

# PUBLIC LAWS OF THE SEVENTY-FOURTH 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 third day of January, 1935, and was adjourned without day on Monday, the twenty-sixth day of August, 1935.*

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN, President of the Senate *pro tempore*; JOSEPH W. BYRNS, Speaker of the House of Representatives.

### [CHAPTER 1.]

#### JOINT RESOLUTION

To clarify the definition of disagreement in section 19, World War Veterans' Act, 1924, as amended.

January 28, 1935.  
[H. J. Res. 112.]  
[Pub. Res., No. 1.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a denial of a claim for insurance by the Administrator of Veterans' Affairs or any employee or agency of the Veterans' Administration heretofore or hereafter designated therefor by the Administrator shall constitute a disagreement for the purposes of section 19 of the World War Veterans' Act, 1924, as amended (U. S. C., Supp. VII, title 38, sec. 445). This resolution is made effective as of July 3, 1930, and shall apply to all suits now pending against the United States under the provisions of section 19 of the World War Veterans' Act, 1924, as amended, and any suit which has been dismissed solely on the ground that a denial as described in this resolution did not constitute a disagreement as defined by section 19 may be reinstated within three months from the date of enactment of this resolution.*

World War Veterans' Act, amended.  
Denial of an insurance claim to constitute a disagreement.  
Vol. 43, pp. 612, 1302; Vol. 45, p. 964; Vol. 46, p. 992.  
U. S. C., p. 1662; Supp. I, p. 229.

Reinstatement of suits.

Approved, January 28, 1935.

### [CHAPTER 2.]

#### AN ACT

To extend the functions of the Reconstruction Finance Corporation for two years, and for other purposes.

January 31, 1935.  
[S. 1175.]  
[Public, No. 1.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until February 1, 1937, or such earlier date as the President may fix by proclamation, the Reconstruction Finance Corporation is hereby authorized to continue to perform all functions which it is authorized to perform under law, and the liquidation and winding up of its affairs as provided for by section 13 of the Reconstruction Finance Corporation Act, as amended, are hereby postponed during the period that the functions of the Corporation are continued pursuant to this Act: *Provided*, That no officer or employee of the Reconstruction Finance Corporation shall receive salary at a rate in excess of \$10,000 per annum, except that in the case of any position the salary of which at the date of the enactment of this Act is at the rate of \$12,500 per annum such salary may continue at such rate.*

Reconstruction Finance Corporation.  
Authority to function continued.  
Vol. 47, p. 5; Vol. 48, p. 318.

Vol. 47, p. 10; U. S. C., p. 580.

*Proviso.*  
Salaries, officers and employees.

Vol. 48, pp. 1108, 1110.  
Post, p. 4.

Restriction on dis-  
bursement of funds;  
commitments hereafter  
made.

Commitments here-  
tofore made.

Loans; periods of.

Renewals or exten-  
sions.

Final maturity date.

*Proviso.*  
Railroad loans, etc.  
Vol. 47, pp. 6, 714.  
U. S. C., p. 573.

Amortization provi-  
sion.

Vol. 47, p. 6; U. S. C.,  
p. 573.

Obligations of rail-  
roads engaged in inter-  
state commerce.

Purchase or guaran-  
tee by Corporation.

Loans authorized.

*Provisos.*  
Certificate required.

SEC. 2. (a) Except as provided in section 5d of the Recon-  
struction Finance Corporation Act, as amended by section 10 hereof, and  
in section 9 of an Act entitled "An Act relating to direct loans for  
industrial purposes by Federal Reserve banks, and for other pur-  
poses", approved June 19, 1934, no funds shall be disbursed on any  
commitment or agreement hereafter made by the Reconstruction  
Finance Corporation to make a loan or advance, subscribe for  
stock, or purchase capital notes or debentures, after the expiration  
of one year from the date of such commitment or agreement; but  
within the period of such one year limitation no provision of law  
terminating any of the functions of the Reconstruction Finance  
Corporation shall be construed to prohibit disbursement of funds  
on commitments or agreements to make loans or advances, subscribe  
for preferred stock, or purchase capital notes or debentures.

(b) Notwithstanding any other provision of law, disbursement  
may be made at any time prior to January 31, 1936, on any com-  
mitment or agreement heretofore made by the Corporation to make  
a loan or advance, subscribe for preferred stock, or purchase capital  
notes or debentures.

SEC. 3. Notwithstanding any other provision of law limiting the  
maturity of obligations taken by it to shorter periods, the Recon-  
struction Finance Corporation may make loans or advances or re-  
newals or extensions thereof to authorized borrowers or by other  
suitable agreement permit them to run so as to mature at such time  
or times as the Corporation may determine, not later than January  
31, 1945: *Provided*, That in respect of loans or renewals or exten-  
sions of loans or purchases of obligations under section 5 of the  
Reconstruction Finance Corporation Act, as heretofore and herein  
amended (U. S. C., Supp. VII, title 15, ch. 14), to or of railroads,  
the Corporation may require as a condition of making any such  
loan or renewal or extension for a period longer than five years,  
or purchasing any such obligation maturing later than five years  
from the date of purchase by the Corporation, that such arrange-  
ments be made for the reduction or amortization of the indebted-  
ness of the railroad, either in whole or in part, as may be approved  
by the Corporation after the prior approval of the Interstate Com-  
merce Commission.

SEC. 4. (a) Section 5 of the Reconstruction Finance Corporation  
Act, as amended (U. S. C., Supp. VII, title 15, ch. 14), is further  
amended by striking out all of the third sentence of the third para-  
graph thereof through the first colon and inserting in lieu thereof  
the following: "Within the foregoing limitations of this section, the  
Corporation, notwithstanding any limitation of law as to maturity,  
with the approval of the Interstate Commerce Commission, includ-  
ing approval of the price to be paid, may, to aid in the financing,  
reorganization, consolidation, maintenance, or construction thereof,  
purchase for itself, or for account of a railroad obligated thereon,  
the obligations of railroads engaged in interstate commerce, including  
equipment trust certificates, or guarantee the payment of the prin-  
cipal of, and/or interest on, such obligations, including equipment  
trust certificates, or, when, in the opinion of the Corporation, funds  
are not available on reasonable terms through private channels,  
make loans, upon full and adequate security, to such railroads or to  
receivers or trustees thereof for the purposes aforesaid: *Provided*,  
That in the case of loans to or the purchase or guarantee of obliga-  
tions, including equipment trust certificates, of railroads not in  
receivership or trusteeship, the Interstate Commerce Commission  
shall, in connection with its approval thereof, also certify that such  
railroad, on the basis of present and prospective earnings, may reason-

ably be expected to meet its fixed charges, without a reduction thereof through judicial reorganization, except that such certificate shall not be required in case of such loans made for the maintenance of, or purchase of equipment for, such railroads: *And provided further*, That for the purpose of determining the general funds of the Corporation available for further loans or commitments, such guaranties shall, to the extent of the principal amount of the obligations guaranteed, be interpreted as loans or commitments for loans: *Provided further*, That the total amount of loans and commitments to railroads, receivers, and trustees, and purchases and guaranties of obligations of railroads, under this paragraph, as amended, shall not exceed at any one time \$350,000,000, in addition to loans and commitments made prior to the date of enactment of this Act and renewals of loans and commitments so made:”

Guaranties to be interpreted as loans.

Aggregate amount of loans.

(b) Section 5 of the Reconstruction Finance Corporation Act, as amended (U. S. C., Supp. VII, title 15, ch. 14), is further amended by striking out at the end of the third paragraph thereof the colon and 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”, and inserting in lieu thereof a period.

Railroad reorganization.  
Provision repealed.  
Vol. 48, p. 121; U. S. C., p. 573.

SEC. 5. The Reconstruction Finance Corporation Act, as amended (U. S. C., Supp. VII, title 15, ch. 14), is further amended by inserting after section 5b thereof the following new section:

Vol. 48, p. 1109.

“SEC. 5c. To assist in the reestablishment of a normal mortgage market, the Reconstruction Finance Corporation may, with the approval of the President, subscribe for or make loans upon the non-assessable stock of any class of any national mortgage association organized under Title III of the National Housing Act and of any mortgage loan company, trust company, savings and loan association, or other similar financial institution, now or hereafter incorporated under the laws of the United States, or of any State, or of the District of Columbia, the principal business of which institution is that of making loans upon mortgages, deeds of trust, or other instruments conveying, or constituting a lien upon, real estate or any interest therein. In any case in which, under the laws of its incorporation, such financial institution is not permitted to issue non-assessable stock, the Reconstruction Finance Corporation is authorized, for the purposes of this section, to purchase the legally issued capital notes or debentures of such financial institutions. The total face amount of loans outstanding, nonassessable stock subscribed for, and capital notes and debentures purchased and held by the Reconstruction Finance Corporation, under this section, shall not exceed at any one time \$100,000,000. Notwithstanding any other provision of law, the Reconstruction Finance Corporation may, under such rules and regulations as it may prescribe (which regulations shall include at least sixty days’ notice of any proposed sale to the issuer or maker), sell, at public or private sale, the whole or any part of the stock, capital notes, or debentures acquired by the Corporation pursuant to this section, and the preferred stock, capital notes, or debentures acquired pursuant to any other provision of law. 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.”

Loans to mortgage associations upon non-assessable stock.

Vol. 48, p. 1252.

To other loan companies.

Purchase of capital notes or debentures.

Aggregate amount of loans.

Disposal of securities acquired.

Amount of outstanding obligations increased.

SEC. 6. Section 5e (a) of the Reconstruction Finance Corporation Act, as amended, is amended (1) by inserting in the first sentence thereof after the words “the assets” and before the words “of any

Loans or purchases of assets of closed banks.  
Vol. 48, p. 971.

bank", the following: " , or any portion thereof," ; and (2) by inserting in the second sentence thereof after the words "such assets" and before the words "held for the benefit" the following: " , or any portion thereof."

Commodity Credit Corporation, continuation.

