upon default of any obligation of any Production Credit Corporation, Production Credit Association, or regional Bank for Cooperatives, such bank, association, or corporation may be declared insolvent and placed in the hands of a receiver by the governor and proceedings shall thereupon be had in accordance with the provisions of law relating to the insolvency of national farm-loan associations. Any such bank, association, or corporation may, with the consent of the governor, liquidate voluntarily, but only in accordance with such rules and regulations as the governor may prescribe.

Liquidation of production credit associations, etc.

SEC. 66. No director, officer, or employee of the Central Bank for Cooperatives, or of any Production Credit Corporation, Production Credit Association, or Bank for Cooperatives shall be paid compensation at a rate in excess of \$10,000 per annum. No officer or employee of the Farm Credit Administration engaged in carrying out the provisions of titles I to VI, inclusive, of this Act shall be paid compensation at a rate in excess of \$10,000 per annum.

Pay limitations.

TITLE VII—AMENDMENTS TO FEDERAL FARM LOAN ACT

Federal Farm Loan Act Amendments.

SECTION 70. Effective January 1, 1934, the fourteenth paragraph of section 4 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 683), is amended by adding after the first sentence the following: "Not more than one director of a Federal land bank may serve the bank or the Farm Credit Administration as an officer or employee. Except with the approval of the Farm Loan Commissioner, no director (other than the director who may be an officer or employee) shall receive compensation or allowances for any services rendered any Federal land bank in his capacity as director for more than thirty days in any one calendar year exclusive of the period for which compensation is paid for attendance at directors' meetings."

Federal land banks, directors. Restriction on employment. Vol. 39, p. 363, amended.

SEC. 70a. (a) Effective one year after the enactment of this Act, section 4 of the Federal Farm Loan Act, as amended, is amended as follows:

Compensation restrictions.

(1) The ninth paragraph of such section (U.S.C., title 12, sec. 678) is amended to read as follows:

Board of directors.

"The board of directors of every Federal land bank shall be selected as hereinafter specified and shall consist of seven members. Three of said directors shall be known as local directors of whom one shall be chosen by and be representative of national farm-loan associations and borrowers through agencies, one shall be chosen by and be representative of Production Credit Associations organized under the Farm Credit Act of 1933, and one shall be chosen by and be representative of borrowers from regional Banks for Cooperatives organized under the Farm Credit Act of 1933. Three of the seven directors shall be known as district directors and shall be appointed by the Governor of the Farm Credit Administration of whom two

U.S.C., p. 301.

Composition.

Membership.

District directors.

shall represent the public interest and one shall represent national farm-loan associations and borrowers through agencies and such director shall be a borrower from a Federal land bank. The terms of office of local and district directors shall be three years."

Nominations.
Vol. 39, p. 863; Vol.
42, p. 1474.
U.S.C., p. 301.
Division of districts.

(2) The tenth paragraph of such section (U.S.C., title 12, sec. 679) is amended to read as follows:

"At least two months before an election of a local director the Land Bank Commissioner shall cause notice in writing to be sent to those entitled to nominate candidates for such local director. In the case of an election of a director to represent national farm-loan associations and borrowers through agencies, such notice shall be sent to all national farm-loan associations and borrowers through agencies in the district; in the case of an election to represent Production Credit Associations, such notice shall be sent to all Production Credit Associations in the district; and in the case of a director to represent borrowers from Banks for Cooperatives, such notice shall be sent to all cooperatives which are borrowers at the time of sending notice. Within ten days of receipt of such notice those entitled to nominate the director shall forward nominations of residents of the district to the Land Bank Commissioner. The Land Bank Commissioner shall, from such nominations, then prepare a list of candidates for such local director consisting of the ten nominees receiving the highest number of votes."

Notice of.

(3) The eleventh paragraph of such section (U.S.C., title 12, sec. 680) is amended to read as follows:

"At least one month before the election of a local director the Land Bank Commissioner shall mail to each person or organization entitled to elect the local director the list of the ten candidates nominated in accordance with the tenth paragraph of this section. In the case of an election of a director to represent national farm-loan associations and borrowers through agencies, the directors of each farm-loan association shall cast the vote of such association for one of the candidates on the list. In voting under this section each such association shall be entitled to cast a number of votes equal to the number of stockholders of such association and each borrower through agencies shall be entitled to cast one vote. In voting under this section each Production Credit Association shall be entitled to cast a number of votes equal to the number of the class B stockholders of such associations. In voting under this section each cooperative which is a holder of stock in a Bank for Cooperatives (except the Governor of the Farm Credit Administration) shall be entitled to cast one vote. The votes shall be forwarded to the Land Bank Commissioner and no vote shall be counted unless forwarded to him within ten days after the list of candidates is received. In case of a tie the Land Bank Commissioner shall determine the choice. The nominations from which the list of candidates is prepared, and the votes of the respective voters, as counted, shall be tabulated and preserved and shall be subject to examination by any candidate for at least one year after the results of the election is announced."

Local directors.
Vol. 39, p. 363; Vol.
42, p. 1475.
U.S.C., p. 301.

Election of.

(4) The sixth and seventh sentences of the twelfth paragraph of such section (U.S.C., title 12, sec. 681) are amended to read as follows: "The Governor of the Farm Credit Administration shall select a director at large for the district who shall hold his office during a term of three years. Such seventh director may be removed by the Governor of the Farm Credit Administration at any time."

District directors.
Director at large;
appointment, removal,
etc.

(b) Subsection (a) shall apply only to the appointment or election of the successors of directors of land banks whose regular terms expire after the effective date of such subsection. The successors of

Provisions restricted
to successors of present
incumbents.
Division of.

the first local director whose regular term so expires shall be elected by and be representative of Production Credit Associations and the successors of the second local director whose regular term so expires shall be elected by and be representative of borrowers from Banks for Cooperatives. The successors of the third local director whose regular term so expires shall be elected by and be representative of national farm-loan associations and borrowers through agencies.

SEC. 71. Paragraph "Sixth" of section 14 of the Federal Farm Loan Act, as amended, is amended to read as follows:

"Sixth. To accept as additional security for any loan to any borrower under this Act, or any installment on any such loan, any personal property which is exempt from execution upon judgment under the laws of the State in which the land with respect to which the mortgage is given is situated."

SEC. 72. Notwithstanding the provisions of the fourth paragraph of section 9 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 744), the shareholders of national farm-loan associations shall not be held individually responsible for any contract, debt, or engagement of such association entered into after the date of the enactment of this Act, but this section shall not be construed to relieve any other liability with respect to stock held by such shareholders.

SEC. 73. Paragraph "Second" of section 12 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 771), is amended by inserting after "exceeding" where it appears the second time a comma and the following: "except with the approval of the Governor of the Farm Credit Administration."

SEC. 74. The first sentence of paragraph "Sixth" of section 12 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 771), is amended to read as follows:

"No such loan shall be made to any person who is not at the time, or shortly to become, engaged in farming operations or to any other person unless the principal part of his income is derived from farming operations."

SEC. 75. (a) Paragraph "Fourth" of section 14 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 791), is amended by inserting after "bonds" the following: "(including consolidated bonds issued on its behalf)".

(b) Section 21 of the Federal Farm Loan Act, as amended, is amended by striking out of the fourth and tenth paragraphs thereof (U.S.C., title 12, secs. 874 and 880) the word "indorsed" wherever the same appears in said paragraphs.

SEC. 76. (a) Section 201(b) of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 1022), is amended to read as follows:

"(b) Such institutions shall be established in the same cities as the twelve Federal Land Banks. The directors of the several Federal Land Banks shall be ex officio directors of the several Federal Intermediate Credit Banks hereby provided for and shall have power, subject to the approval of the Governor of the Farm Credit Administration, to employ and fix the compensation of such officers and employees of such Federal Intermediate Credit Banks as may be necessary to carry on the business authorized by this title."

(b) Paragraph (1) of subsection (a) of section 202 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 1031), is amended to read as follows:

"(1) To discount for, or purchase from, any national bank, and/or any State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution,

Vol. 39, p. 373;
Vol. 47, p. 1549.
U.S.C., p. 307.
Bank restrictions.
Accepting as security
personal property
exempt from execution
under State laws.

Vol. 39, p. 369;
U.S.C., p. 305.
Responsibility of
share holders.

Vol. 39, p. 370; U.S.C.,
p. 305.
Land banks, charges
for making loans.

Vol. 39, p. 371; U.S.C.,
p. 305.

Classes to whom
loans may be made
extended.

Vol. 39, p. 373; U.S.C.,
p. 307.

The word "in-
dorsed", deleted in
certain provisions of
act.

Vol. 42, p. 1476;
U.S.C., p. 310,
amended.

Intermediate Credit
Banks.

Vol. 42, p. 1454;
U.S.C., p. 316,
amended.

Directors.

Compensation pro-
visions.

Discounts and loans.
Vol. 42, p. 1455;
U.S.C., p. 316,
amended.

Credit unions in-
cluded as eligible bor-
rowers.

Classes of cooperative associations modified.
Vol. 43, p. 1264;
Vol. 46, p. 816.

Direct loans authorized.

Discount, etc., paper of Production Credit Association.

Security.

Vol. 42, p. 1455;
U.S.C., p. 316.

Direct loans to associations of agricultural or livestock producers.

Security.

Other approved collateral added.
Proviso.
Value limit.

Other paper accepted.

Agricultural Credits Act, 1923.

New credit corporations under, forbidden.

Vol. 42, p. 1461;
U.S.C., p. 320.

Federal Farm Loan Act, amended.

Vol. 39, p. 382; U.S.C., p. 314, amended.

False statements by mortgagee in sale to any Federal land bank.

Punishment for.

Powers of land banks.

Vol. 47, pp. 14, 1548;
U.S.C., p. 307.

Provision for equally sharing a defaulted mortgage.

cooperative bank, credit union, cooperative association of agricultural producers, organized under the laws of any State or of the Government of the United States, and/or any other Federal Intermediate Credit Bank, with its endorsement, any note, draft, bill of exchange, debenture, or other such obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose or for the raising, breeding, fattening, or marketing of livestock; and to make loans or advances direct to any such organization, secured by such obligations; and to discount for, or purchase from, any Production Credit Association organized under the Farm Credit Act of 1933 or any production credit association in which a Production Credit Corporation organized under such Act holds stock, with its endorsement, any note, draft, bill of exchange, debenture, or other such obligation presented by such association, and to make loans and advances direct to any such association secured by such collateral as may be approved by the Governor of the Farm Credit Administration;”

(c) Paragraph (3) of subsection (a) of section 202 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 1031), is amended to read as follows:

“(3) To make loans or advances direct to any cooperative association organized under the laws of any State and composed of persons engaged in producing, or producing and marketing, staple agricultural products, or livestock, if the notes or other such obligations representing such loans are secured by warehouse receipts, and/or shipping documents covering such products, and/or mortgages on livestock, and/or such other collateral as may be approved by the Governor of the Farm Credit Administration: *Provided*, That no such loan or advance, when secured only by warehouse receipts and/or shipping documents, and/or mortgages on livestock, shall exceed 75 per centum of the market value of the products covered by said warehouse receipts and/or shipping documents, or of the livestock covered by said mortgages; and to accept drafts or bills of exchange issued or drawn by any such association when secured by warehouse receipts and/or shipping documents covering staple agricultural products as herein provided.”

SEC. 77. After the date of the enactment of this Act, no national agricultural credit corporation shall be formed under the provisions of the title II of the Agricultural Credits Act of 1923.

SEC. 78. Section 31 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 986), is amended by adding at the end thereof a new paragraph, as follows:

“Any mortgagee who shall knowingly make any false statement in any paper, proposal, or letter, relating to the sale of any mortgage, to any Federal land bank under the provisions of section 13 of this Act, as amended, or any appraiser provided for in this Act who shall willfully overvalue any land securing such mortgage, shall be punished by a fine of not exceeding \$5,000 or by imprisonment not exceeding one year, or both.”

SEC. 79. Section 13 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 781), is amended by adding at the end thereof the following new paragraph:

“Fourteenth. To enter into agreements with national farm-loan associations of the district under the terms of which losses incurred and gains realized on account of the disposition of lands covered by a defaulted mortgage indorsed by such association will be shared equally by the bank and the association.”

TITLE VIII—MISCELLANEOUS

Miscellaneous.

SECTION 80. (a) After the date of the enactment of this Act, the office of Farm Loan Commissioner shall be known as the office of the Land Bank Commissioner and the Farm Loan Commissioner shall be known as the Land Bank Commissioner. The provisions of the third paragraph of section 3 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 653), prescribing a term of office of eight years shall not apply to incumbents hereafter appointed to the office of Land Bank Commissioner.

Farm Loan Commissioner known hereafter as Land Bank Commissioner.

Term of office. Vol. 39, p. 369; U.S.C., p. 299, amended.

(b) There shall be in the Farm Credit Administration three commissioners who shall be known, respectively, as the Production Credit Commissioner, the Cooperative Bank Commissioner, and the Intermediate Credit Commissioner. Such commissioners shall be appointed by the President, by and with the advice and consent of the Senate. They shall receive an annual salary of \$10,000, payable monthly, together with actual necessary traveling expenses. Such commissioners shall perform such duties as may be assigned to them by law or by the governor of the Farm Credit Administration.

Commissioners increased to three. Vol. 39, p. 360, amended.

Appointment, salary, etc.

Duties.

SEC. 81. The signature of the Land Bank Commissioner on Federal farm-loan bonds shall be attested by any Deputy Land Bank Commissioner.

Attesting Commissioner's signature.

SEC. 82. The authority and powers conferred upon the governor under this Act shall not be construed to be in substitution for authority and powers conferred upon him under existing law but shall be construed to be supplementary to such authority and powers.

Governor's authority, etc. Powers herein granted to be additional to existing law.

SEC. 83. This Act shall not be construed to repeal subsection (e) of section 201 of the Emergency Relief and Construction Act of 1932.

Regional Agricultural Credit Corporations. Vol. 47, p. 713.

SEC. 84. The Reconstruction Finance Corporation is authorized, with the approval of the Governor of the Farm Credit Administration, to reduce the capital of any Regional Agricultural Credit Corporation by such action as may be suitable for the purpose. The funds made available by any such reduction shall constitute a revolving fund, all or any part of which shall be available for use from time to time by the Reconstruction Finance Corporation for the purpose of increasing, with the approval of the Governor of the Farm Credit Administration, the capital of any Regional Agricultural Credit Corporation.

Capital may be reduced.

Difference to form a revolving fund; use, etc.

SEC. 85. The Farm Credit Administration shall have a seal, as adopted by the governor, which shall be judicially noticed.

Farm Credit Administration; seal.

SEC. 86. Subdivision (a) of section 10 of the Act entitled "An Act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes," approved May 12, 1933, is amended by inserting before the period at the end of the first sentence a colon and the following: "And provided further, That the State Administrator appointed to administer this Act in each State shall be appointed by the President, by and with the advice and consent of the Senate."

Emergency Agricultural Relief Act amended. Ante, p. 37. Post, p. 1263.

State Administrator a Presidential appointee.

SEC. 87. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Separability provisions.

SEC. 88. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 16, 1933, 1:10 p.m.

[CHAPTER 99.]

AN ACT

June 16, 1933.
[H. R. 5239.]
[Public, No. 76.]

To extend the provisions of the Act entitled "An Act to extend the period of time during which final proof may be offered by homestead entrymen", approved May 13, 1932, to desert-land entrymen, and for other purposes.

Homestead entries, public lands. Extension of time for offering final proof, authorized. Vol. 47, p. 153, 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 to extend the period of time during which final proof may be offered by homestead entrymen", approved May 13, 1932, is amended to read as follows:

Pending entry necessary.

"That the Secretary of the Interior is hereby authorized to extend for not exceeding two years the period during which annual or final proof may be offered by any person who has a pending homestead or desert-land entry upon public lands of the United States on which at the date of this Act or on any date on or prior to December 31, 1934, under existing law, annual or final proof is required, showing residence, cultivation, improvements, expenditures, or payment of purchase money as the case may be: *Provided*, That any such entryman shall be required to show that it is a hardship upon himself to meet the requirements incidental to annual or final proof upon the date required by existing law due to adverse weather or economic conditions: *And provided further*, That this Act shall apply only to cases where adequate relief is not available under existing law.

Proof of residence, etc. Provisos. Adverse conditions to be shown.

Limitation on application of Act.

Rules to be prescribed.

"SEC. 2. The Secretary of the Interior is authorized to make such rules and regulations as are necessary to carry out the purposes of this Act."

Approved, June 16, 1933, 1:15 p.m.