SEC. 7. Notwithstanding any other provision of law, Commodity Credit Corporation, a corporation organized under the laws of the State of Delaware as an agency of the United States pursuant to the Executive order of the President of October 16, 1933, shall continue, until April 1, 1937, or such earlier date as may be fixed by the President by Executive order, to be an agency of the United States. During the continuance of such agency, the Secretary of Agriculture and the Governor of the Farm Credit Administration are authorized and directed to continue, for the use and benefit of the United States, the present investment in the capital stock of Commodity Credit Corporation, and the corporation is hereby authorized to use all its assets, including capital and net earnings therefrom, and all moneys which have been or may hereafter be allocated to or borrowed by it, in the exercise of its functions as such agency, including the making of loans on agricultural commodities.

Investment in capital stock.

Assets, use of.

Insurance companies. Amount for investments in, increased. Vol. 48, p. 119; U. S. C., p. 576.

SEC. 8. Section 1 of the Act entitled "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", approved June 10, 1933, as amended (U. S. C., Supp. VII, title 15, ch. 14, sec. 605e), is amended by striking from the last sentence thereof "\$50,000,000" and inserting in lieu thereof "\$75,000,000".

Export-Import Banks. Continuation as United States agencies.

SEC. 9. Notwithstanding any other provision of law, the Export-Import Bank of Washington, and the Second Export-Import Bank of Washington, District of Columbia, banking corporations organized under the laws of the District of Columbia as agencies of the United States, pursuant to Executive orders of the President, shall continue, until June 16, 1937, or such earlier date as may be fixed by the President by Executive order, to be agencies of the United States, and in addition to existing charter powers, and without limitation as to the total amount of obligations thereto of any borrower, endorser, acceptor, obligor, or guarantor at any time outstanding, said banking corporations are hereby authorized and empowered to discount notes, drafts, bills of exchange, and other evidences of debt for the purpose of aiding in the financing and facilitating exports and imports and the exchange of commodities between the United States and any of its territories and insular possessions and any foreign country or the agencies or nationals thereof, and, with the approval of the Secretary of the Treasury, to borrow money and rediscount notes, drafts, bills of exchange, and other evidences of debt for the purposes aforesaid. During the continuance of such agencies, the Secretary of State and the Secretary of Commerce are authorized and directed to continue, for the use and benefit of the United States, the present investment in the capital stock of said banking corporations, and they are hereby authorized to use all of their assets, including capital and net earnings therefrom, except such earnings as may be required from time to time to pay dividends upon their preferred capital stock, and to use all moneys which have been or may hereafter be allocated to or borrowed by them, in the exercise of their functions as such agencies.

Powers.

Investments.

Assets, use of.

Industrial, etc., loans. Vol. 48, p. 1108.

SEC. 10. Section 5d of the Reconstruction Finance Corporation Act, as amended (U. S. C., Supp. VII, title 15, ch. 14), is amended (1) by striking out all of the first sentence thereof after the word "industry" and the remainder of the first paragraph, and inserting in lieu thereof the following:

Financing sale of electrical, plumbing, etc., appliances.

" , and to any institution, now or hereafter established, financing principally the sale of electrical, plumbing or air conditioning appli-

ances or equipment or other household appliances, both urban and rural. Such loans shall, in the opinion of the board of directors of the Corporation, be so secured as reasonably to assure repayment of the loans, may be made directly, or in cooperation with banks or other lending institutions, or by the purchase of participations, shall mature not later than January 31, 1945, shall be made only when deemed to offer reasonable assurance of continued or increased employment of labor, shall be made only when, in the opinion of the board of directors of the Corporation, the borrower is solvent, shall not exceed \$300,000,000 in aggregate amount at any one time outstanding, and shall be subject to such terms, conditions, and restrictions as the board of directors of the Corporation may determine.”;

Security.

Conditions.

and (2) by striking out from the second paragraph thereof the figures “1935” wherever they appear herein, and inserting in lieu thereof the figures “1937”.

Loan-making power extended to 1937.  
Vol. 48, p. 1109.

SEC. 11. In all cases where the Reconstruction Finance Corporation shall hold any bonds or other evidences of indebtedness of any borrower under section 201 (a) of the Emergency Relief and Construction Act of 1932, whether heretofore or hereafter acquired, and such borrower shall be able and willing to substitute or cause to be substituted therefor any other bonds or other evidences of indebtedness, whether of the same or longer maturities or otherwise differing, which, in the judgment of said Reconstruction Finance Corporation, are more desirable than those so held, the said Reconstruction Finance Corporation is authorized to accept such bonds or other evidences of indebtedness, in exchange and substitution for such bonds or other evidences of indebtedness so held by it, upon such terms and conditions as may be agreed upon with such borrower at the time of, or in contemplation of, such exchange and substitution.

Emergency Relief and Construction Act.  
Vol. 47, p. 711.  
Substitution of bonds.

Terms and conditions.

Vol. 48, p. 1112.

SEC. 12. Section 14 of an Act entitled “An Act relating to direct loans for industrial purposes by Federal Reserve banks, and for other purposes”, approved June 19, 1934 (Public, Numbered 417, Seventy-third Congress), is amended to read as follows:

“SEC. 14. The Reconstruction Finance Corporation is authorized and empowered to make loans upon sufficient security to recognized and established corporations, individuals, and partnerships engaged in the business of mining, milling, or smelting ores. The Reconstruction Finance Corporation is authorized and empowered also to make loans to corporations, individuals, and partnerships engaged in the development of a quartz ledge, or vein, or other ore body, or placer deposit, containing gold, silver, or tin, or gold and silver, when, in the opinion of the Reconstruction Finance Corporation, there is sufficient reason to believe that, through the use of such loan in the development of a lode, ledge, or vein, or mineral deposit, or placer gravel deposit, there will be developed a sufficient quantity of ore, or placer deposits of a sufficient value to pay a profit upon mining operations: *Provided*, That not to exceed \$20,000 shall be loaned to any corporation, individual, or partnership, for such development purposes: *Provided further*, That there shall not be allocated or made available for such development loans a sum in excess of \$10,000,000.”

Loans to milling and smelting industries.  
Security.

Developing ore, etc., bodies.

*Provisos.*  
Maximum loan.

Aggregate amount.

Use as general funds,  
sale receipts, etc.

SEC. 13. Notwithstanding any other provision of law, the Reconstruction Finance Corporation is authorized and empowered to use as general funds all receipts arising from the sale or retirement of any of the stock, notes, bonds, or other securities acquired by it pursuant to any provision of law.

Approved, January 31, 1935.

## [CHAPTER 3.]

## AN ACT

February 2, 1935.  
[H. R. 3410.]  
[Public, No. 2.]

Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1936, and for other purposes.

Independent Offices  
Appropriation Act,  
1936.

*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 executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1936, 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, \$15,000.

Office of the President.

## OFFICE OF THE PRESIDENT

Salaries.

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; \$125,884: *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.

*Provis.*  
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, \$50,350, of which \$5,000 shall be immediately available.

Printing and binding.

For printing and binding, \$2,700.

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, \$25,000.

Executive Mansion, grounds.

## EXECUTIVE MANSION AND GROUNDS

Care, repair, etc.  
*Post*, p. 1600.

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, \$143,298, to be immediately available.

Total, Executive Office, \$437,232.

Independent Establishments.

## INDEPENDENT ESTABLISHMENTS

American Battle Monuments Commission.

## AMERICAN BATTLE MONUMENTS COMMISSION

All expenses.  
Vol. 42, p. 1509; U. S. C., p. 1613.  
*Post*, p. 1169.

For every expenditure requisite for or incident to the work of the American Battle Monuments Commission authorized by the Act of March 4, 1923 (U. S. C., title 36, secs. 121-133), and by Executive Order Numbered 6614 of February 26, 1934, including the acquisition of land or interest in land in foreign countries for carrying out the purposes of said Act and Executive order without submission to

the Attorney General of the United States under the provisions of section 355 of the Revised Statutes (U. S. C., title 34, sec. 520; title 40, sec. 255); employment of personal services in the District of Columbia and elsewhere; travel expenses; 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; the purchase of one motor-propelled passenger-carrying vehicle at a cost not exceeding \$2,400; 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, \$199,059: *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 supplies and materials 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: *Provided further*, That the Commission may delegate to its chairman, secretary, or officials in charge of either its Washington or Paris offices, under such terms and conditions as it may prescribe, such of its authority as it may deem necessary and proper.

R. S., sec. 355, p. 60.  
U. S. C., pp. 1544,  
1785.  
Services in the Dis-  
trict.

Printing and binding.

*Provisos.*  
Technical work  
abroad.

Minor purchases,  
etc., without adver-  
tising.

R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.

Travel allowance.

Delegation of au-  
thority permitted.

## BOARD OF TAX APPEALS

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, \$514,000, of which amount not to exceed \$477,900 may be expended for personal services in the District of Columbia.

For all printing and binding for the Board of Tax Appeals, \$26,000.

Total, Board of Tax Appeals, \$540,000.

Board of Tax Ap-  
peals.

All expenses.  
Vol. 43, p. 336; Vol.  
44, p. 105; Vol. 45, p.  
871; Vol. 47, p. 286.

Printing and binding.

## CIVIL SERVICE COMMISSION

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 \$2,500 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 medical examinations; for necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for

Civil Service Com-  
mission.

Commissioners and  
office personnel.  
*Post*, pp. 573, 1111.

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; rental of equipment; supplies; advertising; telegraph, 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, \$2,020,000: *Provided*, That notwithstanding any provisions of law to the contrary, the Civil Service Commission is authorized to expend during the fiscal year 1936 not to exceed \$2,100 of this amount for actuarial services pertaining to the civil service and Canal Zone retirement and disability funds, to be obtained by contract, without obtaining competition, at such rates of compensation as the Commission may determine to be reasonable: *Provided further*, 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, 1936, 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.

*Provisos.*  
Actuarial services.