[CHAPTER 100.]

AN ACT

June 16, 1933.
[H. R. 6034.]
[Public, No. 77.]

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1933, and June 30, 1934, and for other purposes.

Fourth Deficiency Act, fiscal year 1933.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1933, and June 30, 1934, and for other purposes, namely:

Legislative.

LEGISLATIVE ESTABLISHMENT

Pages, Houses of Congress. Ante, p. 29.

For the payment of pages from the end of the first session of the Seventy-third Congress to and including June 30, 1933, as follows:

For twenty-one pages for the Senate Chamber at the rate of pay provided by law, so much as may be necessary.

For forty-one pages for the House of Representatives, including ten pages for duty at the entrances to the Hall of the House, at the rate of pay provided by law, so much as may be necessary.

Senate.

SENATE

Inquiries and investigations, expenses.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control

the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1934, \$100,000.

HOUSE OF REPRESENTATIVES

House of Representatives.

Police force, House Office Building, under the Sergeant at Arms: Six privates at the rate of \$1,620 per annum each, fiscal year 1934, \$8,910.

Police force, House Office Building.

CAPITOL POLICE

Capitol Police.

Salaries: Eight privates at \$1,620 per annum each, fiscal year 1934, \$11,880; one half of such privates to be selected by the Sergeant at Arms of the Senate and one half by the Sergeant at Arms of the House.

Salaries.

For purchasing and supplying uniforms and motor cycles to Capitol police, and for contingent expenses, fiscal year 1934, \$1,460.

Uniforms, motor-cycles, contingent expenses.

One half of the foregoing amounts under "Capitol Police" shall be disbursed by the Secretary of the Senate and one half by the Clerk of the House.

Disbursement.

ARCHITECT OF THE CAPITOL

Architect of the Capitol.

Senate Office Building: For four female attendants, Senate Office Building, at \$1,080 per annum each, fiscal year 1934, \$3,960.

Senate Office Building.

Female attendants.

EXECUTIVE OFFICE AND INDEPENDENT ESTABLISHMENTS

Executive, etc.

NATIONAL INDUSTRIAL RECOVERY AND TENNESSEE VALLEY AUTHORITY

National Industrial Recovery and Tennessee Valley Authority.

For the purpose of carrying into effect the provisions of the Act entitled "An Act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes", approved June 16, 1933, and also for the purpose of carrying into effect the provisions of the Act entitled "An Act for the relief of unemployment through the performance of useful public work, and for other purposes", approved March 31, 1933, and for each and every object thereof, to be expended in the discretion and under the direction of the President, to be immediately available, and except as hereinafter provided to remain available until June 30, 1935, \$3,300,000,000; of which not to exceed \$50,000,000 shall be available to the board of directors of the Tennessee Valley Authority, and to remain available until expended, for the purpose of carrying out the provisions of the Act of Congress entitled "The Tennessee Valley Authority Act of 1933", approved May 18, 1933, including the acquisition of necessary land, the clearing of such land, relocation of highways, and the construction and/or purchase of transmission lines and other facilities, the construction of the Cove Creek Dam and powerhouse and all other necessary works authorized by said Act, and for printing and binding, law books, books of reference, newspapers, periodicals, purchase, maintenance and operation of passenger-carrying vehicles, rents in the District of Columbia and elsewhere and all necessary salaries and expenses connected with the organization, operation, and investigations of the Tennessee Valley Authority, including reimbursements for any expenses prior to the enactment of this appropriation incurred at the direction of the President.

Ante, p. 195.*Ante*, p. 22.

Sum available for Tennessee Valley Authority.

Ante, pp. 58, 71.

Purchase of land, etc. Construction, etc.

Printing and binding, etc.

Reimbursement for prior expenditures.

Farm Credit Administration.

FARM CREDIT ADMINISTRATION

Additional sum.
Ante, p. 258.

For an additional amount for the revolving fund created by section 5 of the Farm Credit Act of 1933, approved June 16, 1933, \$40,000,000.

Production Credit Corporations and Associations.
Administrative expenses.
Ante, p. 258.

For all necessary administrative expenses in connection with the establishment and supervision of the Production Credit Corporations and the Production Credit Associations authorized by the Farm Credit Act of 1933, approved June 16, 1933, including personal services in the District of Columbia and elsewhere, printing and binding, and all other necessary expenses, fiscal year 1934, \$2,000,000, to be immediately available and to remain available until expended.

Federal Trade Commission.

FEDERAL TRADE COMMISSION

Additional sum.
Post, p. 291.

For an additional amount for the Federal Trade Commission for the fiscal year 1934, including the same objects specified under this head in the Independent Offices Appropriation Act for the fiscal year 1934, \$250,000, of which \$25,000 shall be available immediately.

Printing and binding.

For an additional amount for printing and binding for the Federal Trade Commission, fiscal year 1934, \$15,000.

Federal Home Loan Bank Board.

FEDERAL HOME LOAN BANK BOARD

Home financing, etc.
Ante, p. 134.

Encouragement of savings and home financing: To enable the Federal Home Loan Bank Board to encourage local thrift and local home financing and to promote, organize, and develop Federal Savings and Loan Associations or similar associations organized under local laws, in accordance with the provisions of section 6 of an Act entitled "Home Owners' Loan Act of 1933," approved June 13, 1933, \$150,000, to be immediately available and to remain available until expended.

George Rogers Clark Sesquicentennial Commission.
Completion of memorial.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

Post, p. 292.

Vol. 45, p. 724.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250,000, or so much thereof as may be necessary, for the completion of the memorial authorized by section 2 of the joint resolution approved May 23, 1928, as amended, to be erected at or near the site of Fort Sackville in the city of Vincennes, Indiana, in commemoration of the winning of the Old Northwest and the achievements of George Rogers Clark and his associates in the war of the American Revolution, and for the acquisition and removal of all structures on the site of such memorial, and for the grading, filling, and landscaping of the grounds thereof. Such sum shall be expended by the George Rogers Clark Sesquicentennial Commission in the manner provided in section 2 of such joint resolution, as amended.

Expenditure.

District of Columbia.

DISTRICT OF COLUMBIA

Judgments.

JUDGMENTS

Payment of.

For the payment of final judgments, including costs, rendered against the District of Columbia, as fully set forth in schedules accompanying the letters of the budget officer for the District of Columbia, dated June 2, 1933, and June 10, 1933, to the Director of the Bureau of the Budget separately transmitted to the Seventy-third Congress, first session, with communications from the President of the United States to the Speaker of the House of Representatives, dated June 9, 1933, together with the further sum to pay interest, at not exceeding 4 per centum per annum on such judgments, as provided by law, from the date the same became due, until the date

Interest.

of payment, \$11,278.71, and such sum shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed in the District of Columbia Appropriation Act for the fiscal year 1933.

Fund from which payable.
Vol. 47, p. 343.

DEPARTMENT OF THE INTERIOR

Interior Department.

GENERAL LAND OFFICE

General Land Office.

To pay to Marion F. Blackwell the fair and reasonable value of all improvements placed by him upon the southeast quarter southwest quarter section 27, township 2 south, range 6 west, Saint Stephens meridian, Mississippi, as determined by the Secretary of the Interior, in accordance with the Act of February 15, 1933, fiscal year 1933, \$1,000.

Marion F. Blackwell.
Land improvement.

Vol. 47, p. 1724.

BUREAU OF INDIAN AFFAIRS

Bureau of Indian Affairs.

Sequoyah Orphan Training School, Tahlequah, Oklahoma: The unexpended balances of appropriations available during the fiscal year 1933 for the construction of physical improvements at the Sequoyah Indian Orphan Training School, near Tahlequah, Oklahoma, are hereby continued available for use during the fiscal year 1934.

Sequoyah Orphan Training School, Okla.
Balance available.
Vol. 47, p. 106.

Compensation to non-Indian claimants, Pueblo Indian Lands, New Mexico: For carrying out the provisions of the Act of May 31, 1933, in settlement of the liability of the United States to non-Indian claimants on Indian Pueblo grants whose claims, extinguished under the Act of June 7, 1924, have been found by the Pueblo Lands Board to have been claims in good faith, fiscal year 1933, \$232,086.80, to remain available until June 30, 1934, and to be apportioned to claimants within the several Pueblos as follows: Tesuque, \$1,094.63; Nambe, \$19,393.59; Taos, \$14,064.57; Tenorio Tract, Taos Pueblo, \$43,165.26; Santa Ana (El Ranchito grant), \$846.26; Santo Domingo, \$66; Sandia, \$5,354.46; San Filipe, \$16,424.68; Isleta, \$6,624.45; Picuris, \$11,464.73; San Ildefonso, \$16,209.13; San Juan, \$19,938.22; Santa Clara, \$35,350.88; Cochiti, \$9,653.81; Pojoaque, \$1,767.26; Laguna, \$30,668.87.

New Mexico, pueblos.
Compensation to non-Indian claimants.
Ante, p. 106.
Vol. 43, p. 636.

DEPARTMENT OF JUSTICE

Department of Justice.

CONTINGENT EXPENSES

Contingent expenses.

For additional amounts for contingent expenses, Department of Justice, including the same objects specified under this head in the Acts making appropriations for the Department of Justice for the fiscal years that follow:

For 1930, \$2.87;
For 1932, \$116.91.

UNITED STATES COURTS

United States Courts.

Fees of commissioners: For additional amounts for fees of commissioners, United States courts, including the same objects specified under this head in the Acts making appropriations for the Department of Justice for the fiscal years that follow:

For 1925, \$7.80;
For 1930, \$11.05;
For 1931, \$3,896.70;
For 1932, \$12,374.92.

Fees of Commissioners.

Miscellaneous expenses: For an additional amount for miscellaneous expenses, United States courts, including the same objects specified under this head in the Act making appropriations for the Department of Justice for the fiscal year 1930, \$24.61.

Miscellaneous expenses.

Supplies.

Supplies: For additional amounts for supplies for United States courts, including the same objects specified under this head in the Acts making appropriations for the Department of Justice for the fiscal years that follow:

For 1931, \$1.40;

For 1932, \$545.

Department of Labor.

DEPARTMENT OF LABOR

Employment Service.

UNITED STATES EMPLOYMENT SERVICE

National employment system.
Ante, p. 113.

For carrying out the provisions of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933, including personal services and rent in the District of Columbia and elsewhere; traveling expenses, including expenses of attendance at meetings concerned with the work of the United States Employment Service when specifically authorized by the Secretary of Labor; law books, books of reference and periodicals, printing and binding, supplies and equipment, telegraph and telephone service, and miscellaneous expenses, fiscal year 1934, \$1,500,000.

Department of State.

DEPARTMENT OF STATE

International Monetary and Economic Conferences.

INTERNATIONAL MONETARY AND ECONOMIC CONFERENCE

Expenses of participation.

Vol. 47, p. 538.

Post, p. 1041.

For an additional amount for the expenses of participation by the United States in an international monetary and economic conference to be held in London, including the same objects specified under this head in the Second Deficiency Act, fiscal year 1933, \$125,000, to remain available during the fiscal year 1934.

Mixed Claims Commission, United States and Germany.

Vol. 42, p. 2200; Vol. 45, p. 2688.

Mixed Claims Commission United States and Germany: For expenses of determining the amounts of claims against Germany by the Mixed Claims Commission established under the agreement concluded between the United States and Germany, on August 10, 1922, and subsequent agreement between those Governments, for the determination of the amount to be paid by Germany in satisfaction of the financial obligations of Germany under the treaty concluded between the Governments of the United States and Germany on August 25, 1921, including the expenses which under the terms of such agreement of August 10, 1922, are chargeable in part to the United States, and the preparation of a final report by the American Commissioner and the orderly arrangement for preservation and disposition of the records of the Commission; and the expenses of an agency of the United States to perform all necessary services in connection with the preparation of claims and the presentation thereof before said Mixed Claims Commission, and the preparation of a final report of the agent and the orderly arrangement for preservation of the records of the agency and the disposition of property jointly owned by the two Governments, including salaries of an agent and necessary counsel and other assistants and employees, rent in the District of Columbia, employment of special counsel, translators, and other technical experts, by contract, without regard to the provisions of any statute relative to employment, and for contract stenographic reporting services without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec 5), law books and books of reference, printing and binding, contingent expenses, traveling expenses, press-clipping service, for all neces-

Vol. 42, p. 1839.

Final report.

Employment of counsel, etc.

R.S., sec. 3709, p. 733.
U.S.C., p. 1309.
Printing and binding.

sary and appropriate expenses in connection with proceedings under the Act entitled "An Act to amend the Act approved July 3, 1930 (46 Stat., p. 1005), authorizing Commissioners or members of international tribunals to administer oaths, and so forth", approved June 7, 1933, including stenographic transcripts of the testimony of witnesses, and such other expenses in the United States and elsewhere as the President may deem proper, fiscal year 1934, \$35,700.

Traveling expenses.
Vol. 46, p. 1005.
Ante, p. 117.

Stenographic, etc., expenses.

TREASURY DEPARTMENT

Treasury Department.

OFFICE OF THE SECRETARY

Secretary's Office.

Subscriptions to paid-in surplus of Federal land banks: To enable the Secretary of the Treasury to pay for subscriptions to the paid-in surplus of Federal land banks in accordance with the provisions of section 23 of an Act entitled "Emergency Farm Mortgage Act of 1933", approved May 12, 1933, \$50,000,000, to be available immediately and to remain available until expended.

Federal land banks.
Subscription to paid in surplus.
Ante, p. 43.
Post, p. 1060.

Payments to Federal land banks on account of reductions in interest rate on mortgages: To enable the Secretary of the Treasury to pay each Federal land bank such amount as the Farm Loan Commissioner certifies to the Secretary of the Treasury is equal to the amount by which interest payments on mortgages held by such bank have been reduced, in accordance with the provisions of section 24 of an Act entitled "Emergency Farm Mortgage Act of 1933", approved May 12, 1933, fiscal year 1934, \$15,000,000.

Payments to, reduction in interest on mortgages.
Ante, p. 43.

Subscriptions to preferred shares in Federal Savings and Loan Associations: To enable the Secretary of the Treasury to make payments on account of subscriptions to preferred shares in Federal Savings and Loan Associations in accordance with the provisions of section 5 (g) of an Act entitled "Home Owners' Loan Act of 1933", approved June 13, 1933, \$50,000,000, to be immediately available and to remain available until expended.

Federal Savings and Loan Associations.
Subscriptions to shares.
Ante, p. 133.

Payment for capital stock of the Federal Deposit Insurance Corporation: To enable the Secretary of the Treasury to make payment for capital stock of the Federal Deposit Insurance Corporation in accordance with the provisions of paragraph (c) of section 12B of the Act entitled "Banking Act of 1933", approved June 16, 1933, \$150,000,000, to be immediately available and to remain available until expended.

Federal Deposit Insurance Corporation.
Ante, p. 168.

OFFICE OF THE SUPERVISING ARCHITECT

Supervising Architect's Office.

Agricultural Department Buildings, Washington, District of Columbia: The authorization contained in the Act of July 3, 1926 (44 Stat., p. 874), for the acquisition of a site and the construction of an extensible building for the use of the Department of Agriculture, as modified by the Act of March 4, 1931 (46 Stat., p. 1604), under an estimated total cost of \$12,800,000, is hereby further modified so as to make the appropriations provided under the authority of said Acts available for the purchase and installation of all necessary fixed laboratory equipment and fixed mechanical equipment incident thereto and for special treatment of floors and walls in connection with laboratories.

Extensible building, Department of Agriculture.
Appropriations available for equipment, etc.
Vol. 44, p. 874; Vol. 46, p. 1604.

TITLE II—JUDGMENTS AND AUTHORIZED CLAIMS

Judgments and authorized claims.

DAMAGE CLAIMS

Damage claims.

SECTION 1. For the payment of claims for damages to or losses of privately owned property, adjusted and determined by the following respective departments and independent office, under the provisions

Settlement of, not in excess of \$1,000.

Vol. 42, p. 1066.
U.S.C., p. 989.

of the Act entitled "An Act to provide for a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case", approved December 28, 1922 (U.S.C., title 31, secs. 215-217), and certified to the Seventy-third Congress in a communication from the President of the United States to the Speaker of the House of Representatives, dated June 9, 1933, under the following departments and independent office, namely:

Department of Agriculture, \$302.07;
Department of Commerce, \$20.24;
Department of Justice, \$608.89;
Post Office Department, payable out of postal revenues, \$3,930.47;
Treasury Department, \$95.80;
Public Buildings and Public Parks of the National Capital, \$167.81;
In all, \$5,125.28.

United States courts,
judgments.

JUDGMENTS, UNITED STATES COURTS

Payment of, for suits
in admiralty.

Vol. 43, p. 1112.
U.S.C., p. 1529.

SEC. 2. For the payment of judgments, including costs of suits, rendered against the Government of the United States by United States district courts under the provisions of an Act entitled "An Act authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (U.S.C., title 46, sec. 787) and certified to the Seventy-third Congress in a communication from the President of the United States to the Speaker of the House of Representatives dated June 9, 1933, under the following departments, namely:

Under Navy Depart-
ment.

Navy Department: C. Pateras and Sons and others (United States District Court, Eastern District of Virginia, May 8, 1933, damages due to collision between the steamship Constantinos Pateras and the United States steamship Falcon), \$10,942.55.

War Department.

War Department: Wilmington and Pennsgrove Transportation Company (United States District Court, Eastern District of Pennsylvania, May 11, 1933, loss of ferryboat Harding Highway owing to collision with United States dredge W. L. Marshall), \$28,819.80.

Vol. 43, p. 1112.
U.S.C., p. 1529.

Total judgments under Public Vessels Act, \$39,762.35, together with such additional sum as may be necessary to pay interest on any such judgment where specified therein and at the rate provided by law.

Interest.

Time of payments.

None of the judgments contained under this caption shall be paid until the right of appeal shall have expired, except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

Judgments, Court of
Claims.

JUDGMENTS, COURT OF CLAIMS

Payment of.

SEC. 3. For the payment of the judgments rendered by the Court of Claims as set forth in the schedule transmitted to the Seventy-third Congress, first session, in a communication from the President of the United States to the Speaker of the House of Representatives, dated June 9, 1933, under the following departments, namely:

Under Interior De-
partment.

Interior Department: William S. Ferris, trading as Do/More Chair Company (March 13, 1933, M-365, chairs purchased under contract), \$585.

Navy Department.

Navy Department: Snare and Triest Company (now Frederick Snare Corporation), a corporation (June 6, 1932, E-325, contract for water-front improvement), \$5,474.80; John R. Brady (March 13, 1933, H-173, difference in pay), \$768.75; Tampa Shipbuilding and

Engineering Company (March 13, 1933, M-128, repair of dredge), \$1,892.60; Clarence V. Lee (May 8, 1933, M-318, rental and subsistence allowances), \$4,685.47; Arthur L. Bristol (May 8, 1933, M-330, rental and subsistence allowances), \$8,883.16; in all, under Navy Department, \$21,704.78.

War Department: International Arms and Fuze Company (December 5, 1932, C-220, contract for rifle grenades—Ordnance), \$102,459.85; Johnson and Higgins, of California (March 13, 1933, K-89, damage to and loss of cargo), \$2,365.12; L. Gertner, senior, trading as Fort Dodge Boiler Works (January 9, 1933, K-438, contract for installation of heating system at Army and Navy General Hospital, Hot Springs, Arkansas), \$9,992; in all, War Department, \$114,816.97.

Total, judgments, Court of Claims, \$137,106.75: *Provided*, That none of the judgments contained under this caption which have not been affirmed by the Supreme Court or otherwise become final and conclusive against the United States shall be paid until the expiration of the time within which application may be made for a writ of certiorari under subdivision (b), section 3, of the Act entitled "An Act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes", approved February 13, 1925 (U.S.C., title 28, sec. 288).

Payment of interest wherever provided for judgments contained in this Act shall not in any case continue for more than thirty days after the date of approval of the Act.

War Department.

Proviso.
Time of payment.Vol. 43, p. 939.
U.S.C., p. 900.

Interest.

AUDITED CLAIMS

Audited claims.

SEC. 4. For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (U.S.C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1930 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (U.S.C., title 5, sec. 266), in the schedule transmitted to the Seventy-third Congress, first session, by the President of the United States in a communication to the Speaker of the House of Representatives, dated June 9, 1933, there is appropriated as follows:

Payment of.

Vol. 18, p. 110.
U.S.C., p. 1022.Vol. 23, p. 254.
U.S.C., p. 43.

LEGISLATIVE ESTABLISHMENT

Legislative Estab-
lishment.

For salaries, officers and employees, House of Representatives, \$21.60.

INDEPENDENT OFFICES

Independent Offices.

For medical and hospital services, Veterans' Bureau, \$35,159.51.
For military and naval compensation, Veterans' Administration, \$1,515.
For military and naval insurance, Veterans' Bureau, 10 cents.
For vocational rehabilitation, Veterans' Bureau, \$30.33.

DEPARTMENT OF AGRICULTURE

Department of Agri-
culture.

For salaries and expenses, Bureau of Animal Industry, \$50.
For salaries and expenses, Bureau of Entomology, \$2.47.

DEPARTMENT OF COMMERCE

Department of Com-
merce.

For air navigation facilities, \$3,900.90.

Department of the Interior.

DEPARTMENT OF THE INTERIOR

For conservation of health among Indians, \$33.

Department of Justice.

DEPARTMENT OF JUSTICE

For books, Department of Justice, \$4.25.

For books for judicial officers, \$88.84.

For printing and binding, Department of Justice and courts, \$63.65.

For detection and prosecution of crimes, \$11.

For supplies for United States courts, \$3.35.

For protecting interests of the United States in customs matters, 60 cents.

For salaries, fees, and expenses of marshals, United States courts, \$2,797.89.

For salaries and expenses of clerks, United States courts, \$59.64.

For fees of commissioners, United States courts, \$355.95.

For fees of jurors, United States courts, \$165.

For fees of witnesses, United States courts, \$54.60.

For fees of jurors and witnesses, United States courts, \$27.90.

Department of Labor.

DEPARTMENT OF LABOR

For expenses of regulating immigration, \$1,529.47.

For miscellaneous expenses, Bureau of Labor Statistics, \$2.80.

Navy Department.

NAVY DEPARTMENT

For pay, miscellaneous, \$8.40.

For increase of compensation, Naval Establishment, \$7.38.

For ordnance and ordnance stores, Bureau of Ordnance, \$5,957.20.

For engineering, Bureau of Engineering, \$2,823.

For pay of the Navy, \$650.06.

For pay, subsistence, and transportation, Navy, \$706.32.

For maintenance, Bureau of Supplies and Accounts, \$20.68.

For medical department, Bureau of Medicine and Surgery, \$137.

For care of the dead, Bureau of Medicine and Surgery, \$29.

For aviation, Navy, \$59,475.16.

For pay, Marine Corps, \$144.39.

For general expenses, Marine Corps, \$33.99.

Department of State.

DEPARTMENT OF STATE

For contingent expenses, foreign missions, \$47.73.

Treasury Department.

TREASURY DEPARTMENT

For increase of compensation, Treasury Department, \$303.75.

For public-debt service, \$36.02.

For Coast Guard, \$375.75.

For collecting the internal revenue, \$4.

For refunding internal-revenue collections, \$5.

For pay of other employees, Public Health Service, 90 cents.

For rebuilding and repairing stations, and so forth, Coast Guard, \$150.

For marine hospital, Carville, Louisiana, \$101.55.

War Department.

WAR DEPARTMENT

For pay, and so forth, of the Army, \$17,952.56.

For pay of the Army, \$2,712.60.

For armament of fortifications, \$31,731.

For registration and selection for military service, \$24.

- For citizens' military training camps, \$138.60.
- For increase of compensation, Military Establishment, \$2,870.89.
- For Reserve Officers' Training Corps, \$60.
- For pay, and so forth, of the Army, War with Spain, \$41.25.
- For Army transportation, \$985.32.
- For general appropriations, Quartermaster Corps, \$988.94.
- For supplies, services, and transportation, Quartermaster Corps, \$7.48.
- For replacing ordnance and ordnance stores, \$1,990.04.
- For arming, equipping, and training the National Guard, \$46.31.
- For pay of National Guard for armory drills, \$127.85.
- For mileage of the Army, \$24.
- For Air Corps, Army, \$136.66.
- For manufacture of arms, \$4,658.51.
- For construction and repair of hospitals, \$24.
- For headstones for graves of soldiers, \$4.58.

POST OFFICE DEPARTMENT—POSTAL SERVICE

Post Office Department.

(Out of the postal revenues)

Postal Service.

- For city delivery carriers, \$436.16.
- For clerks, first- and second-class post offices, \$140.15.
- For compensation to postmasters, \$261.93.
- For indemnities, domestic mail, \$239.07.
- For indemnities, international mail, \$28.28.
- For miscellaneous items, first- and second-class post offices, \$1,300.
- For rent, light, and fuel, \$276.27.
- For separating mails, \$170.80.
- For special delivery fees, \$146.38.
- For star route service, 33 cents.

Total, audited claims, section 4, \$184,419.09, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

SEC. 5. Section 8 of the Act entitled "An Act to provide for the purchase by the Reconstruction Finance Corporation of preferred stock and/or bonds and/or debentures of insurance companies" approved June 10, 1933, is hereby amended to read as follows:

Reconstruction Finance Corporation purchase of insurance company bonds, etc. *Ante*, pp. 20, 99, 121.

SEC. 8. The seventh sentence of paragraph (6) of section 201 (a) of such Act, as amended, is hereby amended to read as follows: "The aggregate of loans made under clause (a) shall not exceed \$8,000,000, and the aggregate of loans made under clause (b) shall not exceed \$12,000,000."

Amount increased.

SHORT TITLE

Short title of Act.

This Act may be cited as the "Fourth Deficiency Act, fiscal year 1933."

Approved, June 16, 1933, 1:20 p.m.

[CHAPTER 101.]

AN ACT

Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes.

June 16, 1933.
[H. R. 5389.]
[Public, No. 78.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Executive Office and sundry independent

Independent Offices Appropriation Act, 1934.

Appropriation for fiscal year ending June 30, 1934.

executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, namely:

Executive Office.

EXECUTIVE OFFICE

Compensation.

COMPENSATION OF THE PRESIDENT AND VICE PRESIDENT

President.

For compensation of the President of the United States, \$75,000.

Vice President.

For compensation of the Vice President of the United States, \$12,750.

Office of the President.

OFFICE OF THE PRESIDENT

Secretaries, and office personnel.

Salaries: For personal services in the office of the President, including the Secretary to the President, and two assistant secretaries to the President at \$9,500 each; \$106,000: *Provided*, That employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be deemed necessary.

Proviso.
Temporary details.

Contingent expenses.

Contingent expenses: For contingent expenses of the Executive Office, including stationery, record books, telegrams, telephones, books for library, furniture and carpets for offices, automobiles, expenses of garage, including labor, special services, and miscellaneous items, to be expended in the discretion of the President, \$33,733.

Printing and binding.

For printing and binding, \$2,000.

Traveling, etc., expenses.

Traveling expenses: For traveling and official entertainment expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, \$20,000.

Executive Mansion, etc.

EXECUTIVE MANSION AND GROUNDS

Care, repair, etc.

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures of the Executive Mansion, the Executive Mansion greenhouses, including reconstruction, and the Executive Mansion grounds, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of any other Act, \$120,000, to be immediately available.

Traveling, etc., expenses.

Total, Executive Office, \$369,483.

Independent establishments.

INDEPENDENT ESTABLISHMENTS

Alien Property Custodian.

ALIEN PROPERTY CUSTODIAN

Use of funds for automobile expenses forbidden.

Funds available to the office of the Alien Property Custodian for administrative expenses in the District of Columbia shall not be used for the purchase, maintenance, operation, and/or repair of any passenger automobile.

American Battle Monuments Commission.

AMERICAN BATTLE MONUMENTS COMMISSION

All expenses.

For every expenditure requisite for or incident to the work of the American Battle Monuments Commission authorized by the Act entitled "An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes", approved March 4, 1923 (U.S.C., title 36, secs. 121-133), including the acquisition of land or interest in land in foreign countries for carrying out the purposes of said Act without submission to the Attorney General of the United States under the provisions of

Vol. 42, p. 1509.
U.S.C., p. 1132.

Title to land in foreign countries.

section 355 of the Revised Statutes (U.S.C., title 34, sec. 520; title 40, sec. 255); the maintenance of memorials erected by the Commission until the Secretary of War is advised of their completion and assumes their maintenance; employment of personal services in the District of Columbia and elsewhere; traveling expenses; the establishment of offices and the rent of office space in foreign countries; the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles which may be furnished to the Commission by other departments of the Government or acquired by purchase; printing, binding, engraving, lithographing, photographing, and typewriting, including the publication of information concerning the American activities, battlefields, memorials, and cemeteries in Europe; the purchase of maps, textbooks, newspapers, and periodicals, \$129,000, to be immediately available and to remain available until expended: *Provided*, That notwithstanding the requirements of existing laws or regulations and under such terms and conditions as the Commission may in its discretion deem necessary and proper, the Commission may contract for work in Europe, and engage, by contract or otherwise, the services of architects, firms of architects, and other technical and professional personnel: *Provided further*, That the Commission may purchase materials and supplies without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) when the aggregate amount involved does not exceed \$500: *Provided further*, That when traveling on business of the Commission officers of the Army serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission.

R.S., sec. 355, p. 60.
U.S.C., pp. 1122, 1302.

Services in the District.
Travel expenses.
Office expenses abroad.

Printing and binding.

Provisos.
Technical work abroad.

Minor purchases, etc., without advertising.
R.S., sec. 3709, p. 733.
U.S.C., p. 1309.

Traveling expenses, etc., of Army officers.

ARLINGTON MEMORIAL BRIDGE COMMISSION

For continuing the construction of the Arlington Memorial Bridge across the Potomac River at Washington, authorized in an Act entitled "An Act to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial in the city of Washington to an appropriate point in the State of Virginia, and for other purposes", approved February 24, 1925 (43 Stat., p. 974), to be expended in accordance with the provisions and conditions of the said Act, \$198,000, of which \$25,000 shall be available for widening and resurfacing the present road from the memorial entrance of the cemetery to the southeast corner of the cemetery, conditioned upon the State of Virginia completing the construction of the Lee Boulevard link of the Virginia State highway system to the same point; and not exceeding \$20,000 shall be available for clerical and accounting service, including all necessary incidental and contingent expenses, printing and binding, and traveling expenses, to remain available until expended: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) when the aggregate amount involved does not exceed \$50: *Provided further*, That no part of this appropriation shall be used to pay for the cost of reconstructing and paving Constitution Avenue east of Virginia Avenue, as provided in the approved project, except for such portions as may abut upon Government-owned property, and not in excess of 40 per centum of the cost of such reconstructing and paving of that portion of the said street which so abuts.

Arlington Memorial Bridge Commission.

Continuing construction of Bridge.
Vol. 43, p. 974;
Vol. 45, p. 721.

Resurfacing, etc., road.

Ante, p. 230.

Provisos.
Minor purchases, etc., without advertising.
R.S., sec. 3709, p. 733.
U.S.C., p. 1309.
Reconstruction, etc., of Constitution Avenue.

BOARD OF MEDIATION

For five members of the Board, and for other authorized expenditures of the Board of Mediation in performing the duties imposed by law, including personal services contract stenographic reporting

Board of Mediation.

Members of Board.
All other expenses.

services; supplies and equipment; law books and books of reference; not to exceed \$200 for newspapers; periodicals; traveling expenses; and rent of quarters outside the District of Columbia; \$119,000, of which amount not to exceed \$107,000 may be expended for personal services in the District of Columbia.

Arbitration Boards.
Vol. 44, p. 586.
U.S.C., p. 2110.
Post, p. 511.

Arbitration boards: To enable the Board of Mediation to pay necessary expenses of arbitration boards, including compensation of members and employees of such boards, together with their necessary traveling expenses and expenses actually incurred for subsistence while so employed, and printing of awards, together with proceedings and testimony relating thereto, as authorized by the Railway Labor Act, including also contract stenographic reporting service, and rent of quarters when suitable quarters cannot be supplied in any Federal building, the unexpended balances of the appropriations for this purpose available for the fiscal year 1933 are hereby continued available for the fiscal year 1934.

Vol. 47, p. 454.

Emergency boards.
Vol. 44, p. 586.
U.S.C., Supp. VI,
p. 804.
Post, p. 511.

Emergency boards: For expenses of emergency boards appointed by the President to investigate and report respecting disputes between carriers and their employees, as authorized by section 10, Railway Labor Act, approved May 20, 1926 (U.S.C., Supp. V, title 45, sec. 154), the unexpended balances of the appropriation for this purpose for the fiscal years 1930 and 1931 reappropriated and made available for the fiscal years 1932 and 1933, respectively, are hereby continued available for the fiscal year 1934.

Printing and binding.