Details from Departments, etc., in the District forbidden.

Emergency transfers allowed.

Printing and binding.

For all printing and binding for the Civil Service Commission, including all of its bureaus, offices, institutions, and services located in Washington and elsewhere, \$75,000.

Civil-service retirement and disability fund.

Contribution to.

Vol. 41, p. 614; Vol. 46, p. 468.  
U. S. C., p. 93.

#### 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., VII, title 5, sec. 707a), \$40,000,000, which amount shall be placed to the credit of the "civil-service retirement and disability fund."

Canal Zone retirement and disability fund.

Contribution to.

Vol. 46, p. 1479.  
U. S. C., p. 2202.

#### CANAL ZONE RETIREMENT AND DISABILITY

For financing of the liability of the United States, created by the Act entitled "An Act for the retirement of employees of the Panama Canal and the Panama Railroad Company, on the Isthmus of Panama, who are citizens of the United States", approved March 2, 1931, and Acts amendatory thereof (U. S. C., Supp. VII, title 48, sec. 1371n), \$500,000, which amount shall be placed to the credit of the "Canal Zone retirement and disability fund."

Total, Civil Service Commission, \$42,595,000.

Employees' Compensation Commission.

#### EMPLOYEES' COMPENSATION COMMISSION

Commissioners, and office personnel.

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; \$464,000.

For all printing and binding for the Employees' Compensation Commission, \$5,000.

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 other 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 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 1936 or in prior fiscal years, \$4,250,000.

#### EMPLOYEES COMPENSATION FUND, CIVIL WORKS

For administrative expenses and payment of compensation in connection with the administration of the benefits for employees of the Civil Works Administration in accordance with the provisions of the Act entitled "An Act making an additional appropriation to carry out the purposes of the Federal Emergency Relief Act of 1933, for continuation of the Civil Works program, and for other purposes", approved February 15, 1934 (48 Stat., p. 352), \$2,081,000 of the special fund set up on the books of the Treasury pursuant to the provisions of said Act shall be available for expenditure during the fiscal year 1936.

#### EMPLOYEES COMPENSATION FUND, EMERGENCY CONSERVATION WORK

For administrative expenses and payment of compensation in connection with the administration of the benefits for enrollees of the Civilian Conservation Corps in accordance with the provisions of the Act entitled "Emergency Appropriation Act, fiscal year 1935", approved June 19, 1934 (48 Stat., p. 1057), \$1,056,000 of the special fund set up on the books of the Treasury pursuant to the provisions of said Act shall be available for expenditure during the fiscal year 1936.

Total, Employees' Compensation Commission, \$4,719,000.

#### FEDERAL COMMUNICATIONS COMMISSION

For seven commissioners, and for all other authorized expenditures of the Federal Communications Commission in performing the duties imposed by the Communications Act of 1934, approved June 19, 1934 (48 Stat., p. 1064), the Ship Act of 1910, approved June 24, 1910, as amended (U. S. C., title 46, secs. 484-487), the International Radiotelegraphic Convention (45 Stat., pt. 2, p. 2760), and Executive Order Numbered 3513, dated July 9, 1921, as amended under date of June 30, 1934, relating to applications for submarine cable licenses, 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

Printing and binding.

Employees' compensation fund.  
Vol. 39, p. 749.  
U. S. C., p. 101.

Burial, etc., expenses.

Recoveries.

Employees compensation fund, Civil Works.

Administrative expenses and compensation payments.

Vol. 48, pp. 55, 352.

Employees compensation fund, Emergency Conservation Work.

Administrative expenses and compensation payments.

Vol. 48, p. 1056.

Federal Communications Commission.

Salaries and expenses.

Vol. 48, p. 1064.  
Vol. 36, p. 629;  
U. S. C., p. 2031.

Submarine cable licenses.  
Vol. 45, p. 2760.  
Post, p. 2391.

Minor purchases.  
R. S., sec. 3709, p. 733.  
U. S. C., p. 1503.

Maintenance, etc. (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 \$5,000, 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, \$1,500,000, of which amount not to exceed \$1,060,000 may be expended for personal services in the District of Columbia.

Printing and binding. For all printing and binding for the Federal Communications Commission, \$25,000.

Total, Federal Communications Commission, \$1,525,000.

Federal Home Loan Bank Board.

### FEDERAL HOME LOAN BANK BOARD

Salaries and expenses.

For salaries and expenses of the Federal Home Loan Bank Board, including personal services in the District of Columbia, printing and binding, traveling expenses, rents, furniture and equipment, law books, books of reference, periodicals, newspapers, maps, contract stenographic reporting services, telephone and telegraphic services, and all other necessary expenses of the Board, \$264,043: *Provided*, That expenditures from this appropriation shall not exceed the amounts collected and deposited in the Treasury as miscellaneous receipts from assessments upon the Federal Home Loan Banks.

*Proviso.*  
Limitation.  
Vol. 47, p. 741; Vol. 48, p. 1229.

Federal Power Commission.

### FEDERAL POWER COMMISSION

Expenses.  
Vol. 41, p. 1063; Vol. 46, p. 797.  
U. S. C., p. 694.  
*Post*, pp. 50, 1111.

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 \$2,000 for law books, books of reference, newspapers, and periodicals; \$308,600, of which amount not to exceed \$270,000 shall be available for personal services in the District of Columbia: *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.

Printing and binding.

For all printing and binding for the Federal Power Commission, \$4,000.

Total, Federal Power Commission, \$312,600.

Federal Trade Commission.

### FEDERAL TRADE COMMISSION

Commissioners, and other expenses.  
*Post*, pp. 573, 1111.

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 rentals, 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, for newspapers and press clippings not to exceed \$400, foreign postage, and witness fees and mileage in accordance with section 9 of the Federal Trade Commission Act; \$1,373,309: *Provided*, That the Commission may procure supplies and services with-

Witness fees, etc.  
Vol. 38, p. 722; U. S. C., p. 517.  
*Proviso.*  
Purchasing supplies.

out regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) when the aggregate amount involved does not exceed \$50.

For all printing and binding for the Federal Trade Commission, \$30,000.

Total, Federal Trade Commission, \$1,403,309.

## GENERAL ACCOUNTING OFFICE

Salaries: For Comptroller General, Assistant Comptroller General, and other personal services in the District of Columbia and elsewhere, \$4,725,660.

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; \$173,940: *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.

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, \$71,000.

Total, General Accounting Office, \$4,970,600.

## INTERSTATE COMMERCE COMMISSION

### SALARIES AND EXPENSES

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, field hearings, traveling expenses, and contract stenographic reporting services; \$2,796,465, of which amount not to exceed \$2,430,000 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 \$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.

Regulating accounts: To enable the Interstate Commerce Commission to enforce compliance with section 20 and other sections of the Interstate Commerce Act 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, \$851,976, of which amount not to exceed \$170,000 may be expended for personal services in the District of Columbia: *Provided*, That for the portion of the fiscal year 1935 remaining after the date of the approval of this Act the amount which may be expended for personal services in the District of Columbia from the 1935 appropriation for the purposes included in this paragraph shall be at the annual rate of \$158,000.

R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.

Printing and binding.

General Accounting Office.

Comptroller General, Assistant, and office personnel.

Contingent expenses.  
*Post*, p. 1602.

*Proviso*.  
Minor supplies.  
R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.

Printing and binding.  
*Post*, p. 1602.

Interstate Commerce Commission.

Salaries and expenses.

Commissioners, etc.

Services in the District.

Books, furniture, etc.

Enforcing accounting by railroads.  
Vol. 34, p. 593; Vol. 36, p. 555; Vol. 41, p. 493.  
U. S. C., p. 2229.

Services in the District.

*Proviso*.  
Amount immediately available.

Safety of employees, etc.

Appliances, etc.  
Vol. 27, p. 531; U. S. C., p. 1953.  
Accidents, report of.  
Vol. 36, p. 350; U. S. C., p. 1957.

Safety signals.  
Vol. 34, p. 838; Vol. 35, p. 324; Vol. 38, p. 212.  
U. S. C., p. 1957.

Services in the District.

Safety systems.  
Vol. 41, p. 498.  
U. S. C., p. 2234.

Automatic train-control devices.  
Vol. 34, p. 838.  
U. S. C., p. 1957.

Services in the District.

Locomotive inspection.  
Vol. 36, p. 913; Vol. 38, p. 1192; Vol. 40, p. 616; Vol. 43, p. 659; Vol. 46, p. 822.  
U. S. C., pp. 1955, 1956.

Additional inspectors.  
Vol. 36, p. 914; Vol. 43, p. 659; Vol. 46, p. 823.  
U. S. C., p. 1955.

Valuation of property of carriers.  
Vol. 37, p. 701; Vol. 40, p. 270; Vol. 42, p. 624.

Stocks, etc.

U. S. C., p. 2228.  
Emergency Railroad Transportation Act.  
Vol. 48, p. 221.

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, \$514,195, of which amount not to exceed \$90,000 may be expended for personal services in the District of Columbia.

Signal safety systems: For all authorized expenditures under section 26 of the Interstate Commerce Act 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, \$39,682, of which amount not to exceed \$35,000 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. VII, 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, \$482,238, of which amount not to exceed \$72,000 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, as amended by the Act of June 7, 1922 (U. S. C., title 49, sec. 19a), and by the "Emergency Railroad Transportation Act, 1933" (48 Stat., p. 221), including one director of valuation at \$10,000 per annum, and traveling expenses, \$1,041,100.

In all, salaries and expenses, Interstate Commerce Commission, \$5,725,656: *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.

*Proviso.*  
Minor purchases.  
R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.

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.

Printing and binding.

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.

*Proviso.*  
Schedule of Sailings  
excluded.  
Vol. 41, p. 497.

Attendance at meetings.

Total, Interstate Commerce Commission, \$5,850,656.

## NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

National Advisory  
Committee for Aero-  
nautics.

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 \$820,800, 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 \$1,700 for any one person and not to exceed \$95,000 for personal services in the District of Columbia.