For all printing and binding for the Board of Mediation, \$1,000.
Total, Board of Mediation, \$120,000.

Board of Tax Appeals.

BOARD OF TAX APPEALS

All expenditures.
Vol. 43, p. 336;
Vol. 44, p. 105; Vol. 45,
p. 871; Vol. 47, p. 286.

For every expenditure requisite for and incident to the work of the Board of Tax Appeals as authorized under title IX, section 900, of the Revenue Act of 1924, approved June 2, 1924, as amended by title X of the Revenue Act of 1926, approved February 26, 1926, and title IV of the Revenue Act of 1928, approved May 29, 1928, and title IX of the Revenue Act of 1932, approved June 6, 1932, including personal services and contract stenographic reporting services, rent outside the District of Columbia, traveling expenses, car fare, stationery, furniture, office equipment, purchase and exchange of typewriters, law books and books of reference, periodicals, and all other necessary supplies, \$468,000, of which amount not to exceed \$444,000 may be expended for personal services in the District of Columbia.

Printing and binding.

For all printing and binding for the Board of Tax Appeals, \$22,000.

Total, Board of Tax Appeals, \$490,000.

Civil Service Commission.

CIVIL SERVICE COMMISSION

Commissioners and office personnel.
Examination of Presidential postmasters.

For three Commissioners and other personal services in the District of Columbia, including personal services required for examination of presidential postmasters, and including not to exceed \$1,000 for employment of expert examiners not in the Federal service on special subjects for which examiners within the service are not available, and for personal services in the field; for necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, including not to exceed \$1,000 for expenses of attendance at meetings of public officials when specifically directed by the Commission; for furniture and other equipment and repairs thereto; supplies; advertising; telegraph,

Traveling expenses, etc.

Miscellaneous expenses.

telephone, and laundry service; freight and express charges; street-car fares not to exceed \$300; stationery; purchase and exchange of law books, books of reference, directories, subscriptions to newspapers and periodicals, not to exceed \$1,000; charts; purchase, exchange, maintenance, and repair of motor trucks, motorcycles, and bicycles; garage rent; postage stamps to prepay postage on matter addressed to Postal Union countries; special-delivery stamps; and other like miscellaneous necessary expenses not hereinbefore provided for, \$1,028,000: *Provided*, That no details from any executive department or independent establishment in the District of Columbia or elsewhere to the Commission's central office in Washington or to any of its district offices shall be made during the fiscal year ending June 30, 1934, but this shall not affect the making of details for service as members of the boards of examiners outside the immediate offices of the district managers: *Provided further*, That the Civil Service Commission shall have power in case of emergency to transfer or detail any of its employees to or from its office or field force.

For all printing and binding for the Civil Service Commission, including all of its bureaus, offices, institutions, and services located in Washington and elsewhere, \$22,000.

Total, Civil Service Commission, \$1,050,000.

Provision.
Details from Departments, etc., in the District forbidden.

Transfers between office and field forces.

Printing and binding.

COMMISSION OF FINE ARTS

For expenses made necessary by the Act entitled "An Act establishing a Commission of Fine Arts", approved May 17, 1910 (U.S.C., title 40, sec. 104), including the purchase of periodicals, maps, and books of reference, and payment of actual traveling expenses of the members and secretary of the Commission in attending meetings and committee meetings of the Commission either within or outside of the District of Columbia, to be disbursed on vouchers approved by the Commission, \$8,500, of which amount not to exceed \$5,270 may be expended for personal services in the District of Columbia.

For all printing and binding for the Commission of Fine Arts, \$300.

Total, Commission of Fine Arts, \$8,800.

Commission of Fine Arts.

Expenses.
Vol. 36, p. 371.
U.S.C., p. 1295.

Printing and binding.

EMPLOYEES' COMPENSATION COMMISSION

For three Commissioners and other personal services in the District of Columbia, including not to exceed \$1,000 for temporary experts and assistants in the District of Columbia and elsewhere, to be paid at a rate not exceeding \$8 per day, and for personal services in the field; for furniture and other equipment and repairs thereto; law books, books of reference, periodicals; stationery and supplies; traveling expenses; fees and mileage of witnesses; contract stenographic reporting services; rent at the seat of government and elsewhere; and miscellaneous items; \$345,000.

For all printing and binding for the Employees' Compensation Commission, \$4,000.

Employees' compensation fund: For the payment of compensation provided by "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for others purposes", approved September 7, 1916 (U.S.C., title 5, sec. 785), including medical examinations, traveling and other expenses, and loss of wages payable to employees under sections 21 and 22; all services, appliances, and supplies provided by section 9 as amended, including payments to Army and Navy

Employees' Compensation Commission.

Commissioners and office personnel.

Printing and binding.

Employees' Compensation fund.
Vol. 39, pp. 743, 747.
U.S.C., p. 80.

Burial, etc., expenses. hospitals; the transportation and burial expenses provided by sections 9 and 11; and advancement of costs for the enforcement of recoveries provided in sections 26 and 27 where necessary, accruing during the fiscal year 1934 or in prior fiscal years; \$3,820,000: *Provided*, That the permanent appropriation made in Private Act Numbered 378, approved February 26, 1931, is repealed after June 30, 1933, and the payment authorized by such Act shall thereafter be made from the "Employees' compensation fund."
 Total, Employees' Compensation Commission, \$4,169,000.

Proviso.
 Catherine Panturis, monthly payments to, from Employees' compensation fund.
 Vol. 46, p. 2123.

FEDERAL BOARD FOR VOCATIONAL EDUCATION

VOCATIONAL EDUCATION

Vocational Educa-
 tion Board. tion.

Extending benefits
 to Hawaii. Vol. 39, p. 929.
 U.S.C., p. 609.

Vol. 43, p. 17.
 U.S.C., p. 612.

Extending benefits
 to Puerto Rico. Vol. 39, p. 929.
 U.S.C., p. 609.

Vol. 46, p. 1489.
 U.S.C., pp. 609, 948;
 Supp. VI, pp. 349; 627.

Cooperative educa-
 tion in agriculture and home economics. Vol. 45, p. 1151.
 U.S.C., Supp. VI, p. 349.

Proviso.
 Computation of ap-
 portionment to States.

Salaries and ex-
 penses. Vol. 45, p. 1151.
 U.S.C., Supp. VI, p. 349.

For extending to the Territory of Hawaii the benefits of the Act entitled "An Act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure", approved February 23, 1917 (U.S.C., title 20, secs. 11-18), in accordance with the provisions of the Act entitled "An Act to extend the provisions of certain laws to the Territory of Hawaii", approved March 10, 1924 (U.S.C., title 20, sec. 29), \$25,700.

For extending to Puerto Rico the benefits of the Act entitled "An Act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure", approved February 23, 1917 (U.S.C., title 20, secs. 11-18), in accordance with the provisions of the Act entitled "An Act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Puerto Rico", approved March 3, 1931 (U.S.C., title 20, secs. 11-18; title 29, secs. 31-35; U.S.C., Supp. VI, title 20, sec. 30), \$84,000.

Cooperative vocational education in agriculture and home economics: For carrying out the provisions of section 1 of the Act entitled "An Act to provide for the further development of vocational education in the several States and Territories", approved February 5, 1929 (U.S.C., Supp. VI, title 20, secs. 15a, 15c), \$1,275,000: *Provided*, That the apportionment to the States shall be computed on the basis of not to exceed \$1,275,000 for the fiscal year 1934, as authorized by the Act approved February 5, 1929 (U.S.C., Supp. VI, title 20, secs. 15a, 15c).

Salaries and expenses: For carrying out the provisions of section 2 of the Act entitled "An Act to provide for the further development of vocational education in the several States and Territories", approved February 5, 1929 (U.S.C., Supp. VI, title 20, secs. 15b, 15c), \$68,000, of which amount not to exceed \$54,000 may be expended for personal services in the District of Columbia.

Vocational rehabili-
 tation.

VOCATIONAL REHABILITATION

Persons disabled in
 industry. Expenses. Vol. 41, p. 735; Vol. 43,
 p. 431; Vol. 46, p. 524;
 Vol. 47, p. 448.
 U.S.C., p. 948; Supp.
 VI, p. 628.

Cooperative Vocational Rehabilitation of Persons Disabled in Industry—Rehabilitation: For carrying out the provisions of the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment" approved June 2, 1920 (U.S.C., title 29, sec. 35), as amended by the Act of June 5, 1924 (U.S.C., title 29,

sec. 31), and the Acts of June 9, 1930, and June 30, 1932 (U.S.C., Supp. VI, title 29, secs. 31-40), \$969,000: *Provided*, That the minimum allotment to any State hereunder for the fiscal year 1934 shall be \$8,840.

Salaries and expenses: For making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations, and for the administrative expenses of said Board incident to performing the duties imposed by the Act of June 2, 1920 (U.S.C., title 29, sec. 35), as amended by the Act of June 5, 1924 (U.S.C., title 29, sec. 31), and the Acts of June 9, 1930, and June 30, 1932 (U.S.C., Supp. VI, title 29, secs. 31, 40), including salaries of such assistants, experts, clerks, and other employees, in the District of Columbia or elsewhere, as the Board may deem necessary, actual traveling and other necessary expenses incurred by the members of the Board and by its employees, under its orders; including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia, and elsewhere, purchase of books of reference, law books, and periodicals, newspapers not to exceed \$50, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding, and all other necessary expenses, \$55,000, of which amount not to exceed \$47,000 may be expended for personal services in the District of Columbia.

Cooperative vocational rehabilitation of disabled residents of the District of Columbia: For personal services, printing and binding, travel and subsistence, and payment of expenses of training, placement, and other phases of rehabilitating disabled residents of the District of Columbia under the provisions of the Act entitled "An Act to provide for the vocational rehabilitation of disabled residents of the District of Columbia", approved February 23, 1929 (U.S.C., Supp. VI, title 29, secs. 47-47e), \$11,000.

Appropriations available to the Federal Board for Vocational Education for salaries and expenses shall be available for expenses of attendance at meetings of educational associations and other organizations which in the discretion of the Board are necessary for the efficient discharge of its responsibilities.

Total, Federal Board for Vocational Education, \$2,487,700.

FEDERAL FARM BOARD

The appropriation hereby made for the Federal Farm Board for the fiscal year 1934 shall, if the Executive order dated March 27, 1933, creating the Farm Credit Administration, goes into effect, be available during such fiscal year for administrative expenses of the Farm Credit Administration, in addition to other funds made available therefor by the provisions of said Executive order, in the same manner as if this appropriation had been transferred by such Executive order.

For salaries and expenses in accordance with the provisions of the "Agricultural Marketing Act," approved June 15, 1929 (U.S.C., Supp. V, title 7, secs. 521-535f), not including the salaries of members of the Federal Farm Board, except the salary of the member designated as chairman, and the Act creating a Division of Cooperative Marketing in the Department of Agriculture, approved July 2, 1926 (U.S.C., Supp. VI, title 7, secs. 451-457), including stenographic reporting services to be obtained by the Board through the civil service or by contract¹; not to exceed \$750 for newspapers and

Proviso.
Minimum allotment to States.

Salaries and expenses.

Vol. 41, p. 735; Vol. 43, p. 431; Vol. 46, p. 524; Vol. 47, p. 448.
U.S.C., p. 948; Supp. VI, p. 628.

Cooperative rehabilitation of disabled residents of District of Columbia.
Vol. 46, p. 1260.
U.S.C., Supp. VI, p. 629.

Appropriations available for attendance at educational association meetings, etc.

Federal Farm Board.

Appropriations for, available to Farm Credit Administration, if Executive Order No. 6084 effective.

Salaries and expenses.
Vol. 46, p. 11.
U.S.C., Supp. VI, p. 62.

Salaries, members of Board not included.
Vol. 44, p. 802.
U.S.C., Supp. VI, p. 59.

¹ So in original.

clippings; membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; manuscripts, data, and special reports by purchase or by personal services without regard to the provisions of any other Act; to procure supplies and services without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) when the aggregate amount involved does not exceed \$50; purchase and exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles and motor trucks to be used only for official purposes; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; garage rental in the District of Columbia and elsewhere; traveling expenses, including attendance at meetings concerned with the work of the Federal Farm Board; payment of actual transportation expenses and not to exceed \$10 per diem to cover subsistence and other expenses while in conference and en route from and to his home to any person other than an employee or a member of an advisory commodity committee whom the Board may from time to time invite to the city of Washington and elsewhere for conference and advisory purposes in furthering the work of the Board; the employment of persons, firms, and others for the performance of special services, including legal services and other miscellaneous expenses, all unexpended balances of appropriations for the Federal Farm Board, not exceeding \$1,050,000, are hereby made available for the purposes enumerated in this paragraph: *Provided*, That during the fiscal year 1934, when the Federal Farm Board requires cooperative work by any department or independent establishment of the Government within the scope of the functions of such department or establishment and which such department or establishment is unable to perform within the limits of its appropriations, the Federal Farm Board may transfer from this appropriation to such department or establishment, with the approval of the head thereof, such sum or sums for direct expenditure during the fiscal year 1934, as may be necessary for the performance of such additional work: *Provided further*, That no part of this appropriation shall be used to pay any salary in excess of \$10,000 per annum, or any salary in excess of \$8,500 per annum except to the member of the Board designated as the chairman and not to exceed eight other officers or employees, which number, in addition to any officers or employees who under existing law may be so appointed and compensated, may hereafter be appointed and compensated without regard to the provisions of the Classification Act of 1923, as amended, and civil service laws.

Supplies and services.

R.S., sec. 3709, p. 733.
U.S.C., p. 1309.
Vehicles.

Traveling expenses.

Attendance at meetings.

Balances available; limit.

Provisos.
Transfer of funds for cooperative work by departments, etc.

Salary restriction.

Appointments without regard to Classification and Civil Service Acts,
Vol. 42, p. 1488; Vol. 46, p. 1003.
U.S.C., p. 65, Supp. VI, p. 31.

Federal Oil Conservation Board.

Expenses.

FEDERAL OIL CONSERVATION BOARD

For the expenses of the Federal Oil Conservation Board convened by the President on December 19, 1924, and for each purpose connected therewith, to be expended by the secretary of the Board under the supervision of the Secretary of the Interior, under general regulations to be approved by the Board, \$7,803.

Federal Power Commission.

Expenses.
Vol. 41, p. 1063; Vol. 46, p. 797.
U.S.C., Supp. VI, p. 233.

FEDERAL POWER COMMISSION

For every expenditure requisite for and incident to the work of the Federal Power Commission as authorized by law, including personal services; traveling expenses, including expenses of attendance at meetings which in the discretion of the Commission are necessary for the efficient discharge of its responsibilities; contract stenographic reporting services; reimbursement to governmental

agencies of the cost of furnishing motor-driven passenger-carrying vehicle service, and not exceeding \$1,000 for law books, books of reference, newspapers, and periodicals; \$207,000, of which amount not to exceed \$188,000 shall be available for personal services in the District of Columbia.

For all printing and binding for the Federal Power Commission, \$3,000. Printing and binding.

Total, Federal Power Commission, \$210,000.

FEDERAL RADIO COMMISSION

For five commissioners, and for all other authorized expenditures of the Federal Radio Commission in performing the duties imposed by the Radio Act of 1927, approved February 23, 1927, as amended, the Ship Act of 1910, approved June 24, 1910, as amended, Executive Order Numbered 5892, dated July 20, 1932, and the International Radiotelegraphic Convention, including personal services, contract stenographic reporting services, rental of quarters, newspapers, periodicals, reference books, law books, special counsel fees, supplies and equipment, including purchase and exchange of instruments, which may be purchased without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) when the aggregate amount involved does not exceed \$25, improvement and care of grounds and repairs to buildings, not to exceed \$1,000, traveling expenses, including expenses of attendance at meetings which in the discretion of the Commission are necessary for the efficient discharge of its responsibilities, and other necessary expenses, \$620,000, of which amount not to exceed \$338,000 may be expended for personal services in the District of Columbia.

For all printing and binding for the Federal Radio Commission, \$20,000.

Total, Federal Radio Commission, \$640,000.

FEDERAL TRADE COMMISSION

For five commissioners, and for all other authorized expenditures of the Federal Trade Commission in performing the duties imposed by law or in pursuance of law, including secretary to the Commission and other personal services, contract stenographic reporting services; supplies and equipment, law books, books of reference, periodicals, garage rental, traveling expenses, including not to exceed \$900 for expenses of attendance, when specifically authorized by the Commission, at meetings concerned with the work of the Federal Trade Commission, not to exceed \$300 for newspapers, foreign postage, and witness fees, and mileage in accordance with section 9 of the Federal Trade Commission Act; \$900,000, of which \$230,000 shall be available for the completion of the public utilities investigations undertaken pursuant to S. Res. 83, Seventieth Congress: *Provided*, That hereafter no new investigations shall be initiated by the Commission as the result of a legislative resolution, except the same be a concurrent resolution of the two Houses of Congress.

For all printing and binding for the Federal Trade Commission, \$20,000.

Total, Federal Trade Commission, \$920,000.

GENERAL ACCOUNTING OFFICE

Salaries: For Comptroller General, Assistant Comptroller General, and other personal services in the District of Columbia and elsewhere, \$3,110,000.

Federal Radio Commission.

Commissioners and other expenses.

Vol. 44, p. 1162; Vol. 46, p. 50.

Vol. 36, p. 629.

Executive Order No. 5892.

Vol. 45, p. 2760.

Reporting, etc.

R.S., sec. 3709, p. 733.
U.S.C., p. 1309.

Services in the District.

Printing and binding.

Federal Trade Commission.

Commissioners and other expenses.

Vol. 38, p. 717.
U.S.C., p. 356.

Ante, p. 276.

Witness fees, mileage.

Vol. 38, p. 722.
U.S.C., p. 359.

Available for public utilities investigation.

Proviso.
Limitation on new investigations.

Printing and binding.

General Accounting Office.

Comptroller General, Assistant, and office personnel.

Contingent expenses.

Contingent expenses: For traveling expenses, including stenographic reporting service outside of the District of Columbia not exceeding \$2,500, by contract or otherwise; materials, supplies, equipment, and services; rent of buildings and equipment; purchase and exchange of books, law books, books of reference, and periodicals, typewriters, calculating machines, and other office appliances, including their development, repairs, and maintenance, including one motor-propelled passenger-carrying vehicle; and miscellaneous items; \$110,000: *Provided*, That section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) shall not be construed to apply to any purchase or service rendered for the General Accounting Office when the aggregate amount involved does not exceed the sum of \$50.

Proviso.

Minor purchases.
R.S., sec. 3709, p. 733.
U.S.C., p. 1309.

Printing and binding.

For all printing and binding for the General Accounting Office, including monthly and annual editions of selected decisions of the Comptroller General of the United States, \$60,000.

Total, General Accounting Office, \$3,280,000.

George Rogers Clark Sesquicentennial Commission.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

Participation expenses.

Memorial commemorating achievements in winning of old Northwest.

Vol. 45, p. 724; Vol. 46, p. 1459.

Ante, p. 276.
Post, p. 364.

For carrying into effect the provisions of the joint resolution entitled "Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by General George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779," approved May 23, 1928 (45 Stat., pp. 723, 724), as amended by the Act of February 28, 1931 (46 Stat., pp. 1459-1460), \$96,650.

Interstate Commerce Commission.

INTERSTATE COMMERCE COMMISSION

Salaries and expenses.

SALARIES AND EXPENSES

Commissioners, etc.

General administrative expenses: For eleven commissioners, secretary, and for all other authorized expenditures necessary in the execution of laws to regulate commerce, including one chief counsel, one director of finance, and one director of traffic at \$10,000 each per annum, traveling expenses, and contract stenographic reporting services; \$2,400,000, of which amount not to exceed \$2,155,000 may be expended for personal services in the District of Columbia, exclusive of special counsel, for which the expenditure shall not exceed \$50,000; not exceeding \$150,000 for holding field hearings; not exceeding \$3,000 for purchase and exchange of necessary books, reports, and periodicals; not exceeding \$100 in the open market for the purchase of office furniture similar in class or kind to that listed in the general supply schedule: *Provided*, That this appropriation shall not be available for rent of buildings in the District of Columbia if suitable space is provided by the Public Buildings Commission.

Reporting services.

Services in the District.

Books, furniture, etc.

Proviso.
Rent restriction.

Enforcing accounting by railroads.

Vol. 34, p. 593; Vol. 36, p. 556; Vol. 41, p. 493.
U.S.C., pp. 1668-1670.

Services in the District.

Regulating accounts: To enable the Interstate Commerce Commission to enforce compliance with section 20 and other sections of the Act to regulate commerce as amended by the Act approved June 29, 1906 (U.S.C., title 49, sec. 20), and as amended by the Transportation Act, 1920 (U.S.C., title 49, sec. 20), including the employment of necessary special accounting agents or examiners, and traveling expenses, \$750,000, of which amount not to exceed \$172,000 may be

expended for personal services in the District of Columbia: *Provided*, That for the portion of the fiscal year 1933 remaining after the date of enactment of this Act the amount which may be expended for personal services in the District of Columbia from the 1933 appropriation for the purposes included in this paragraph shall be at the annual rate of \$175,000.

Safety of employees: To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with Acts to promote the safety of employees and travelers upon railroads; the Act requiring common carriers to make reports of accidents and authorizing investigations thereof; and to enable the Interstate Commerce Commission to investigate and test appliances intended to promote the safety of railway operation, as authorized by the joint resolution approved June 30, 1906 (U.S.C., title 45, sec. 35), and the provision of the Sundry Civil Act approved May 27, 1908 (U.S.C., title 45, secs. 36, 37), to investigate, test experimentally, and report on the use and need of any appliances or systems intended to promote the safety of railway operation, inspectors, and for traveling expenses, \$445,000, of which amount not to exceed \$78,000 may be expended for personal services in the District of Columbia.

Signal safety systems: For all authorized expenditures under section 26 of the Act to regulate commerce as amended by the Transportation Act, 1920 (U.S.C., title 49, sec. 26), with respect to the provision thereof under which carriers by railroad subject to the Act may be required to install automatic train-stop or train-control devices which comply with specifications and requirements prescribed by the commission, including investigations and tests pertaining to block-signal and train-control systems, as authorized by the joint resolution approved June 30, 1906 (U.S.C., title 45, sec. 35), and including the employment of the necessary engineers, and for traveling expenses, \$35,000, of which amount not to exceed \$27,500 may be expended for personal services in the District of Columbia.

Locomotive inspection: For all authorized expenditures under the provisions of the Act of February 17, 1911, entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto" (U.S.C., title 45, sec. 22), as amended by the Act of March 4, 1915, extending "the same powers and duties with respect to all parts and appurtenances of the locomotives and tender" (U.S.C., title 45, sec. 30), and amendment of June 7, 1924 (U.S.C., title 45, sec. 27), providing for the appointment from time to time by the Interstate Commerce Commission of not more than fifteen inspectors in addition to the number authorized in the first paragraph of section 4 of the Act of 1911 (U.S.C., title 45, sec. 26), and the amendment of June 27, 1930 (U.S.C., Supp. VI, title 45, secs. 24, 26), including such legal, technical, stenographic, and clerical help as the business of the offices of the chief inspector and his two assistants may require and for traveling expenses, \$435,000, of which amount not to exceed \$60,000 may be expended for personal services in the District of Columbia.

Valuation of property of carriers: To enable the Interstate Commerce Commission to carry out the objects of the Act entitled "An Act to amend an Act entitled 'An Act to regulate commerce', approved February 4, 1887, and all Acts amendatory thereof", by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities, approved March 1, 1913 (U.S.C., title 49, sec. 19a), including one director of valuation at \$10,000 per

Proviso.
Limitation on expenditures for personal services, fiscal year 1933.

Safety of employees.
Appliances, etc.
Vol. 27, p. 531; Vol. 29, p. 85; Vol. 32, p. 943; Vol. 36, p. 298.
Accidents.
Vol. 36, p. 350.

Safety signals.
Vol. 34, p. 838; Vol. 35, p. 324; Vol. 38, p. 212.
U.S.C., p. 1441.
Inspectors.
Personal services in the District.
Safety systems.
Vol. 41, p. 498.
U.S.C., p. 1673.

Automatic train control.
Vol. 34, p. 838.
U.S.C., 1441.

Personal services in the District.

Locomotive inspection.
Vol. 36, p. 913; Vol. 38, p. 1192; Vol. 40, p. 616; Vol. 43, p. 659.
U.S.C., pp. 1439, 1441.

Additional inspectors.
Vol. 36, p. 914; Vol. 43, p. 659; Vol. 46, p. 823.
U.S.C., pp. 1439, 1441; Supp. VI, p. 833.

Personal services in the District.

Physical valuation of railroads.
Vol. 37, p. 701; Vol. 40, p. 271; Vol. 42, p. 624.
U.S.C., p. 1667.

Issue of stock, etc.

Proviso.
Rent restriction in
the District.

annum, one supervisor of land appraisals, one supervising engineer, one supervisor of accounts, and one principal valuation examiner, at \$9,000 each per annum, and traveling expenses, \$1,000,000: *Provided*, That this appropriation shall not be available for rent of buildings in the District of Columbia if suitable space is provided by the Public Buildings Commission.

Printing and binding.

For all printing and binding for the Interstate Commerce Commission, including reports in all cases proposing general changes in transportation rates and not to exceed \$10,000 to print and furnish to the States at cost report form blanks, and the receipts from such reports and blanks shall be credited to this appropriation, \$125,000: *Provided*, That no part of this sum shall be expended for printing the Schedule of Sailings required by section 25 of the Interstate Commerce Act.

Proviso.
Schedule of sailings
excluded.
Vol. 41, p. 497.

Attendance at meet-
ings.

Not to exceed \$2,500 of the appropriations herein made for the Interstate Commerce Commission shall be available for expenses, except membership fees, for attendance at meetings concerned with the work of the Commission.

Total, Interstate Commerce Commission, \$5,190,000.

Mount
National
Commission.

Rushmore
Memorial

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

Expenses, etc.
Vol. 45, pp. 1300,
1627; Vol. 46, p. 239.

Post, p. 364.

Balances reappropri-
ated.

Mount Rushmore National Memorial Commission: For carrying into effect the provisions of the Act creating the Mount Rushmore National Memorial Commission, approved February 25, 1929 (45 Stat., p. 1300), \$10,000, together with the unexpended balances of the appropriations for this purpose for the fiscal years 1932 and 1933. to be expended under the provisions of the Act of February 25, 1929 (45 Stat., p. 1300).

National Advisory
Committee for Aero-
nautics.

All expenses, scien-
tific research, etc.

Attendance at meet-
ings.

Langley laboratory.

Personal services.

Living quarters.
Vol. 46, p. 818.

Personal services in
the District.

Printing and binding.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

For scientific research, technical investigations, and special reports in the field of aeronautics, including the necessary laboratory and technical assistants; contracts for personal services in the making of special investigations and in the preparation of special reports; traveling expenses of members and employees; including not to exceed \$500 for expenses, except membership fees, of attendance upon meetings of technical and professional societies; office supplies and other miscellaneous expenses, including technical periodicals and books of reference; equipment, maintenance, and operation of the Langley Memorial Aeronautical Laboratory; purchase, maintenance, operation, and exchange of motor-propelled passenger-carrying vehicles, including not more than one for general administrative use in the District of Columbia; personal services in the field and the District of Columbia; in all, \$676,000, of which amount not to exceed \$2,000 may be expended for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (46 Stat. 818), but not to exceed \$720 may be so used for any one person and not to exceed \$94,000 for personal services in the District of Columbia.

For all printing and binding for the National Advisory Committee for Aeronautics, including all of its offices, laboratories, and services located in Washington, District of Columbia, and elsewhere, \$19,000.

Total, National Advisory Committee for Aeronautics, \$695,000.

PUBLIC BUILDINGS AND PUBLIC PARKS OF THE NATIONAL CAPITAL

Public Buildings and
Public Parks of the
National Capital.

For personal services in the District of Columbia and elsewhere, and the pay and allowances in accordance with the provisions of the Act of May 27, 1924, as amended, of the police force engaged in patrolling the Mount Vernon Memorial Highway in the State of Virginia, and other Federal lands, as authorized by the Act approved May 29, 1930 (46 Stat. 483), \$2,200,000, including not to exceed \$25,000 for intermittent and seasonal employees at per diem rates of compensation to be fixed by the director.

Personal services.

For general expenses in connection with the maintenance, care, improvement, protection, operation, repair, cleaning, heating, and lighting of the Washington Monument and grounds; the Lincoln Memorial and the reflecting pool; the house where Abraham Lincoln died; the Arlington Memorial Bridge; the Mount Vernon Memorial Highway and other Federal lands authorized by the Act of May 29, 1930 (46 Stat. 482); grounds surrounding executive departments; and public buildings in the District of Columbia under the jurisdiction of the Office of Public Buildings and Public Parks of the National Capital, including per diem employees at rates of pay approved by the Director, not exceeding current rates for similar employment in the District of Columbia; rent of buildings in the District of Columbia, and salaries for maintenance and operation of the buildings when such maintenance and operation is not furnished by the owner under terms of the lease, and the uniforms and equipment for the police force engaged in patrolling the Mount Vernon Memorial Highway in the State of Virginia, including the purchase, issue, operation, maintenance, repair, exchange and storage of revolvers, bicycles, motor-propelled passenger-carrying vehicles, and ammunition: *Provided*, That any funds for the fiscal year 1934 appropriated for rents and maintenance of buildings in the District of Columbia for any of the executive departments and independent establishments may be transferred, with the approval of the Public Buildings Commission, to the Director of Public Buildings and Public Parks of the National Capital; city directories; contingent expenses; traveling expenses and car fare not exceeding \$300; communication service; professional, scientific, technical, and law books; periodicals and reference books; blank books and forms; photographs; maps; leather and rubber articles and gas masks for the protection of public property and employees; not exceeding \$13,000 for uniforms for employees; the maintenance, repair, exchange, storage, and operation of not to exceed one motor-propelled passenger-carrying vehicle; the demolition of buildings; incidental grading of the Mall to utilize available fill; the purchase, maintenance, and repair of equipment and fixtures; \$1,120,000.

Mount Vernon Memorial Highway police, pay and allowances.
Vol. 43, p. 174; Vol. 46, p. 483.

Maintenance, etc., of designated buildings, grounds, etc.

Vol. 46, p. 482.

Rent, etc.

Equipment, etc., Mount Vernon Memorial Highway patrol.

Proviso.
Funds for rent, etc., for departments may be transferred to Director.

Contingent expenses.

Uniforms for employees.

Mall, grading, etc.

Printing and binding.

For all printing and binding for the Office of Public Buildings and Public Parks of the National Capital, \$2,500.

Total, Office of Public Buildings and Public Parks of the National Capital, \$3,322,500.

PUBLIC BUILDINGS COMMISSION

Public Buildings Commission.

For all necessary expenses incident to moving various Government departments, bureaus, divisions, and independent establishments and parts thereof from one building to another or moves within a building in the District of Columbia in connection with the assignment, allocation, transfer, and survey of space, including the removal and erection of building partitions, including personal

Expenses of transferring offices, etc.

services, without reference to civil-service rules, at rates of pay fixed and determined by the commission and without reference to the Classification Act of 1923 as amended: *Provided*, That the money herein appropriated may be used for reimbursing the Government departments, bureaus, divisions, independent establishments, and offices for actual expenses incurred by them in complying with the orders of the commission; to be expended on vouchers signed by the chairman of the commission; to be available immediately, and to remain available until expended, \$80,000.

Proviso.
Reimbursing of-
fices for expenses in-
curred.

Smithsonian Institu-
tion.

SMITHSONIAN INSTITUTION

Administrative ex-
penses.

For expenses of the general administrative office, Smithsonian Institution, compensation of necessary employees, traveling expenses, purchase of books and periodicals, supplies and equipment, and any other necessary expenses, \$32,500.

International ex-
changes.

International exchanges: For the system of international ex- changes between the United States and foreign countries, under the direction of the Smithsonian Institution, including necessary employees, and purchase of necessary books and periodicals, and traveling expenses, \$38,500.

American ethnology.

American ethnology: For continuing ethnological researches among the American Indians and the natives of Hawaii, the excavation and preservation of archæologic remains under the direction of the Smithsonian Institution, including necessary employees, the prepa- ration of manuscripts, drawings, and illustrations, the purchase of books and periodicals, and traveling expenses, \$50,000.

Astrophysical Ob-
servatory.

Astrophysical Observatory: For maintenance of the Astrophysical Observatory, under the direction of the Smithsonian Institution, including assistants, purchase of books, periodicals, and apparatus, making necessary observations in high altitudes, repairs and altera- tions of buildings, preparation of manuscripts, drawings, and illus- trations, traveling expenses, and miscellaneous expenses, \$26,500.

National Museum.

NATIONAL MUSEUM

Equipment, etc.