All expenses, scientific research, etc.  
*Post*, pp. 574, 1602.

Langley Laboratory.

Allowances.  
Vol. 46, p. 818.

Services in the District.

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, \$18,700.

Printing and binding.

Total, National Advisory Committee for Aeronautics, \$839,500.

## NATIONAL MEDIATION BOARD

National Mediation  
Board.

For three members of the Board, and for other authorized expenditures of the National Mediation Board in performing the duties imposed by law, including personal services; contract stenographic reporting 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; \$122,950, of which amount not to exceed \$91,775 may be expended for personal services in the District of Columbia.

Salaries and expenses.

Arbitration boards: To enable the National Mediation Board 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

Arbitration boards.  
Vol. 44, p. 532; U. S.  
C., p. 1969.

Balance reappropriated.  
Vol. 48, p. 511.

Emergency boards.  
Vol. 44, p. 586; U. S. C., p. 1967.

Balance reappropriated.  
Vol. 48, p. 510.  
*Post*, p. 1177.  
Printing and binding.

National Railroad Adjustment Board.

Expenses.  
*Post*, pp. 23, 1603.

Foreign Service.

Losses due to appreciation of foreign currencies.  
Vol. 48, p. 466; U. S. C., p. 45.  
*Post*, pp. 71, 574, 1173.

Puerto Rican Hurricane Relief Commission.

Administrative expenses.  
*Post*, p. 320.  
Sums available.  
Vol. 45, p. 1067; Vol. 46, p. 57.

Securities and Exchange Commission.

Commissioners, and all other expenses.  
Vol. 48, p. 895.  
*Post*, p. 1113.

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, \$30,000, together with the unexpended balance of the appropriation available for this purpose for the fiscal year 1935.

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. VII, title 45, sec. 154), \$25,000, together with the unexpended balance of the appropriation available for this purpose for the fiscal year 1935. For all printing and binding for the National Mediation Board, \$2,500.

#### NATIONAL RAILROAD ADJUSTMENT BOARD

For authorized expenditures of the National Railroad Adjustment Board, in performing the duties imposed by law, including personal services; contract stenographic reporting services; supplies and equipment; law books and books of reference; periodicals; traveling expenses; and rent of quarters outside the District of Columbia, \$156,000, of which not more than \$114,000 may be expended for personal services.

Total, National Mediation Board, \$336,450.

#### PAYMENT TO OFFICERS AND EMPLOYEES OF THE UNITED STATES IN FOREIGN COUNTRIES DUE TO APPRECIATION OF FOREIGN CURRENCIES

Payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies: For the purpose of carrying into effect the provisions of the Act entitled "An Act to authorize annual appropriations to meet losses sustained by officers and employees of the United States in foreign countries due to appreciation of foreign currencies in their relation to the American dollar, and for other purposes", approved March 26, 1934, and for each and every object and purpose specified therein, \$3,904,824.

#### PUERTO RICAN HURRICANE RELIEF COMMISSION

To enable the Puerto Rican Hurricane Relief Commission to continue collection and administration of moneys due the United States on account of loans made under the joint resolutions approved December 21, 1928 (45 Stat. 1067), and January 22, 1930 (46 Stat. 57), not to exceed \$25,000 of any unobligated balances of appropriations made by authority of those joint resolutions, including repayment of principal and/or payments of interest on such loans, is hereby made available for administrative expenses during the fiscal year 1936.

#### SECURITIES AND EXCHANGE COMMISSION

For five commissioners, and for all other authorized expenditures of the Securities and Exchange Commission in performing the duties imposed by law or in pursuance of law and for other personal services, including employment of experts when necessary; contract stenographic reporting services; supplies and equipment; purchase and exchange of law books, books of reference, directories, periodicals, newspaper and press clippings; travel expenses, including the expense of attendance, when specifically authorized by the Commission, at

meetings concerned with the work of the Securities and Exchange Commission; garage rental; foreign postage; mileage and witness fees; rent of quarters outside the District of Columbia; rental of equipment; and other necessary expenses; \$2,234,494: *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 Securities and Exchange Commission when the aggregate cost involved does not exceed the sum of \$50.

For all printing and binding for the Securities and Exchange Commission, \$30,000.

Total, Securities and Exchange Commission, \$2,264,494.

### SMITHSONIAN INSTITUTION

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, \$36,326.

International exchanges: For the system of international exchanges 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, \$44,262.

American ethnology: For continuing ethnological researches among the American Indians and the natives of Hawaii, the excavation and preservation of archeologic remains under the direction of the Smithsonian Institution, including necessary employees, the preparation of manuscripts, drawings, and illustrations, the purchase of books and periodicals, and traveling expenses, \$58,730.

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 alterations of buildings, preparation of manuscripts, drawings, and illustrations, traveling expenses, and miscellaneous expenses, \$30,846.

### NATIONAL MUSEUM

For cases, furniture, fixtures, and appliances required for the exhibition and safe-keeping of collections; heating, lighting, electrical, telegraphic, and telephonic service, repairs and alterations of buildings, shops, and sheds, including approaches and all necessary material; personal services, and traveling and other necessary incidental expenses, \$125,672.

Preservation of collections: For continuing preservation, exhibition, and increase of collections from the surveying and exploring expeditions of the Government, 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, \$594,578.

### NATIONAL GALLERY OF ART

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, \$34,275.

*Proviso.*  
Minor purchases.  
R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.

Printing and binding.

Smithsonian Institution.

Administrative expenses.

International exchanges.

American ethnology.

Astrophysical Observatory.

National Museum.

Equipment, etc.

Preservation of collections.

Contingent expenses.

National Gallery of Art.

Administrative expenses.

## PRINTING AND BINDING

Printing and binding.  
*Post*, p. 1604.

American Historical  
Association report.

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, \$25,500, of which not to exceed \$4,200 shall be available for printing the report of the American Historical Association.

Total, Smithsonian Institution, \$950,189, of which amount not to exceed \$832,000 may be expended for personal services in the District of Columbia.

Tariff Commission.

## TARIFF COMMISSION

Salaries and expenses.  
*Post*, pp. 575, 1607.

For salaries and expenses of the 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. VII, title 19, secs. 1330-1341), \$955,000, of which amount not to exceed \$870,000 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. VII, title 5, sec. 118a), but not to exceed \$1,700 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 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.

Reporting.  
Vol. 46, p. 696.  
U. S. C., p. 874.  
*Post*, p. 575.

Services in the Dis-  
trict.

Living quarters.  
Vol. 46, p. 818; U. S.  
C., p. 45.

*Provisos*.  
Supplies and services,  
R. S., sec. 3709, p. 733.  
U. S. C., p. 1303.

Salary restriction.  
Vol. 46, p. 701.

Printing and binding.

For all printing and binding for the Tariff Commission, \$15,000.  
Total, Tariff Commission, \$970,000.

## VETERANS' ADMINISTRATION

Veterans' Adminis-  
tration.

Administration, med-  
ical, 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. VII, title 38, secs. 11-11f), and any and all laws for which the Veterans' Administration is now or may hereafter be charged with administering, \$86,700,000: *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 when found to be in 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 neu-

Vol. 46, p. 1016.  
U. S. C., p. 1623.

*Provisos*.  
Membership fees.

Attendances at meet-  
ings, etc.

Payments to State  
institutions.



ropsychiatric ailments, who are in such institutions on the date of the enactment of this Act: *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 passenger automobiles for general administrative use of the central office in the District of Columbia; 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 1936 not to exceed \$2,000 for actuarial services pertaining to the Government life insurance fund, to be obtained by contract, without obtaining competition, at such rates of compensation as he may determine to be reasonable; 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 1936 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 \$10,000, for experimental purposes to determine the value of certain types of treatment: *Provided further*, That this appropriation 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, for those veterans eligible for admission to Veterans' Administration facilities for domiciliary care.

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

Services, rentals, traveling expenses, etc.

Field expenses.

Wearing apparel.

Vehicles.

Transporting employees' children to schools.

Actuarial services.

Transfer of applicable funds.

Burial, etc., expenses.

Purchase of tobacco.

Experiments to determine value of different treatments.

Aid to State, etc., homes.  
Vol. 25, p. 450; U. S. C., p. 984.

Restriction on new construction, etc.

than \$3,053,645 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, \$125,000: *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).

**Pensions.** Pensions: For the payment of compensation, 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, \$400,760,000, to be immediately available.

**Military and naval insurance.** For military and naval insurance accruing during the fiscal year 1936 or in prior fiscal years, \$116,910,000: *Provided*, That the appropriation made in Private Act Numbered 244, approved March 2, 1933 (47 Stat., pt. 2, p. 1740), is repealed after June 30, 1935, and the payments authorized by such Act shall thereafter be made from the appropriation for "Military and naval insurance."

**Hospital and domiciliary facilities:** There is hereby appropriated under the authorization acts specified, the remaining balances not heretofore appropriated, as follows: \$850,000 (Act of April 23, 1928, 45 Stat., p. 447); \$25,000 (Act of February 20, 1929, 45 Stat., p. 1248); \$50,000 (Act of February 26, 1929, 45 Stat., p. 1308); in all, \$925,000, to be immediately available and to remain available until expended: *Provided*, That this amount, together with the unexpended balance of the appropriations totaling \$2,000,000 made pursuant to the authorization contained in the Act approved July 3, 1930 (46 Stat. 852), is authorized to be used by the Administrator of Veterans' Affairs, with the approval of the President, for extending the facilities designated in the Acts herein mentioned or any other facilities under the jurisdiction of the Veterans' Administration, or for any of the purposes set forth in section 1 of the Act approved March 4, 1931 (46 Stat. 1550).

**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. VII, 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. VII, title 38, secs. 642, 647, 650; Act July 21, 1932, 47 Stat., pp. 724-725), \$100,000,000, to become available July 1, 1935, and 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. VII, 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. VII, title 38, secs. 642, 647, 650; Act July 21, 1932, 47 Stat., pp. 724-725), \$100,000,000, to become available July 1, 1935, and remain available until expended.