For cases, furniture, fixtures, and appliances required for the exhibition and safe-keeping of collections; heating, lighting, elec- trical, telegraphic, and telephonic service, repairs and alterations of buildings, shops, and sheds, including approaches and all neces- sary material; personal services, and traveling and other necessary incidental expenses, \$128,500.

Preserving collec-
tions, etc.

For continuing preservation, exhibition, and increase of collec- tions from the surveying and exploring expeditions of the Govern- ment, and from other sources, including personal services, traveling expenses, purchasing and supplying uniforms to guards and elevator conductors, postage stamps and foreign postal cards and all other necessary expenses, and not exceeding \$5,500 for preparation of manuscripts, drawings, and illustrations for publications, and not exceeding \$3,000 for purchase of books, pamphlets, and periodicals, \$509,000.

Contingent expenses.

National Gallery of
Art.

NATIONAL GALLERY OF ART

Administrative ex-
penses.

For the administration of the National Gallery of Art by the Smithsonian Institution, including compensation of necessary employees, purchase of books of reference and periodicals, traveling expenses, uniforms for guards, and necessary incidental expenses, \$29,500.

PRINTING AND BINDING

For all printing and binding for the Smithsonian Institution, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, \$5,500.

Total, Smithsonian Institution, \$820,000, of which amount not to exceed \$750,000 may be expended for personal services in the District of Columbia.

Printing and binding.

Services in the District.

SUPREME COURT BUILDING COMMISSION

Supreme Court Building: For completing the construction of the building for the United States Supreme Court in accordance with the provisions of the Act entitled "An Act to provide for the construction of a building for the Supreme Court of the United States", approved December 20, 1929 (46 Stat., pp. 50-51), \$3,490,000, to remain available until expended.

Supreme Court Building Commission.

Construction expenses.
Vol. 46, p. 51.

Available until expended.

TARIFF COMMISSION

For salaries and expenses of the United States Tariff Commission, including purchase and exchange of labor-saving devices, the purchase of professional and scientific books, law books, books of reference, gloves and other protective equipment for photostat and other machine operators, rent in the District of Columbia and elsewhere, subscriptions to newspapers and periodicals, and contract stenographic reporting services, as authorized by sections 330 to 341 of the Tariff Act of 1930, approved June 17, 1930 (U.S.C., Supp. VI, title 19, secs. 1330-1341); \$785,000, of which amount not to exceed \$692,000 may be expended for personal services in the District of Columbia; not to exceed \$2,500 for expenses, except membership fees, of attendance at meetings concerned with subjects under investigation by the commission; and not to exceed \$7,500 for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U.S.C., Supp. VI, title 5, sec. 118a), but not to exceed \$720 may be so used for any one person: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) when the aggregate amount involved does not exceed \$50: *Provided further*, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative.

Tariff Commission.

Salaries and expenses.
Post, p. 1027.

Reporting.
Vol. 46, p. 696.
U.S.C., Supp. VI, p. 319.

Living quarters.
Vol. 46, p. 818.
U.S.C., Supp. VI, p. 20.

Provisions.
Supplies and services.
R.S., sec. 3709, p. 733.
U.S.C., p. 1309.

Salary restriction.

Vol. 46, p. 701.

Printing and binding.
Post, p. 1027.

United States Geographic Board.

Salaries and expenses.

Printing and binding.

For all printing and binding for the Tariff Commission, \$15,000.
Total, Tariff Commission, \$800,000.

UNITED STATES GEOGRAPHIC BOARD

For salaries and expenses of the United States Geographic Board, including personal services in the District of Columbia, and for stationery and office supplies, \$7,700.

For printing and binding, \$1,300.

Total, United States Geographic Board, \$9,000.

Shipping Board.

UNITED STATES SHIPPING BOARD

Commissioners, personnel, and other expenses.

For three commissioners and for all other expenditures authorized by law, including the compensation of a secretary to the board, attorneys, officers, naval architects, special experts, examiners, and clerks, including one admiralty counsel at not to exceed \$10,000 per annum, one technical expert in connection with construction loan fund, at not to exceed \$10,000 per annum, and other employees in the District of Columbia and elsewhere; and for all other expenses of the Board, including the rental of quarters outside the District of Columbia, law books, books of reference, periodicals, and not exceeding \$600 for newspapers, and traveling expenses of members of the Board, its special experts, and other employees, while upon official business away from their designated posts of duty, including attendance at meetings or conventions of members of any society or association, the purpose of which the Board may consider of interest to the development and maintenance of an American merchant marine, when incurred on the written authority of the chairman of the Board, and for the employment by contract of expert stenographic reporters for its official reporting work including the investigation of foreign discrimination against vessels and shippers of the United States and for the investigation of transportation of immigrants in vessels of the United States Shipping Board, \$300,000, of which amount not to exceed \$263,000 may be expended for personal services in the District of Columbia: *Provided*, That the annual estimates of the Shipping Board for the fiscal year 1935 shall be accompanied by a statement showing the number and compensation of employees of the Fleet Corporation assigned to the Shipping Board: *Provided further*, That employees of the Merchant Fleet Corporation assigned to and serving with the Shipping Board whose compensation is within the range of salary prescribed for the appropriate grade to which the position has been allocated under the Classification Act of 1923, as amended, shall not be subject to reduction in salary by reason of their transfer during the fiscal year 1934 to the pay roll of the Shipping Board.

Outside rent.

Investigating discrimination against American vessels, etc.

Provisos.
Estimates of assignments from Fleet Corporation.

No salary reduction, etc.

Vol. 46, p. 1003.

U.S.C., Supp. VI, p. 31.

Printing and binding.

For all printing and binding for the United States Shipping Board, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, \$10,000.

Shipping Board fund.

UNITED STATES SHIPPING BOARD SHIPPING FUND

Merchant Fleet Corporation expenses payable from.

For expenses of the United States Shipping Board Merchant Fleet Corporation during the fiscal year ending June 30, 1934, for administrative purposes, including the salaries of employees of the Fleet Corporation assigned to the Shipping Board, miscellaneous adjustments, losses due to the maintenance and operation of ships, including operation through an agreement to pay a lump-sum compensation, for the protection of the interests of the United States in any vessel on which the United States holds a mortgage, for the repair of ships, for the purchase, exchange, maintenance, repair, and operation of motor vehicles for official purposes only; for the payment of premiums for liability, fire, theft, property damage, and collision insurance and for other forms of insurance, including schedule and fidelity bonds, commonly carried by commercial corporations engaged in the same or a similar business, and for carrying out the provisions of the Merchant Marine Act, 1920, and amendments thereto, (a) the amount of operating funds on hand July 1, 1933, not to exceed \$50,000,000; (b) all amounts received during the fiscal year ending June 30, 1934, other than the proceeds of sales of ships and surplus property; (c) so much of the total proceeds of sales of ships and surplus

Sources of.
Vol. 41, p. 988.
U.S.C., p. 1537;
Supp. VI, p. 816.

property received during the fiscal year 1934, but not exceeding \$1,000,000, as is necessary to meet the expenses of liquidation, including the costs incident to the delivery of vessels to purchasers, the cost of maintaining the laid-up fleet and the salaries and expenses of the personnel engaged in liquidation: *Provided*, That no part of these sums, (a), (b), and (c) shall be used for the payment of claims arising out of the construction and requisitioning of vessels; (d) all interest earned on the funds, excepting the construction loan fund, of the United States Shipping Board Merchant Fleet Corporation is to accrue to these funds and is made available for the purposes hereinbefore set forth subject to the limitations herein established: *Provided further*, That the unexpended balances of the sums made available by the Independent Offices Appropriation Act, 1930, for reconditioning and operating ships for carrying coal to foreign ports continued available for the same purposes for the fiscal year 1933, are hereby made available for the general purposes hereinbefore set forth for the Merchant Fleet Corporation for the fiscal year 1934: *Provided further*, That, if and when the President of the United States shall so direct, not to exceed \$4,000,000 of the funds hereinbefore made available may be transferred to the Post Office Department and, when so transferred, shall be available only for meeting the cost in the fiscal year 1934 of foreign mail contracts entered into by that Department under the provisions of the Merchant Marine Act, 1928, approved May 22, 1928, for service upon steamship lines sold by the United States Shipping Board subsequently to December 1, 1932.

That portion of the special claims appropriation contained in the Independent Offices Appropriation Act for the fiscal year 1923 committed prior to July 1, 1923, and remaining unexpended on June 30, 1933, shall continue available until June 30, 1934, for the same purposes and under the same conditions.

To enable the United States Shipping Board Merchant Fleet Corporation to operate ships or lines of ships which have been or may be taken back from purchasers by reason of competition or other methods employed by foreign shipowners or operators, there is hereby reappropriated the unexpended balance of the appropriation of \$10,000,000 made for similar purposes in the Independent Offices Appropriation Act for the fiscal year 1927: *Provided*, That no expenditure shall be made for the purposes of this paragraph from this sum without the prior approval of the President of the United States.

Not more than two passenger-carrying motor vehicles may be maintained and/or operated in the District of Columbia from the appropriations in this Act for the United States Shipping Board and the United States Shipping Board Fleet Corporation. Such vehicles shall be for the use of the officers and employees of the Shipping Board and the Fleet Corporation, under the direction of the chairman of the Shipping Board and the president of the Merchant Fleet Corporation.

No part of the sums appropriated in this Act shall be used to pay the compensation of any attorney, regular or special, for the United States Shipping Board or the United States Shipping Board Merchant Fleet Corporation unless the contract of employment has been approved by the Attorney General of the United States.

No part of the funds of the United States Shipping Board Merchant Fleet Corporation shall be available for the rent of buildings in the District of Columbia during the fiscal year 1934 if suitable space is provided for said corporation by the Public Buildings Commission.

Liquidation expenses.

Provisos.
Claims not payable therefrom.

Interest earned.

Operating ships for carrying coal to foreign ports.
Balance available.
Vol. 45, p. 1244.

Transfer of funds to Post Office Department for foreign mail contracts.

Vol. 45, p. 689.

Special claims.
Balance for, continued available.
Vol. 42, p. 647.

Operation of ships taken back from purchasers.
Balance reappropriated.
Vol. 44, p. 318.

Proviso.
President's approval required.

Motor vehicle restriction.

Employment of attorneys subject to approval of Attorney General.

Rent in the District.

Foreign fuel oil.

No part of the funds of the United States Shipping Board Merchant Fleet Corporation shall be available during the fiscal year 1934 for the purchase of any kind of fuel oil for foreign production for issue, delivery, or sale to ships at points either in the United States or its possessions, where oil of the production of the United States or its possessions is available, if the cost of such oil compared with foreign oil costs be not unreasonable.

Regular attorneys.

Of the sums herein made available under the United States Shipping Board, not to exceed an aggregate of \$150,000 shall be expended for compensation of regular attorneys employed on a yearly salary basis, including their clerical and legal assistants.

Loans to mail-carrying corporations.
Forbidden, without approval of Comptroller.

None of the money herein appropriated or authorized shall be used to make loans to any corporation with which the Postmaster General has made a contract for the carrying of mail under the provisions of the Merchant Marine Act of 1928, which contract has not been approved by the Comptroller General.

Total, United States Shipping Board, \$310,000.

Veterans' Administration.

VETERANS' ADMINISTRATION

MILITARY SERVICES

Administration, medical, hospital, and domiciliary services.
Salaries and expenses.

Administration, medical, hospital, and domiciliary services: For all salaries and expenses of the Veterans' Administration, including the expenses of maintenance and operation of medical, hospital, and domiciliary services of the Veterans' Administration, in carrying out the duties, powers, and functions devolving upon it pursuant to the authority contained in the Act entitled "An Act to authorize the President to consolidate and coordinate governmental activities affecting war veterans", approved July 3, 1930 (U.S.C., Supp. VI, title 38, secs. 11-11f), and any and all laws for which the Veterans' Administration is now or may hereafter be charged with administering, \$85,773,000: *Provided*, That when found to be to the best interest of the United States, not to exceed \$500,000 of this amount may be used for payments to State institutions caring for and maintaining veterans, suffering from neuropsychiatric ailments, who are in such institutions on the date of the enactment of this Act: *Provided*, That not to exceed \$8,000,000 of this amount shall be available for all expenses and maintenance of all regional offices of the Veterans' Administration: *Provided*, That not to exceed \$3,500 of this amount shall be available for expenses, except membership fees, of employees detailed by the Administrator of Veterans' Affairs to attend meetings of associations for the promotion of medical science and annual national conventions of organized war veterans: *Provided further*, That this appropriation shall be available also for personal services and rentals in the District of Columbia and elsewhere, including traveling expenses; examination of estimates of appropriations in the field, including actual expenses of subsistence or per diem allowance in lieu thereof; for expenses incurred in packing, crating, drayage, and transportation of household effects and other property, not exceeding in any one case five thousand pounds, of employees when transferred from one official station to another for permanent duty and when specifically authorized by the administrator; furnishing and laundering of such wearing apparel as may be prescribed for employees in the performance of their official duties; purchase and exchange of law books, books of reference, periodicals, and newspapers; for passenger-carrying and other motor vehicles, including purchase, maintenance, repair, and operation of same, including not more than two

Vol. 46, p. 1016.
U.S.C., Supp. VI,
p. 707.*Provides.*
Payments to State institutions.Regional offices.
Expenses.

Attendance at meetings.

Objects designated.
Services, rentals, etc.,
in District and elsewhere.

Transfer of effects.

Wearing apparel.

Motor vehicles.

passenger automobiles for general administrative use of the bureau in the District of Columbia and three for the Washington, District of Columbia regional office; and notwithstanding any provisions of law to the contrary, the Administrator is authorized to utilize Government-owned automotive equipment in transporting children of Veterans' Administration employees located at isolated stations to and from school under such limitations as he may by regulation prescribe; and notwithstanding any provisions of law to the contrary, the Administrator is authorized to expend during the fiscal year 1934 not to exceed \$2,000 for actuarial services by contract, without obtaining competition, at such rates of compensation as he may determine to be reasonable; for operating expenses of the Arlington Building and annex, and the Wilkins Building, including repairs and mechanical equipment, fuel, electric current, ice, ash removal, and miscellaneous items; for allotment and transfer to the Public Health Service, the War, Navy, and Interior Departments, for disbursement by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans' Administration, including minor repairs and improvements of existing facilities under their jurisdiction necessary to such care and treatment; for expenses incidental to the maintenance and operation of farms; for recreational articles and facilities at institutions maintained by the Veterans' Administration; for administrative expenses incidental to securing employment for war veterans; for funeral, burial, and other expenses incidental thereto for beneficiaries of the Veterans' Administration accruing during the fiscal year 1934 or prior fiscal years: *Provided further*, That the appropriations herein made for the care and maintenance of veterans in hospitals or homes under the jurisdiction of the Veterans' Administration shall be available for the purchase of tobacco to be furnished, subject to such regulations as the Administrator of Veterans' Affairs shall prescribe, to veterans receiving hospital treatment or domiciliary care in Veterans' Administration hospitals or homes: *Provided further*, That the appropriations herein made for medical and hospital services under the jurisdiction of the Veterans' Administration shall be available, not to exceed \$5,000, for experimental purposes to determine the value of certain types of treatment: *Provided further*, That the appropriations herein made for domiciliary care shall be available for continuing aid to State or Territorial homes for the support of disabled volunteer soldiers and sailors, in conformity with the Act approved August 27, 1888 (U.S.C., title 24, sec. 134), as amended, including all classes of veterans admissible to the Veterans' Administration homes: *Provided further*, That the Administrator of Veterans' Affairs may, with the concurrence of the Attorney General, transfer to the Department of Justice such personnel and/or funds as may be deemed necessary in connection with the defense of suits against the United States under section 19 of the World War Veterans' Act, 1924, as amended: *Provided further*, That Section 6, Title I, of the Act entitled "An Act to maintain the credit of the United States Government," approved March 20, 1933, is hereby amended to read as follows: "Sec. 6. In addition to the pensions provided in this title the Administrator of Veterans' Affairs is hereby authorized under such limitations as may be prescribed by the President, and within the limits of existing Veterans' Administration facilities, to furnish to men discharged from the Army, Navy, Marine Corps, or Coast Guard for disabilities incurred in line of duty and to veterans of any war, including the Boxer rebellion and the Philippine insurrection, domiciliary care where

Transportation of employees' children to schools.

Contract actuarial services.

Arlington and Wilkins Buildings. Transfer of funds to other departments.

Farms, maintenance, etc. Recreation facilities. Vol. 46, p. 991. Funeral expenses.

Fund available for purchasing tobacco.

Experiments in determining value of different treatments.

State and Territorial homes. Continuing aid to. Vol. 25, p. 450. U.S.C., 677.

Defense of suits. Transfer of funds and personnel to Department of Justice for. Vol. 43, p. 612; Vol. 45, p. 964; Vol. 46, p. 992. U.S.C., p. 1218; Supp. VI, p. 719.

Domiciliary care. Persons discharged for disabilities incurred in line of duty. Ante, p. 9. Post, p. 525.

they are suffering with permanent disabilities, tuberculosis, or neuropsychiatric ailments and medical and hospital treatment for diseases or injuries."

Use for new hospital sites, hospitals, etc., forbidden.
Amount for improvements, etc.

No part of this appropriation shall be expended for the purchase of any site for or toward the construction of any new hospital or home; or for the purchase of any hospital or home; and not more than \$4,000,000 of this appropriation may be used to repair, alter, improve, or provide facilities in the several hospitals and homes under the jurisdiction of the Veterans' Administration either by contract or by the hire of temporary employees and the purchase of materials.

Printing and binding.

For printing and binding for the Veterans' Administration, including all its bureaus and functions located in Washington, District of Columbia, and elsewhere, \$150,000: *Provided*, That the Administrator of Veterans' Affairs is authorized to utilize the printing and binding equipment which the various hospitals and homes of the Veterans' Administration use for occupational therapy purposes for the purpose of doing such printing and binding as may, in his judgment, be found advisable for the use of the Veterans' Administration, notwithstanding the provisions of section 87 of the Act entitled "An Act providing for the public printing and binding and the distribution of public documents", approved January 12, 1895, and section 11 of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes, approved March 1, 1919 (U.S.C., title 44, sec. 111).

Proviso.
Use of branch equipment.

Printing restrictions waived.
Vol. 28, p. 622; Vol. 40, p. 1270.
U.S.C., p. 1421.

Pensions.

Pensions: For the payment of pensions, gratuities, and allowances, now authorized under any Act of Congress, or regulation of the President based thereon, or which may hereafter be authorized, including emergency officers' retirement pay and annuities, the administration of which is now or may hereafter be placed in the Veterans' Administration, \$319,230,000, to be immediately available: *Provided*, That Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose.

Proviso.
Navy from naval fund.

Military and naval insurance.

For military and naval insurance accruing during the fiscal year 1934 or in prior fiscal years, \$123,000,000.

Compromise judgments, yearly renewable term insurance.
Attorney General authorized to agree to.

That the Attorney General of the United States is hereby authorized to agree to a judgment to be rendered by the presiding judge of the United States court having jurisdiction of the case, pursuant to compromise approved by the Attorney General upon the recommendation of the United States Attorney charged with the defense, upon such terms and for such sums within the amount claimed to be payable, in any suit pending on March 20, 1933, and on the date of the enactment of this Act, brought under the provisions of the World War Veterans' Act, 1924, as amended, on a contract of yearly renewable term insurance, and the Administrator of Veterans' Affairs is hereby authorized and directed to make payments in accordance with any such judgment: *Provided*, That the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of disbursing officers of the Veterans' Administration for all payments of insurance made in accordance with any such judgment: *Provided further*, That all such judgment shall constitute final settlement of the claim and no appeal therefrom shall be authorized.

Provisos.
Credits to be allowed in accounts for disbursements under.

Judgment to constitute final settlement of claim.

Hospital, domiciliary, etc., facilities.
Vol. 46, p. 1550.

Hospital and domiciliary facilities: For carrying out the provisions of the Act entitled "An Act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary

facilities for persons entitled to hospitalization under the World War Veterans' Act, 1924, as amended, and for other purposes," approved March 4, 1931 (46 Stat., p. 1550), \$1,000,000, to remain available until expended.

Adjusted service certificate fund: For an amount necessary under the World War Adjusted Compensation Act (U.S.C., title 38, secs. 591-683; U.S.C., Supp. VI, title 38, secs. 612-682), to provide for the payment of the face value of each adjusted service certificate in twenty years from its date or on the prior death of the veteran, and to make loans to veterans and repayments to banks in accordance with section 507 of the Act, as amended (U.S.C., Supp. VI, title 38, secs. 642, 647, 650; Act July 21, 1932, 47 Stat., pp. 724-725), \$50,000,000, to become available July 1, 1933, and remain available until expended.

Such amount as may be necessary of the fund entitled "Recreation fund, Army," created by the War Department Appropriation Act, approved March 4, 1933, is hereby appropriated and made available for reimbursement to the Veterans' Administration for all expenses (including transportation to bona fide residence) incurred in connection with indigent veterans in attendance at the convention of the rank and file organization of World War Veterans held in Washington, District of Columbia, during the month of May, 1933, and the decision of the Administrator of Veterans' Affairs in connection with such expenditures shall be final and conclusive.

Adjusted service and dependent pay: For payment of adjusted service credits of not more than \$50 each and the quarterly installments due to dependents of deceased veterans, as provided in the Act of May 19, 1924, as amended (U.S.C., title 38, secs. 631-632, 663, 666; U.S.C., Supp. VI, title 38, secs. 661-662, 664-665, 667), \$2,835,000, to be immediately available and to remain available until expended.

Payments to beneficiaries of the Veterans' Administration who are now receiving reduced monthly benefits in order to effect recovery of amounts due the United States shall continue in such reduced amounts until June 30, 1933: *Provided*, That such payments are otherwise authorized: *Provided further*, That no disbursing officer shall be held liable for any payment made under the provisions of this section or for the uncollected balance of any over payment involved.

Total, Military Services, \$581,988,000.

CIVIL-SERVICE RETIREMENT FUND

For financing of the liability of the United States, created by the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes", approved May 22, 1920, and Acts amendatory thereof (U.S.C., Supp. VI, title 5, sec. 707a), \$20,850,000, which amount shall be placed to the credit of the "civil-service retirement and disability fund."

Total, Veterans' Administration, \$602,838,000: *Provided*, That no part of this appropriation shall be expended for the purchase of oleomargarine or butter substitutes except for cooking purposes.

INTERNATIONAL INSTITUTE OF AGRICULTURE

The sum of \$48,500, or so much thereof as may be necessary, is hereby appropriated for the expenses of participation by the United States in the International Institute of Agriculture at Rome, Italy,

Adjusted service certificate fund.

Vol. 43, p. 128.
U.S.C., p. 1232; Supp. VI, p. 728.

Loans, etc.
Vol. 43, p. 128; Vol. 46, p. 1429; Vol. 47, p. 724.

U.S.C., p. 1233;
Supp. VI, pp. 730, 731, 732.

Recreation fund, Army.

Funds from, for aid to indigent veterans, convention held in Washington.
Vol. 47, p. 1573.

Adjusted service and dependent pay.

Vol. 43, pp. 125, 129, 130; Vol. 44, pp. 828, 829; Vol. 45, pp. 947, 948; Vol. 46, p. 496.

U.S.C., pp. 1231, 1233;
Supp. VI, p. 732.

Reduced payments to beneficiaries to recover amounts due, continued to June 30, 1933.

Proviso.
Payments otherwise authorized.

Disbursing officers not liable for payments hereunder.

Civil-Service Retirement Fund.

Contribution to.
Vol. 41, p. 614; Vol. 44, p. 912; Vol. 46, p. 468.
U.S.C., p. 71, Supp. VI, p. 46.

Proviso.
Oleomargarine restriction.

International Institute of Agriculture.

Expenses of participation.

to be expended under the direction of the Secretary of State in the following manner:

Support of Institute. (1) Not to exceed the equivalent in United States currency of one hundred and ninety-two thousand gold francs for the payment of the quota of the United States for the support of the institute, including the shares of the Territory of Hawaii, and of the dependencies of the Philippine Islands, Puerto Rico, and the Virgin Islands.

Salary, United States member of permanent committee. (2) Not to exceed \$5,000 for the salary of a United States member of the permanent committee of the International Institute of Agriculture.

Living quarters. (3) Not to exceed \$5,500 for rent of living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (46 Stat. 818); compensation of subordinate employees without regard to the Classification Act of 1923, as amended; actual and necessary traveling expenses; and other contingent expenses incident to the maintenance of an office at Rome, Italy, for a United States member of the permanent committee of the International Institute of Agriculture.

Bureau of Fisheries.

BUREAU OF FISHERIES

Black bass law, enforcement.
Vol. 44, p. 576; Vol. 46, p. 845.
U.S.C., Supp. VI, p. 234.

Enforcement of black bass law: To enable the Secretary of Commerce to carry into effect the Act entitled "An Act to amend the Act entitled 'An Act to regulate interstate transportation of black bass, and for other purposes', approved May 20, 1926" (U.S.C., Supp. V, title 16, secs. 851-856), approved July 2, 1930 (46 Stat., pp. 845-847), \$13,110, of which not to exceed \$1,530 may be expended for personal services in the District of Columbia.

Total appropriated by this Act, \$631,802,546.

Salaries limited to average rates under Classification Act.
Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.

U.S.C., p. 65; Supp. VI, p. 31.

Proviso.
Restriction not applicable to clerical-mechanical service.

No reduction in fixed salaries.
Vol. 42, p. 1490.
U.S.C., p. 66.

Transfers to another position without reduction.

SEC. 2. In expending appropriations or portions of appropriations contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended: *Provided further,* That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade, in the same or different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Salary increases through reallocation of position forbidden.

SEC. 3. No part of the appropriations contained in this Act or prior appropriation Acts shall be used to pay any increase in the salary of any officer or employee of the United States Government by reason of the reallocation of the position of such officer or employee to a higher grade after June 30, 1932, by the Personnel Classification Board or the Civil Service Commission, and salaries paid accordingly shall be payment in full.

Impoundment of appropriations.
Aide, p. 14.

SEC. 4. Title II of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, to the extent that it provides for the impoundment of appropriations

shall not operate to require such impoundment under appropriations contained in this Act.

SEC. 5. Whenever it shall appear to the President, in respect of any contract entered into by the United States prior to the date of enactment of this Act for the transportation of persons and/or things, that the full performance of such contract is not required in the public interest, and that modification or cancellation of such contract will result in substantial savings to the United States, the President is hereby, upon giving sixty days' notice and opportunity for public hearing to the parties to such contract, authorized, in his discretion, on or before April 30, 1935, to modify or cancel such contract. Whenever the President shall modify or cancel any such contract, he shall determine just compensation therefor; and if the amount thereof, so determined by the President, is unsatisfactory to the individual, firm, or corporation entitled to receive the same, such individual, firm, or corporation shall be entitled to receive such portion thereof as the President shall determine and shall be entitled to sue the United States to recover such further sum as, added to said portion so received, will make up such amount as will be just compensation therefor, in the manner provided for by paragraph 20 of section 41 and section 250 of title 28 of the United States Code: *Provided*, That where any such contract makes provision for settlement in the event of modification or cancellation, the amount of just compensation as determined hereunder shall not exceed such amount as is authorized by said contract. Any appropriation out of which payments upon the said contract were authorized to be made is hereby made available for the payment of such just compensation.

SEC. 6. Hereafter the Postmaster General shall not award any air mail contract or any ocean mail contract under the Merchant Marine Act of 1928 to any individuals, companies, or corporations, which singly or in combination with other individuals, companies, or corporations pay any salary or salary combined with bonus, to any officer, agent, or employee in excess of \$17,500. If such individuals, companies, or corporations employ any officer, agent, or employee on a part-time basis, such salary, or salary combined with bonus, shall be reduced in proportion to such part-time employment.

SEC. 7. Whenever the President after investigation shall find that the charge or charges established by or in accordance with existing law for any service rendered or article sold by any executive department, commission, or other executive agency of the United States is less than the cost of such service or thing determined by the President in accordance with sound principles of accounting, he is hereby authorized, in his discretion, by Executive order to increase such charge or charges in such amount as he may determine will return to the Government the cost of such service. The authority granted to the President to order increases in charges hereunder shall cease upon the expiration of two years after the date of the enactment of this Act.

SEC. 8. (a) Whenever at any time hereafter prior to July 1, 1935, any employee of the United States or the District of Columbia to whom the Civil Service Retirement Act, approved May 29, 1930 (U.S.C., Supp. VI, title 5, chap. 14), applies, who has an aggregate period of service of at least thirty years computed as prescribed in section 5 of such Act, is involuntarily separated from the service for reasons other than his misconduct, such employee shall be entitled to an annuity computed as provided in section 4 of such Act payable from the civil service retirement and disability fund less a sum equal to 3½ per centum of such annuity:

Modification of contracts for transportation.

Cancellation.

Notice of intention.
Hearing.

Compensation.

Suits against United States authorized when accord not reached.

U.S.C., pp. 867, 897.

Proviso.
Compensation, when contract contains settlement clause in event of modification.
Appropriations authorized.

Air mail contracts.

Awarding prohibited, when salary exceeding \$17,500 paid.

Salary reduction, employment on part-time basis.

Services rendered and articles sold by Executive Department, etc.

Executive order increasing charges for.

Termination of authority.

Retirement provision, employees having thirty years service.
Vol. 46, p. 468.
U.S.C., Supp. VI, p. 40.

Annuity payment when involuntarily separated for other than misconduct.

Proviso.
Deduction from annuity, when to cease.

Reemployment of annuitant.

Determination of subsequent annuity rights.

Canal Zone employees.
Vol. 46, p. 1471.

Annuity payment when involuntarily separated, etc.

Deduction.

Proviso.
When deduction to cease.

Reemployment of annuitant.

Determination of subsequent annuity rights.

Furlough provision effective during fiscal year 1934.
Post, p. 523.

Proviso.
Limitation on furlough period.

Uniform application of provisions.

Rural Mail Delivery Service.
Carriers excepted.
Executive Order No. 6176, June 16, 1933.

Vol. 47, p. 407, repeated.

Provided, That when an annuitant hereunder attains the age which would have been the retirement age prescribed for automatic separation from the service applicable to such annuitant had he continued in the service to such retirement age, such deduction from the annuity shall cease. If and when any such annuitant shall be reemployed in the service of the District of Columbia or the United States (including any corporation the majority of the stock of which is owned by the United States), the right to the annuity provided by this section shall cease and the subsequent annuity rights of such person shall be determined in accordance with the applicable provisions of retirement law existing at the time of the subsequent separation of such person from the service.

(b) Whenever at any time hereafter prior to July 1, 1935, any person to whom the Canal Zone Retirement Act, approved March 2, 1931 (Public, Numbered 781, Seventy-first Congress), applies, who has an aggregate period of service of at least thirty years computed as prescribed in section 7 of such Act, is involuntarily separated from the service for reasons other than his misconduct, such employee shall be entitled to an annuity computed as provided in section 6 of such Act payable from the Canal Zone retirement and disability fund less a sum equal to 5 per centum of such annuity: *Provided*, That when an annuitant hereunder attains the age at which he would have been entitled to retirement with annuity computed as provided in section 6 of such Act, such deduction from the annuity shall cease. If and when any such annuitant shall be reemployed in the service of the District of Columbia or the United States (including any corporation the majority of the stock of which is owned by the United States), the right to the annuity provided by this section shall cease and the subsequent annuity rights of such person shall be determined in accordance with the applicable provisions of retirement law existing at the time of the subsequent separation of such person from the service.

SEC. 9. (a) Until July 1, 1934, in cases in which the number of officers and employees in any particular service is in excess of the number necessary for the requirements of such service, the heads of the several executive departments and independent establishments of the United States Government and the municipal government of the District of Columbia, respectively, are hereby authorized to furlough, without pay, any officers and employees carried on their respective rolls for such periods as in their judgment may be necessary to distribute, as far as practicable, employment on the available work in such service among all the officers and employees of such service, in rotation: *Provided*, That no employee under the classified civil service shall be furloughed under the provisions of this section for a total of more than ninety days during the fiscal year 1934, except after full and complete compliance with all the provisions of the civil service laws and regulations relating to reductions in personnel. Rules and regulations shall be promulgated by the President with a view to securing uniform action by the heads of the various executive departments and independent Government establishments in the application of the provisions of this section. The provisions of this section relating to furloughs shall not apply to carriers in the Rural Mail Delivery Service, but the President is authorized to suspend, or to reduce, for the duration of the fiscal year 1934, the allowance paid to such carriers for equipment maintenance.

(b) Section 216 of the Legislative Appropriation Act for the fiscal year 1933, and such section as continued and amended for the fiscal year 1934, are hereby repealed.

SEC. 10. The President is authorized, in his discretion, to suspend the extra pay or reduce the rate of extra pay allowed to commissioned officers, warrant officers, and enlisted men of the Army, Navy, Marine Corps, and Coast Guard while on flying duty, and to distinguish between degrees of hazard in various types of flying duty and make different rates of extra pay applicable thereto.