Printing and binding.

*Proviso.*  
Use of branch equipment.

Provisions waived.  
Vol. 28, p. 622; Vol. 40, p. 1270.  
U. S. C., p. 1935.

Pensions.

Military and naval insurance.

*Proviso.*  
Annie M. Eopolucci.  
Payments for, to be made from "Military and naval insurance" hereafter.

Vol. 47, p. 1740.  
*Post*, p. 1182.  
Hospital and domiciliary facilities.

Appropriation for.  
Vol. 45, pp. 447, 1248, 1308.

*Proviso.*  
Extending facilities.  
Sum available.

Vol. 46, p. 852.

Vol. 46, p. 1550.

Adjusted-service certificate fund.  
Vol. 43, p. 121.  
U. S. C., p. 1680.

Vol. 47, p. 724.  
U. S. C., p. 1683.

Total, Veterans' Administration, \$705,420,000: *Provided*, That no part of this appropriation shall be expended for the purchase of oleomargarine or butter substitutes except for cooking purposes.

SEC. 2. In expending appropriations or portions of appropriations contained in this Act, for the payment of 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, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade except that in unusually meritorious cases of one position in a grade, advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, 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.

SEC. 3. During the fiscal year ending June 30, 1936, the salaries of the commissioners of the Interstate Commerce Commission and the commissioners of the United States Tariff Commission shall be at the rate of \$10,000 each per annum.

SEC. 4. This Act may be cited as the "Independent Offices Appropriation Act, 1936."

Approved, February 2, 1935.

[CHAPTER 4.]

#### JOINT RESOLUTION

To prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings.

Whereas numerous applications are being received from various organizations requesting lodging, food, and transportation for the purpose of holding conventions or meetings at Washington and elsewhere; and

Whereas the expenditure of Government funds for such purposes is against the policy of Congress: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That, unless specifically provided by law, no moneys from funds appropriated for any purpose shall be used for the purpose of lodging, feeding, conveying, or furnishing transportation to, any conventions or other form of assemblage or gathering to be held in the District of Columbia or elsewhere. This section shall not be construed to prohibit the payment of expenses of any officer or employee of the Government in the discharge of his official duties.

The President is hereby requested to send a copy of this resolution to the heads of all Government departments and agencies which have been granted lump-sum appropriations.

Approved, February 2, 1935.

*Proviso.*  
Use of butter substitutes.

Salaries limited to average rates under Classification Act.  
Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.  
U. S. C., p. 85.

*Proviso.*  
Restriction not applicable to clerical-mechanical service.  
No reduction in fixed salary.  
Vol. 42, p. 1490; U. S. C., p. 86.

Transfers to another position without reduction.

Higher rates permitted.

If only one position in a grade.

Interstate Commerce Commission.  
Salary rate of Commissioners.

Short title.

February 2, 1935.  
[H. J. Res. 118.]  
[Pub. Res., No. 2.]

Conventions or meetings.  
*Post*, p. 387.

Unauthorized expenditures for housing, feeding, or transporting, prohibited.

Official travel, etc., not included.

Copies to Department, etc., heads.

## [CHAPTER 5.]

## AN ACT

To amend the Second Liberty Bond Act, as amended, and for other purposes.

February 4, 1935.  
[H. R. 4304.]  
[Public, No. 3.]

Second Liberty Bond Act; amendment.  
Vol. 40, pp. 288, 503; U. S. C., p. 1419.  
Bonds.  
Issue of additional authorized.  
Vol. 46, p. 1506.  
Post, pp. 622, 699, 1078.

Proviso.  
Maximum issue.  
Post, p. 21.

Certificates of indebtedness and Treasury bills.  
Vol. 46, p. 19; U. S. C., p. 1419.  
Vol. 40, p. 1309; Post, pp. 21, 622, 699, 1078.  
Issue of additional authorized.

Vol. 48, p. 343.

Provision repealed.

Vol. 46, p. 20; U. S. C., p. 1419.

United States notes.  
Issue of additional authorized.  
Vol. 40, p. 1309; Vol. 42, p. 321.  
U. S. C., p. 1419.  
Post, pp. 622, 699, 1078.

Vol. 48, p. 343.

Terms and conditions.  
Interest rate.

Redemption.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Second Liberty Bond Act, as amended, is further amended as follows:*

The first paragraph of section 1 is amended to read as follows:

“The Secretary of the Treasury, with the approval of the President, is hereby authorized to borrow, from time to time, on the credit of the United States for the purposes of this Act, to provide for the purchase, redemption, or refunding, at or before maturity, of any outstanding bonds, notes, certificates of indebtedness, or Treasury bills of the United States, and to meet expenditures authorized for the national security and defense and other public purposes authorized by law, such sum or sums as in his judgment may be necessary, and to issue therefor bonds of the United States: *Provided*, That the face amount of bonds issued under this section and section 22 of this Act shall not exceed in the aggregate \$25,000,000,000 outstanding at any one time.”

SEC. 2. The first sentence of subsection (a) of section 5 is amended to read as follows: “In addition to the bonds and notes authorized by sections 1, 18, and 22 of this Act, as amended, the Secretary of the Treasury is authorized, subject to the limitation imposed by section 21 of this Act, to borrow from time to time, on the credit of the United States, for the purposes of this Act, to provide for the purchase, redemption, or refunding, at or before maturity, of any outstanding bonds, notes, certificates of indebtedness or Treasury bills of the United States, and to meet public expenditures authorized by law, such sum or sums as in his judgment may be necessary, and to issue therefor (1) certificates of indebtedness of the United States at not less than par (except as provided in section 20 of this Act, as amended) and at such rate or rates of interest, payable at such time or times as he may prescribe; or, (2) Treasury bills on a discount basis and payable at maturity without interest.”

SEC. 3. Section 5 is further amended by striking out the final sentence of subsection (a) thereof, reading as follows: “The sum of the par value of such certificates and Treasury bills outstanding hereunder and under section 6 of the First Liberty Bond Act shall not at any one time exceed in the aggregate \$10,000,000,000.”

SEC. 4. Subsection (a) of section 18 is amended to read as follows:

“In addition to the bonds and certificates of indebtedness and war-savings certificates authorized by this Act and amendments thereto, the Secretary of the Treasury, with the approval of the President, is authorized, subject to the limitation imposed by section 21 of this Act, to borrow from time to time on the credit of the United States for the purposes of this Act, to provide for the purchase, redemption, or refunding, at or before maturity, of any outstanding bonds, notes, certificates of indebtedness, or Treasury bills of the United States, and to meet public expenditures authorized by law, such sum or sums as in his judgment may be necessary and to issue therefor notes of the United States at not less than par (except as provided in section 20 of this Act, as amended) in such form or forms and denomination or denominations, containing such terms and conditions, and at such rate or rates of interest, as the Secretary of the Treasury may prescribe, and each series of notes so issued shall be payable at such time not less than one year nor more than five years from the date of its issue as he may prescribe, and may be redeemable before maturity (at the option of the United States) in whole or in part, upon not more

than one year's nor less than four months' notice, and under such rules and regulations and during such period as he may prescribe."

SEC. 5. The Second Liberty Bond Act, as amended, is further amended by adding a new section, as follows:

Certificates of indebtedness, etc.

"SEC. 21. The face amount of certificates of indebtedness and Treasury bills authorized by section 5 of this Act, certificates of indebtedness authorized by section 6 of the First Liberty Bond Act, and notes authorized by section 18 of this Act shall not exceed in the aggregate \$20,000,000,000 outstanding at any one time."

Vol. 40, pp. 36, 290, 1309; U. S. C., p. 1421.  
Aggregate amount of issue.

SEC. 6. The Second Liberty Bond Act, as amended, is further amended, by adding a new section, as follows:

"SEC. 22. (a) The Secretary of the Treasury, with the approval of the President, is authorized to issue, from time to time, through the Postal Service or otherwise, bonds of the United States to be known as 'United States Savings Bonds.' The proceeds of the Savings Bonds shall be available to meet any public expenditures authorized by law and to retire any outstanding obligations of the United States bearing interest or issued on a discount basis. The various issues and series of the Savings Bonds shall be in such forms, shall be offered in such amounts within the limits of section 1 of this Act, as amended, and shall be issued in such manner and subject to such terms and conditions consistent with subsections (b) and (c) hereof, and including any restriction on their transfer, as the Secretary of the Treasury may from time to time prescribe.

United States Savings Bonds.

Issue; use of proceeds from sale.

Forms, amounts, etc.

Terms and conditions.

"(b) Each Savings Bond shall be issued on a discount basis to mature not less than ten nor more than twenty years from the date as of which the bond is issued, and provision may be made for redemption before maturity upon such terms and conditions as the Secretary of the Treasury may prescribe: *Provided*, That the issue price of Savings Bonds and the terms upon which they may be redeemed prior to maturity shall be such as to afford an investment yield not in excess of three per centum per annum, compounded semiannually. The denominations of Savings Bonds shall be in terms of their maturity value and shall not be less than \$25. It shall not be lawful for any one person at any one time to hold Savings Bonds issued during any one calendar year in an aggregate amount exceeding \$10,000 (maturity value).

Maturity.

Redemption.

*Proviso.*  
Issue price, redemption terms, etc.

Denominations.

Holdings limited.

"(c) The provisions of section 7 of this Act, as amended (relating to the exemptions from taxation both as to principal and as to interest of bonds issued under authority of section 1 of this Act, as amended), shall apply as well to the Savings Bonds; and, for the purposes of determining taxes and tax exemptions, the increment in value represented by the difference between the price paid and the redemption value received (whether at or before maturity) shall be considered as interest. The Savings Bonds shall not bear the circulation privilege.

General tax exemptions.  
Savings bonds included.  
Vol. 40, pp. 288, 291; U. S. C., p. 1418.

Circulation privilege.