Reduction of extra pay for flying duty authorized.

SEC. 11. So much of the Act of August 5, 1882 (22 Stat. 285), as is contained in the proviso at the end of section 1057, title 34, United States Code, is hereby amended by repealing the words "and one year's sea pay", so that the said proviso will read as follows: "*Provided*, That if there be a surplus of graduates, those who do not receive such appointments shall be given a certificate of graduation and an honorable discharge."

Naval Academy graduates.
Vol. 22, p. 285.
U.S.C., p. 1148.

Ante, p. 123.

SEC. 12. From the date of the approval of this Act and until July 1, 1934, the compensation of all officers and employees of the insular possessions of the United States, including the Philippine Islands, which is now fixed by Acts of Congress and which is not subject to reduction under the provisions of title II of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, is hereby reduced 15 per centum: *Provided*, That nothing herein shall be construed as applying to officers whose compensation may not, under the Constitution, be diminished during their continuance in office.

Compensation reduction, employees, etc., of the insular possessions.

Ante, p. 12.

Proviso.
Exception, officers whose compensation may not be reduced under Constitution.

SEC. 13. For the period of the fiscal year ending June 30, 1933, remaining after the date of the enactment of this Act, and during the fiscal year ending June 30, 1934, the retired pay of judges (whose compensation, prior to retirement or resignation, could not, under the Constitution, have been diminished) is reduced by 15 per centum.

Judges, retirement pay.
Post, p. 521.

Reduction during fiscal year 1934.

SEC. 14. The compensation authorized by sections 3, 4, and 10 of the Act of September 7, 1916, as amended, accruing during the fiscal year 1934, shall be reduced below the amounts prescribed by the said Act by the same percentage as that prescribed for the reduction of compensation of officers and employees under section 3 of title II of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933: *Provided further*, That the monthly pay as defined in section 40 of the Act of September 7, 1916, shall be determined without regard to the temporary reductions in pay required by the Act of March 20, 1933: *Provided further*, That the funds made available for the purposes of the Act entitled "An Act for the relief of unemployment through the performance of useful public work, and for other purposes", approved March 31, 1933, shall be available for the payment of compensation for injuries as required by section 3 of said Act, but such payment shall be made through the Employees' Compensation Commission.

Federal employees.
Reduction of disability compensation.
Vol. 39, p. 742.
U.S.C., p. 77.

Ante, p. 13.

Provisos.
Determination of monthly pay.
Vol. 39, p. 750.
U.S.C., p. 81.

Funds available.

Ante, p. 23.

Payments through Employees Compensation Commission.

SEC. 15. For the fiscal year ending June 30, 1934, every pension payable under any private relief Act, not subject to the provisions of sections 1 and 17 of title I of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, shall, irrespective of the provisions of section 18 of title I of such Act, be reduced by the same percentage as that prescribed for the reduction of compensation of officers and employees under section 3 of title II of said Act.

Pensions payable under private relief act.

Ante, pp. 8, 11.

Reduction of.

SEC. 16. (a) There shall be in the Department of Justice an Assistant Solicitor General to assist the Solicitor General in the performance of his duties, who shall be appointed by the President, by and with the advice and consent of the Senate. Said Assistant Solicitor General shall be allocated to the same classification grade and be paid the same rate of compensation as apply to Assistant

Assistant Solicitor General, Department of Justice.
Appointment.

Allocation; compensation.

Position abolished.

Classification Act of 1923.

Vol. 42, p. 1489; Vol. 45, p. 785; Vol. 46, p. 1003.

U.S.C., p. 65; Supp. VI, p. 31.

Adjustment of field service pay.

Rate of pay when reclassification of position to lower grade.

Post office, Long Beach, Calif.

Modification of construction contract authorized.

Relief for earthquake damages.

Sums available.

No profit to be allowed.

Emergency Farm Mortgage Act of 1933.

Act, p. 49, amended.

Loans to drainage districts, etc., by Reconstruction Finance Corporation authorized.

Aggregate amount.

Purpose to reduce, etc., outstanding indebtedness.

Terms and conditions.

Vol. 47, p. 6.

Security required.

Agreement respecting bond issues. Repayment.

Attorneys General and shall perform such additional duties as may be required of him by the Attorney General. (b) One of the existing positions of Assistant Attorney General is hereby abolished.

SEC. 17. That section 3 of the Act of Congress approved May 28, 1928, entitled "An Act to amend the salary rates contained in the compensation schedules of the Act of March 4, 1923, entitled 'An Act to provide for the classification of civilian positions within the District of Columbia and in the field services'", as amended by the Act of July 3, 1930, be further amended by adding thereto the following: "*Provided*, That in all cases where, since December 6, 1924, in such adjustment the position occupied by an employee has been or shall be allocated to a grade with a maximum salary below the salary received by the incumbent, the rate of pay fixed for such position prior to such allocation may be paid after the date of the enactment of this Act so long as the position is held by the incumbent occupying it at the time of such allocation and the Comptroller General of the United States is authorized and directed to allow credit in disbursing officers' accounts for all payments heretofore made at such higher rates."

SEC. 18. The Secretary of the Treasury is hereby authorized to effect a modification of the contract for the construction of the Long Beach (California) Post Office, so as to afford such relief as he deems to be proper for losses caused the contractor for restoration of damages to the building occasioned by the earthquake of March 10, 1933, and to make such structural and other changes in the building as may be necessary to minimize a recurrence of earthquake damage to the building: *Provided*, That the present appropriation for the Long Beach project shall be available for the purposes named, and that any additional cost incurred by reason of the above shall not exceed the present limit of cost: *Provided further*, That the contractor shall not be allowed any profit in connection with the restoration of such earthquake damages.

SEC. 19. Section 36 of the "Emergency Farm Mortgage Act of 1933", approved May 12, 1933, is hereby amended to read as follows:

"SEC. 36. The Reconstruction Finance Corporation is authorized and empowered to make loans as hereinafter provided, in an aggregate amount not exceeding \$50,000,000 to or for the benefit of drainage districts, levee districts, levee and drainage districts, irrigation districts, and similar districts duly organized under the laws of any State, and to or for the benefit of political subdivisions of States, which prior to the date of enactment of this Act have completed projects devoted chiefly to the improvement of lands for agricultural purposes. Such loans shall be made for the purpose of enabling any such district or political subdivision (hereafter referred to as the "borrower") to reduce and refinance its outstanding indebtedness incurred in connection with any such projects, and shall be subject to the same terms and conditions as loans made under section 5 of the Reconstruction Finance Corporation Act, as amended; except that (1) the term of any such loan shall not exceed forty years; (2) each such loan shall be secured by bonds, notes, or other obligations which are a lien on the real property within the project or on the assessments, taxes, or other charges imposed by the borrower pursuant to State law, or by such other collateral as may be acceptable to the Corporation; (3) the borrower shall agree not to issue during the term of the loan any other bonds so secured except with the consent of the Corporation; (4) the borrower shall agree, insofar as it lawfully may, to pay to the Corporation, until all bonds or other obligations of the borrower acquired by the Corporation are retired, an amount equal to the amount by which the assessments, taxes, and other charges collected by the borrower exceed the cost of operation

and maintenance of the project and maturities of interest and principal on its outstanding obligations, and (5) the borrower shall agree, to the satisfaction of the Corporation, to reduce, insofar as it lawfully may, the annual taxes, assessments, and other charges imposed by it for or on account of the project by an amount proportional to the reduction in the corresponding annual requirements for principal and interest of its outstanding indebtedness by reason of the operation of this section. No loan shall be made under this section until the Reconstruction Finance Corporation (A) has caused an appraisal to be made of the property securing and/or underlying the outstanding bonds of the applicant, (B) has determined that the project of the applicant is economically sound, and (C) has been satisfied that an agreement has been entered into between the applicant and holders of its outstanding bonds or other obligations under which the applicant will be able to purchase or refund all or a major portion of such bonds or other obligations at a price determined by the Corporation to be reasonable after taking into consideration the average market price of such bonds over the six months' period ending March 1, 1933, and under which a substantial reduction will be brought about in the amount of the outstanding indebtedness of the applicant."

SEC. 20. The President is hereby authorized under the provisions of Public Law Numbered 2, Seventy-third Congress, to establish such number of special boards (the majority of the members of which were not in the employ of the Veterans' Administration at the date of enactment of this Act), as he may deem necessary to review all claims (where the veteran entered service prior to November 11, 1918, and whose disability is not the result of his own misconduct), in which presumptive service connection has heretofore been granted under the World War Veterans' Act, 1924, as amended, wherein payments were being made on March 20, 1933, and which are held not service connected under the regulations issued pursuant to Public Law Numbered 2, Seventy-third Congress. Members of such boards may be appointed without regard to the Civil Service laws and regulations, and their compensation fixed without regard to the Classification Act of 1923, as amended. Such special boards shall determine, on all available evidence, the question whether service connection shall be granted under the provisions of the regulations issued pursuant to Public Law Numbered 2, Seventy-third Congress (notwithstanding the evidence may not clearly demonstrate the existence of the disease or any specific clinical findings within the terms of or period prescribed by regulation 1, part 1, subparagraph (c), or instruction numbered 2, regulation numbered 1, issued under Public Law Numbered 2, Seventy-third Congress), and shall in their decisions resolve all reasonable doubts in favor of the veteran, the burden of proof in such cases being on the Government.

Notwithstanding the provisions of section 17, title I, Public Law Numbered 2, Seventy-third Congress, any claim for yearly renewable term insurance on which premiums were paid to the date of death of the insured and any claim for pension, compensation allowance, or emergency officers' retirement pay under the provisions of laws repealed by said section 17 wherein claim was duly filed prior to March 20, 1933, may be adjudicated by the Veterans' Administration on the proofs and evidence received by the Veterans' Administration prior to March 20, 1933, and any person found entitled to the benefits claimed shall be paid such benefits in accordance with and in the amounts provided by such prior laws: *Provided*, That the payments hereby authorized to be made shall continue only to include June 30, 1933, and only one original adjudicatory

Reduction of annual taxes, assessments, and charges.

Conditions of loan. Appraisal of borrower's property.

Determination of economic soundness. Corporation to approve refunding agreement between borrower and holders of outstanding bonds.

Board to review veterans claims in which presumptive service connection heretofore granted and denied.

Ante, p. 8.

Vol. 43, p. 607.

Appointment of members.

Determination of service connection.

Ante, p. 8.

Reasonable doubts; burden of proof.

Adjudication of claims by Veterans' Administration when filed prior to March 20, 1933. *Ante*, p. 11; *post*, p. 526.

Proviso. Payments authorized; actions and appeals.

Burial expenses, veterans dying prior to March 20, 1933.
Ante, p. 11.

Filing claim.

Finality of Board decision.

Percentage of payments made on March 20, 1933, to continue.

Proviso.
Extension of time for Board decision.

Rules governing reviews and hearings.
Payment of salaries and expenses.

Limitation on reduction of payments for directly service-connected disabilities.

Ante, p. 8; *post*, p. 524.

Death compensation.

Minimum pension, 50 per centum disabled veteran of Spanish-American War, etc.

Short title.

action and one appeal may be had in such cases. Where a veteran died prior to March 20, 1933, under conditions which warrant the payment of, or reimbursement for, burial expenses, such payment or reimbursement may be made in accordance with the laws in effect prior to March 20, 1933, provided that claim for such payment or reimbursement must be filed within three months from the date of passage of this Act.

Notwithstanding the provisions of Public Law Numbered 2, Seventy-third Congress, the decisions of such special boards shall be final in such cases, subject to such appellate procedure as the President may prescribe, and, except for fraud, mistake, or misrepresentation, 75 per centum of the payments being made on March 20, 1933, therein shall continue to October 31, 1933, or the date of special board decision, whichever is the earlier date: *Provided*, That where any case is pending before any one of the special boards on October 31, 1933, the President may provide for extending the time of payment until decision can be rendered. The President shall prescribe such rules governing reviews and hearings, as may be deemed advisable. Payment of salaries and expenses of such boards and personnel assigned thereto shall be paid out of and in accordance with appropriations for the Veterans' Administration.

Notwithstanding any of the provisions of Public Law Numbered 2, Seventy-third Congress, in no event shall the rates of compensation payable for directly service-connected disabilities to those veterans who entered the active military or naval service prior to November 11, 1918, and whose disabilities are not the result of their own misconduct, where they were except by fraud, mistake, or misrepresentation, in receipt of compensation on March 20, 1933, be reduced more than 25 per centum, except in accordance with the regulations issued under Public Law Numbered 2, Seventy-third Congress, pertaining to Federal employees, hospitalized cases and cases of beneficiaries residing outside of the continental limits of the United States; and in no event shall death compensation, except by fraud, mistake, or misrepresentation, being paid to widows, children, and dependent parents of deceased World War veterans under the World War Veterans' Act of 1924, as amended, on March 20, 1933, be reduced or discontinued, whether the death of the veteran on whose account compensation is being paid was directly or presumptively connected with service.

Notwithstanding any of the provisions of Public Law Numbered 2, Seventy-third Congress, any veteran of the Spanish-American War, including the Boxer rebellion and the Philippine insurrection, who served ninety days or more, was honorably discharged from the service, is fifty-five years of age or over, is 50 per centum disabled, and in need as defined by the President, shall be paid a pension of not less than \$15 per month.

SEC. 21. This Act hereafter may be referred to as the "Independent Offices Appropriation Act, 1934."

Approved, June 16, 1933, 1:25 p.m.

[CHAPTER 102.]

AN ACT

To remove the limitation on the filling of the vacancy in the office of senior circuit judge for the ninth judicial circuit.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized, by and with the advice and consent of the Senate, to appoint a circuit judge to fill the vacancy in the United States Circuit Court of Appeals for the Ninth Judicial Circuit occasioned

June 16, 1933.

[S. 813.]

[Public, No. 79.]

Ninth Judicial Circuit.
Filling vacancy of judgeship in, authorized.

by the death of Honorable William B. Gilbert. A vacancy¹ occurring at any time in the office of circuit judge referred to in this section is authorized to be filled.

Vacancy hereafter to be filled.
Vol. 45, p. 1411.

Approved, June 16, 1933 4 p.m.

[CHAPTER 103.]

AN ACT

To provide for the survival of certain actions in favor of the United States.

June 16, 1933.
[S. 815.]

[Public, No. 80.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no civil action to recover damages, brought by the United States or in its behalf, or in which the United States shall be directly or indirectly interested, and pending against any defendant prior to the time of his death, in any court of the United States, shall abate by reason of the death of any such defendant; but any such action shall survive and be enforceable against the estate of any such deceased defendant. This Act shall not be construed to deprive the plaintiff in any such action of any remedy which he may have against a surviving defendant.

United States Courts.
Survival of civil actions for damages.

Rights against surviving defendant not affected.

Approved, June 16, 1933, 4:15 p.m.

[CHAPTER 104.]

AN ACT

To amend Public Act Numbered 435 of the Seventy-second Congress, relating to sales of timber on Indian land.

June 16, 1933.
[S. 1513.]

[Public, No. 91.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Act Numbered 435 of the Seventy-second Congress entitled "An Act to authorize the Secretary of the Interior to modify the terms of existing contracts for the sale of timber on Indian land when it is in the interest of the Indians so to do" is hereby amended by adding to the first section thereof the following proviso: "Provided, That the restrictions as to reducing prices below the basic sales prices shall not apply to the Klamath Indian Reservation in Oregon: And provided further, That the authority granted herein shall terminate one year from the date of enactment of this Act."

Timber sales, Indian lands.
Terms of existing contracts may be modified with consent of Indians.
Vol. 47, p. 1568.
Post, p. 397.

Provisos.
Klamath Indian Reservation, Oreg., excluded from provisions herein.

Time limitation.

Approved, June 16, 1933, 5 p.m.

[CHAPTER 105.]

AN ACT

To legalize the manufacture, sale, or possession of 3.2 per centum beer in the State of Oklahoma when and if the same is legalized by a majority vote of the people of Oklahoma or by act of the Legislature of the State of Oklahoma.

June 16, 1933.
[H. R. 5990.]

[Public, No. 82.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the manufacture, sale, and/or possession of 3.2 per centum beer is legalized in the State of Oklahoma when and if the same is legalized by a majority of the legal votes cast at an election held in said State, or by an act of the Legislature of the State of Oklahoma, and all Acts or parts of Acts in conflict therewith are hereby repealed.

Oklahoma.
Sale of 3.2 beer in, legalized.

Approved, June 16, 1933.

¹ So in original.