"(d) The appropriation for expenses provided by section 10 of this Act and extended by the Act of June 16, 1921 (U. S. C., title 31, secs. 760 and 761), shall be available for all necessary expenses under this section; and the Secretary of the Treasury is authorized to advance, from time to time, to the Postmaster General from such appropriation such sums as are shown to be required for the expenses of the Post Office Department, in connection with the handling of the bonds issued under this section.

Appropriation available for expenses.  
Vol. 40, p. 292; Vol. 42, p. 36; U. S. C., p. 1422.

"(e) The board of trustees of the Postal Savings System is authorized to permit, subject to such regulations as it may from time to time prescribe, the withdrawal of deposits on less than sixty days' notice for the purpose of acquiring Savings Bonds which may be offered by the Secretary of the Treasury; and in such cases to

Exchange of, for savings deposits.

Vol. 36, p. 817;  
U. S. C., p. 1761.

Postal Service em-  
ployees as fiscal agents.

Acceptance of Gov-  
ernment bonds as se-  
curity.  
Vol. 44, p. 122.

Term construed.

make payment of interest to the date of withdrawal whether or not a regular interest payment date. No further original issue of bonds authorized by section 10 of the Act approved June 25, 1910 (U. S. C., title 39, sec. 760), shall be made after July 1, 1935.

"(f) At the request of the Secretary of the Treasury the Postmaster General, under such regulations as he may prescribe, shall require the employees of the Post Office Department and of the Postal Service to perform, without extra compensation, such fiscal agency services as may be desirable and practicable in connection with the issue, delivery, safe-keeping, redemption, and payment of the Savings Bonds."

SEC. 7. Section 1126 of the Revenue Act of 1926 is amended by adding at the end thereof the following: "In order to avoid the frequent substitution of securities such rules and regulations may limit the effect of this section, in appropriate classes of cases, to bonds and notes of the United States maturing more than a year after the date of deposit of such bonds as security. The phrase 'bonds or notes of the United States' shall be deemed, for the purposes of this section, to mean any public-debt obligations of the United States and any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States."

Approved, February 4, 1935.

[CHAPTER 6.]

JOINT RESOLUTION

February 13, 1935.  
[H. J. Res. 88.]  
[Pub. Res., No. 3.]

Making additional appropriations for the Federal Communications Commission, the National Mediation Board, and the Securities and Exchange Commission for the fiscal year ending June 30, 1935, and for other purposes.

Additional appropri-  
ations, fiscal year 1935.

*Resolved 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 fiscal year ending June 30, 1935, for the purposes hereinafter enumerated, namely:

Senate.

SENATE

Miscellaneous items.

For miscellaneous items, exclusive of labor, fiscal year 1935, \$140,000.

Inquiries and inves-  
tigations.

*Post*, p. 571.

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 1935, \$75,000: *Provided*, That no part of this appropriation shall be expended for services, personal, professional, or otherwise, in excess of the rate of \$3,600 per annum: *Provided further*, That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

*Proviso.*  
Salary restriction.

Per diem and subelst-  
ence expenses.  
Vol. 44, p. 688.  
U. S. C., p. 103.

Salaries of Senators  
appointed to vacancies.

*Proviso.*  
Elected to succeed  
appointees after an ad-  
journment.

Salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified: *Provided*, That when Senators have been elected during a sine die adjournment of the Senate to succeed appointees, the salaries of Senators so elected shall commence on the day following their election,

Salaries of Senators elected during a session to succeed appointees shall commence on the day they qualify: *Provided*, That when Senators have been elected during a session to succeed appointees, but have not qualified, the salaries of Senators so elected shall commence on the day following the sine die adjournment of the Senate.

When no appointments have been made the salaries of Senators elected to fill such vacancies shall commence on the day following their election.

Elected during session.  
*Proviso.*  
Elected but have not qualified.

Filling vacancy when no appointment has been made.

### DISTRICT OF COLUMBIA-VIRGINIA BOUNDARY COMMISSION

For an additional amount for the purpose of carrying out the provisions of Public Act Numbered 125, Seventy-third Congress, entitled "An Act to provide for the appointment of a Commission to establish the boundary line between the District of Columbia and the Commonwealth of Virginia", approved March 21, 1934, including salaries, travel, and subsistence expenses as authorized by law, fiscal year 1935, \$4,000.

District of Columbia-Virginia Boundary Commission.

Expenses.  
Vol. 43, p. 453.  
*Post*, pp. 50, 67.

### FEDERAL COMMUNICATIONS COMMISSION

For all authorized expenditures of the Federal Communications Commission in performing the duties imposed by the Communications Act of 1934, approved June 19, 1934 (48 Stat., 1064), the Ship Act, approved June 24, 1910, as amended (U. S. C., title 46, secs. 484-487), the International Radiotelegraphic Convention (45 Stat., pt. 2, 2760), and Executive Order Numbered 3513, dated July 9, 1921, as amended by Executive Order Numbered 6779, dated June 30, 1934, relating to applications for submarine cable licenses, 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, 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, \$480,000.

Federal Communications Commission.

Expenses.  
Vol. 43, p. 1064.  
Vol. 36, p. 629; Vol. 37, p. 199.  
U. S. C., p. 2031.  
International Radiotelegraphic Convention.  
Vol. 45, p. 2760.

Submarine cable licenses.

Minor purchases.  
R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.

### NATIONAL MEDIATION BOARD

For all printing and binding for the National Mediation Board, \$1,750.

National Mediation Board.

Printing and binding.  
Vol. 44, p. 579.

### NATIONAL RAILROAD ADJUSTMENT BOARD

For authorized expenditures of the National Railroad Adjustment Board, in performing the duties imposed by law, including personal services; contract stenographic reporting services; supplies and equipment; law books and books of reference; periodicals; traveling expenses; and rent of quarters outside the District of Columbia, \$150,000.

National Railroad Adjustment Board.

Expenses.  
*Anie*, p. 14.  
*Post*, pp. 574, 1178, 1603.

### SECURITIES AND EXCHANGE COMMISSION

For all authorized expenditures of the Securities and Exchange Commission in performing the duties imposed by law or in pursuance of law and for other personal services, including employment of experts when necessary; contract stenographic reporting services;

Securities and Exchange Commission.

Expenses.  
Vol. 43, p. 885.  
*Post*, p. 1179.

supplies and equipment; purchase and exchange of law books, books of reference, directories, periodicals, newspaper and press clippings; travel expenses, including the expense of attendance, when specifically authorized by the Commission, at meetings concerned with the work of the Securities and Exchange Commission; garage rental; foreign postage; mileage and witness fees; rent of building and equipment at the seat of Government and elsewhere; and other necessary expenses; \$900,000.

Printing and binding. For all printing and binding for the Securities and Exchange Commission, \$21,000.

Government officers and employees.

## COMPENSATION OF GOVERNMENT OFFICERS AND EMPLOYEES

Salary reductions.  
Vol. 48, pp. 13, 521.

SEC. 2. (a) Section 3 (b) of title II of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, as amended, is amended by striking out "shall not exceed 5 per centum during the fiscal year ending June 30, 1935", and inserting in lieu thereof "shall not, during the portion of the fiscal year 1935 prior to April 1, 1935, exceed 5 per centum, and after March 31, 1935, there shall be no such reduction."

Vice President, Speaker, Congressional, etc., salaries.  
Vol. 48, p. 521.

(b) Subsections (b) and (c) of section 21 of the Independent Offices Appropriation Act, 1935, are amended by striking out "the fiscal year ending June 30, 1935", wherever such phrase appears, and inserting in lieu thereof "that portion of the fiscal year ending June 30, 1935, prior to April 1, 1935," except that this amendatory provision shall not apply to section 107 (a) (1), (2), (3), and (4) of part II of the Legislative Appropriation Act, fiscal year 1933 (relating to certain special salary reductions).

Special salary reductions.  
Vol. 47, p. 402.

(c) Nothing in this resolution shall be construed as permitting any reduction in rates of compensation in effect at the time of the passage of this resolution.

No reduction in present rate.

Appropriation.

(d) There is hereby appropriated so much as may be necessary for the payment of sums due and payable out of the Treasury of the United States, by reason of the discontinuance of the reduction of compensation provided for in this resolution; and limitations on amounts for personal services are hereby respectively increased in proportion to the increase in appropriations for personal services made in this subsection. In the case of officers and employees of the municipal government of the District of Columbia, such sums shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed by the District of Columbia Appropriation Act for the fiscal year 1935.

Limitations for personal services increased.

Government of the District of Columbia.

Division of payment.  
Vol. 48, p. 846.

Approved, February 13, 1935.

[CHAPTER 7.]

### JOINT RESOLUTION

February 13, 1935.

[H. J. Res. 68.]

[Pub. Res., No. 4.]

To provide for defraying the expenses of the American section, International Boundary Commission, United States and Mexico.

International Boundary Commission, United States and Mexico.

Appropriation authorized for expenses of American section.

Post, pp. 74, 1463.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, in addition to amounts heretofore authorized to be appropriated, the sum of \$60,000 to defray the expenses of the American section, International Boundary Commission, United States and Mexico, in the conduct of an engineering investigation, study, and report to the Secretary of State to determine the feasibility and best means of effecting the canalization of the Rio Grande from the Caballo Reservoir site in New Mexico to the



international diversion dam near El Paso, Texas, in order to facilitate Federal control of the channel of the Rio Grande and compliance by the United States with its obligations to deliver at said international diversion dam water to Mexico pursuant to the convention concluded May 21, 1906, providing for the equitable distribution of waters of the Rio Grande for irrigation purposes, including salaries and wages; fees for professional services; rents, travel expenses; per diem in lieu of actual expenses for subsistence; printing and binding; purchase, exchange, maintenance, repair, and operation of motor-propelled passenger- and freight-carrying vehicles; telephone, telegraphic, and air-mail communications; ice, equipment, supplies, and materials and other such miscellaneous expenses as the Secretary of State may deem necessary properly to carry out the investigation.

Approved, February 13, 1935.

Vol. 34, p. 2953.

[CHAPTER 8.]

AN ACT

Granting the consent of Congress to the State highway commission to construct, maintain, and operate a free highway bridge across Eleven Points River in section 17, township 23 north, range 2 west, approximately twelve miles east of Alton, on route numbered 42, Oregon County, Missouri.

February 18, 1935.

[H. R. 2874.]

[Public, No. 4.]

*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 Missouri to construct, maintain, and operate a free highway bridge and approaches thereto across Eleven Points River in section 17, township 23 north, range 2 west, approximately twelve miles east of Alton, on route numbered 42 in Oregon County, Missouri, at a point suitable to the interests of navigation, at or near Alton, 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.

Eleven Points River. Missouri may bridge, near Alton.

Construction.  
Vol. 34, p. 84.

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

Amendment.

Approved, February 18, 1935.

[CHAPTER 9.]

AN ACT

Granting the consent of Congress to the State of Oklahoma to construct, maintain, and operate a free highway bridge across the Arkansas River south of the town of Sallisaw in Sequoyah and Le Flore Counties at a point approximately fifteen miles north of Keota in the State of Oklahoma.

February 18, 1935.

[H. R. 3057.]

[Public, No. 5.]

*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 Oklahoma to construct, maintain, and operate a free highway bridge and approaches thereto across the Arkansas River at a point approximately fifteen miles north of the town of Keota and suitable to the interests of navigation, in section 9, township 10 north, range 24 east, south of the town of Sallisaw, in the counties of Sequoyah and Le Flore, in the State of Oklahoma, and conformable to United States Public Works Highway Project Numbered NRS 412-B (1935), in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Arkansas River. Oklahoma may bridge, near Keota.

Construction.  
Vol. 34, p. 84.

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

Amendment.

Approved, February 18, 1935.

## [CHAPTER 10.]

## AN ACT

February 18, 1935.  
[H. R. 3465.]  
[Public, No. 6.]

Permitting the laying of pipe lines across New York Avenue Northeast, in the District of Columbia.

District of Columbia.  
Pennsylvania Greyhound Transit Company may lay certain pipe lines.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Commissioners of the District of Columbia be, and hereby are, authorized and empowered to issue a permit to Pennsylvania Greyhound Transit Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, its successors and assigns, to construct, maintain, repair, renew, and use not more than four underground pipe lines from the parcel of real estate owned by The Philadelphia, Baltimore and Washington Railroad Company, and leased or to be leased to and occupied by Pennsylvania Greyhound Transit Company on the northerly side of New York Avenue Northeast, to the parcel of real estate owned by said Pennsylvania Greyhound Transit Company, in square 4038, parcel 142/25, in the city of Washington, District of Columbia, across and under New York Avenue Northeast, under the following conditions, namely: Said pipe lines shall be laid, constructed, and located as directed by the Commissioners of the District of Columbia, and under their inspection and the cost of such inspection, and of replacing pavements, curbs, and sidewalks disturbed, shall be paid by the party or parties to whom said permit shall be granted: *Provided*, That said pipe lines shall be used for the purpose of transporting petroleum and petroleum products, and for no other purpose whatsoever.

Location.

Conditions.

*Proviso.*  
Purposes.

Construction and use.

SEC. 2. That all the construction and use provided for herein shall be under such regulations and rentals as the Commissioners of the District of Columbia may make and establish in connection therewith.

Title and interest.

SEC. 3. That no permission granted or enjoyed hereunder shall vest any title or interest in or to the land within the above-mentioned street.

Amendment.

SEC. 4. That Congress reserves the right to amend, alter, or repeal this Act.

Approved, February 18, 1935.

## [CHAPTER 11.]

## AN ACT

February 18, 1935.  
[H. R. 3891.]  
[Public, No. 7.]

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

Waccamaw River.  
Time extended for bridging, at Conway, S. C.

Vol. 48, p. 55; Vol. 47, p. 42; *Post*, p. 1261.

*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 Waccamaw River at Conway, South Carolina, authorized to be built by the State of South Carolina, by an Act of Congress approved February 10, 1932, heretofore extended by an Act of Congress approved May 12, 1933, are hereby further 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, February 18, 1935.

## [CHAPTER 12.]

## AN ACT

To legalize a bridge (known as "Union Street Bridge") across the Dan River at Danville, Virginia.

February 18, 1935.  
[H. R. 3983.]  
[Public, No. 8.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the bridge (known as the "Union Street Bridge") now being reconstructed across the Dan River at Danville, Virginia, if completed in accordance with the plans accepted by the Chief of Engineers and the Secretary of War as providing suitable facilities for navigation and operated as a free bridge shall be a lawful structure, and shall be subject to the conditions and limitations of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906 (U. S. C., title 33, secs. 491 to 498, inclusive), other than those requiring the approval of plans by the Secretary of War and the Chief of Engineers before the bridge is commenced.

Dan River.  
Union Street Bridge  
across, at Danville, Va.,  
legalized.

Construction.  
Vol. 34, p. 84.  
U. S. C., p. 1474.

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

Amendment.

Approved, February 18, 1935.

## [CHAPTER 13.]

## AN ACT

Authorizing the States of Washington and Idaho to construct, maintain, and operate a free highway bridge across the Snake River between Clarkston, Washington, and Lewiston, Idaho.

February 19, 1935.  
[H. R. 2030.]  
[Public, No. 9.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the States of Washington and Idaho be, and are hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Snake River, at a point suitable to the interests of navigation, between Clarkston, Washington, and Lewiston, Idaho, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Snake River.  
Washington and  
Idaho may bridge, be-  
tween Clarkston,  
Wash., and Lewiston,  
Idaho.

Construction.  
Vol. 34, p. 84.

SEC. 2. There is hereby conferred upon the States of Washington and Idaho all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property 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 in which such real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

Right to acquire real  
estate, etc.

Condemnation pro-  
ceedings.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, February 19, 1935.

## [CHAPTER 14.]

## AN ACT

February 20, 1935.  
[H. R. 3018.]  
[Public, No. 10.]

To extend the times for commencing and completing the construction of a bridge across the Saint Lawrence River at or near Alexandria Bay, New York.

Saint Lawrence River.  
Time extended for bridging, at Alexandria Bay, N. Y.  
Vol. 45, p. 1552; Vol. 46, p. 1098; Vol. 47, pp. 83, 306; Vol. 48, p. 360.  
*Post*, p. 1251.

*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 Saint Lawrence River at or near Alexandria Bay, New York, authorized to be built by the New York Development Association, Incorporated, a corporation organized under and by virtue of the membership corporation law of the State of New York, its successors and assigns, by an Act of Congress approved March 4, 1929, and heretofore extended by an Act of Congress approved February 13, 1931, and further heretofore extended by Acts of Congress approved April 15, 1932, February 14, 1933, and February 26, 1934, are hereby further extended one and three years, respectively, from February 26, 1935.

Amendment.

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

Approved, February 20, 1935.

## [CHAPTER 15.]

## AN ACT

February 20, 1935.  
[H. R. 3247.]  
[Public, No. 11.]

To provide for loans to farmers for crop production and harvesting during the year 1935, and for other purposes.

Loans to farmers for crop production, etc., during 1935.

Feed for livestock.

Loans through agencies.

First liens required.

Fees.

Interest rate.  
Collection of loans.

Vol. 48, p. 1066.

Facilities available.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Governor of the Farm Credit Administration, hereinafter in this Act referred to as the "Governor", is hereby authorized to make loans to farmers in the United States (including Alaska, Hawaii, and Puerto Rico), during the year 1935, for fallowing, for the production of crops, for harvesting of crops, and for feed for livestock, or for any of such purposes. Such loans shall be made and collected through such agencies, upon such terms and conditions, and subject to such regulations, as the Governor shall prescribe.

SEC. 2. (a) There shall be required as security for any such loan a first lien, or an agreement to give a first lien, upon all crops of which the production or harvesting, or both, is to be financed, in whole or in part, with the proceeds of such loan; or, in case of any loan for the purchase or production of feed for livestock, a first lien upon the livestock to be fed. Fees for recording, filing, and registering shall not exceed 75 cents per loan and may be deducted from the proceeds of the loan. Each loan shall bear interest at the rate of 5½ per centum per annum. For the purpose of carrying out the provisions of this Act and collecting loans made under other Acts of the same general character, including loans made by the Governor with funds appropriated by the Emergency Appropriation Act, fiscal year 1935, the Governor may use the facilities and services of the Farm Credit Administration and any institution operating under its supervision, or of any officer or officers thereof, and may pay for such services and the use of such facilities from the funds made available for the payment of necessary administrative expenses; and such institutions are hereby expressly empowered to enter into agreements with the Governor for the accomplishment of such purposes.

Maximum loan.  
*Proviso*.  
Distressed emergency areas.

(b) The amount which may be loaned to any borrower pursuant to this Act shall not exceed \$500: *Provided, however*, That in any area certified by the President of the United States to the Governor

as a distressed emergency area, the Governor may make loans without regard to the foregoing limitations as to amount, under such regulations and with such maturities as he may prescribe therefor.

(c) No loan shall be made under this Act to any applicant who shall not have first established to the satisfaction of the proper officer or employee of the Farm Credit Administration, under such regulations as the Governor may prescribe: (1) that such applicant is unable to procure from other sources a loan in an amount reasonably adequate to meet his needs for the purposes for which loans may be made under this Act; and (2) that such applicant is cooperating directly in the crop production control program of the Agricultural Adjustment Administration or is not proposing to increase his 1935 production of basic agricultural commodities in a manner detrimental to the success of such program.

SEC. 3. (a) The moneys authorized to be loaned by the Governor under this Act are declared to be impressed with a trust to accomplish the purposes provided for by this Act (namely, for fallowing, production, harvesting, or feed), which trust shall continue until the moneys loaned pursuant to this Act have been used by the borrower for such purposes.

(b) It shall be unlawful for any person to make any material false representation for the purpose of obtaining, or assisting another to obtain, a loan under the provisions of this Act; or willfully to dispose of, or assist in disposing of, except for the account of the Governor, any crops or other property upon which there exists a lien securing a loan made under the provisions of this Act.

(c) It shall be unlawful for any person to charge a fee for the purpose of preparing or assisting in the preparation of any papers of an applicant for a loan under the provisions of this Act.

(d) Any person violating any of the provisions of this Act shall, upon conviction thereof, be punished by a fine of not more than \$1,000, or by imprisonment for not more than six months, or both.

SEC. 4. The Governor shall have power, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, to employ and fix the compensation and duties of such agents, officers, and employees as may be necessary to carry out the purposes of this Act; but the compensation of such officers and employees shall correspond, so far as the Governor deems practicable, to the rates established by the Classification Act of 1923, as amended.

SEC. 5. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of not to exceed \$60,000,000, or so much thereof as may be necessary, to carry out the provisions of this Act. Any part of such sum may be made up as follows: All unobligated balances of appropriations and funds available thereunder to enable the Secretary of Agriculture or the Governor to make advances or loans under the following Acts and Resolutions, and all repayments of such advances and loans and interest: 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); February 23, 1931 (46 Stat. 1276); March 3, 1932 (47 Stat. 60); February 4, 1933 (47 Stat. 795); February 23, 1934 (48 Stat. 354); and June 19, 1934 (48 Stat. 1021).

(b) The moneys made available under subsection (a), and all collections of both principal and interest on loans made under this Act, may be used by the Governor for making loans under this Act and

Conditions prescribed.

Applicant unable to procure elsewhere.

Cooperating under Agricultural Adjustment program. Vol. 48, p. 31.

Loans declared impressed with a trust.

Unlawful acts. False representations.

Fee for preparing application.

Punishment for violations.

Officers and employees authorized.

Compensation. Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003. U. S. C., p. 85.

Sum authorized. Post, pp. 50, 1453.

Transfer of unobligated funds made available under designated acts.

Use for administrative expenses.

for all necessary administrative expenses in making and collecting such loans.

Printing and binding.  
U. S. C., p. 1803.

(c) Expenditures for printing and binding necessary in carrying out the provisions of this Act may be made without regard to the provisions of section 3709 of the Revised Statutes.

Approved, February 20, 1935.

[CHAPTER 16.]

AN ACT

February 21, 1935.  
[S. 932.]  
[Public, No. 12.]

To postpone the effective date of certain restrictions respecting air-mail contracts.

Air mail, postal service.  
Extension of contracts authorized.  
Vol. 48, pp. 938, 1243.  
Post, p. 618.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 15 of the Act entitled "An Act to revise air-mail laws, and to establish a commission to make a report to the Congress recommending an aviation policy", approved June 12, 1934, as amended, is amended by striking out "March 1, 1935" and inserting in lieu thereof "April 1, 1936".

Approved, February 21, 1935.

[CHAPTER 17.]

AN ACT

February 21, 1935.  
[S. 1144.]  
[Public, No. 13.]

To further extend the time for constructing a bridge across the Missouri River at or near Saint Charles, Missouri.

Missouri River.  
Time extended for bridging, at Saint Charles, Mo.  
Vol. 46, p. 64; Vol. 47, p. 779.

*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 Saint Charles, Missouri, authorized to be built by the Wabash Railway Company, its successors and assigns, by an Act of Congress approved February 7, 1930, and extended to February 7, 1935, by an Act of Congress approved January 27, 1933, is hereby further extended to February 7, 1937.

Amendment.

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

Approved, February 21, 1935.

[CHAPTER 18.]

AN ACT

February 22, 1935.  
[S. 1190.]  
[Public, No. 14.]

To regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes.

Petroleum and its products; regulation of interstate and foreign commerce in.  
Policy of Congress declared.  
Post, pp. 574, 1760.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is hereby declared to be the policy of Congress to protect interstate and foreign commerce from the diversion and obstruction of, and the burden and harmful effect upon, such commerce caused by contraband oil as herein defined, and to encourage the conservation of deposits of crude oil situated within the United States.

Definitions.

"Contraband oil."

SEC. 2. As used in this Act—

(1) The term "contraband oil" means petroleum which, or any constituent part of which, was produced, transported, or withdrawn from storage in excess of the amounts permitted to be produced, transported, or withdrawn from storage under the laws of a State or under any regulation or order prescribed thereunder by any board, commission, officer, or other duly authorized agency of such State, or any of the products of such petroleum.

(2) The term "products" or "petroleum products" includes any article produced or derived in whole or in part from petroleum or any product thereof by refining, processing, manufacturing, or otherwise.

"Products" or "petroleum products."

(3) The term "interstate commerce" means commerce between any point in a State and any point outside thereof, or between points within the same State but through any place outside thereof, or from any place in the United States to a foreign country, but only insofar as such commerce takes place within the United States.

"Interstate commerce."

(4) The term "person" includes an individual, partnership, corporation, or joint-stock company.

"Person."

SEC. 3. The shipment or transportation in interstate commerce from any State of contraband oil produced in such State is hereby prohibited. For the purposes of this section contraband oil shall not be deemed to have been produced in a State if none of the petroleum constituting such contraband oil, or from which it was produced or derived, was produced, transported, or withdrawn from storage in excess of the amounts permitted to be produced, transported, or withdrawn from storage under the laws of such State or under any regulation or order prescribed thereunder by any board, commission, officer, or other duly authorized agency of such State.

Interstate commerce in contraband oil prohibited.

SEC. 4. Whenever the President finds that the amount of petroleum and petroleum products moving in interstate commerce is so limited as to be the cause, in whole or in part, of a lack of parity between supply (including imports and reasonable withdrawals from storage) and consumptive demand (including exports and reasonable additions to storage) resulting in an undue burden on or restriction of interstate commerce in petroleum and petroleum products, he shall by proclamation declare such finding, and thereupon the provisions of section 3 shall be inoperative until such time as the President shall find and by proclamation declare that the conditions which gave rise to the suspension of the operation of the provisions of such section no longer exist. If any provision of this section or the application thereof shall be held to be invalid, the validity or application of section 3 shall not be affected thereby.

Suspension of provision if lack of parity between supply and demand.

Proclamations to issue.

Saving clause.

SEC. 5. (a) The President shall prescribe such regulations as he finds necessary or appropriate for the enforcement of the provisions of this Act, including but not limited to regulations requiring reports, maps, affidavits, and other documents relating to the production, storage, refining, processing, transporting, or handling of petroleum and petroleum products, and providing for the keeping of books and records, and for the inspection of such books and records and of properties and facilities.

Regulations for enforcing provisions.

(b) Whenever the President finds it necessary or appropriate for the enforcement of the provisions of this Act he shall require certificates of clearance for petroleum and petroleum products moving or to be moved in interstate commerce from any particular area, and shall establish a board or boards for the issuance of such certificates. A certificate of clearance shall be issued by a board so established in any case where such board determines that the petroleum or petroleum products in question does not constitute contraband oil. Denial of any such certificate shall be by order of the board, and only after reasonable opportunity for hearing. Whenever a certificate of clearance is required for any area in any State, it shall be unlawful to ship or transport petroleum or petroleum products in interstate commerce from such area unless a certificate has been obtained therefor.

Certificates of clearance.

Establishment of issuing boards.  
Issue of certificate; when.

Denial; hearing.

Shipment from particular area without certificate unlawful.

Review, by district court, permitted.

Petition to be filed.

Service of copy.

Jurisdiction of court.

Objections to order of board.

Finding of facts by board.

Finality of decree; review: U. S. C., pp. 1259, 1272.

Punishment for violation.

Seizure and forfeiture of contraband oil.

Discretionary return.

Nature of proceedings.

Disposition of forfeited oil.

No forfeiture if possessing valid certificate.

Liability of common carriers.

(c) Any person whose application for a certificate of clearance is denied may obtain a review of the order denying such application in the United States District Court for the district wherein the board is sitting by filing in such court within thirty days after the entry of such order a written petition praying that the order of the board be modified or set aside, in whole or in part. A copy of such petition shall be forthwith served upon the board, and thereupon the board shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript, such court shall have jurisdiction to affirm, modify, or set aside such order, in whole or in part. No objection to the order of the board shall be considered by the court unless such objection shall have been urged before the board. The finding of the board as to the facts, if supported by evidence, shall be conclusive. The judgment and decree of the court shall be final, 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).

SEC. 6. Any person knowingly violating any provision of this Act or any regulation prescribed thereunder shall upon conviction be punished by a fine of not to exceed \$2,000 or by imprisonment for not to exceed six months, or by both such fine and imprisonment.

SEC. 7. (a) Contraband oil shipped or transported in interstate commerce in violation of the provisions of this Act shall be liable to be proceeded against in any district court of the United States within the jurisdiction of which the same may be found, and seized for forfeiture to the United States by a process of libel for condemnation; but in any such case the court may in its discretion, and under such terms and conditions as it shall prescribe, order the return of such contraband oil to the owner thereof where undue hardship would result from such forfeiture. The proceedings in such cases shall conform as nearly as may be to proceedings in rem in admiralty, except that either party may demand a trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States. Contraband oil forfeited to the United States as provided in this section shall be used or disposed of pursuant to such rules and regulations as the President shall prescribe.

(b) No such forfeiture shall be made in the case of contraband oil owned by any person (other than a person shipping such contraband oil in violation of the provisions of this Act) who has with respect to such contraband oil a certificate of clearance which on its face appears to be valid and to have been issued by a board created under authority of section 5, certifying that the shipment in question is not contraband oil, and such person had no reasonable ground for believing such certificate to be invalid or to have been issued as a result of fraud or misrepresentation of fact.

SEC. 8. No common carrier who shall refuse to accept petroleum or petroleum products from any area in which certificates of clearance are required under authority of this Act, by reason of the failure of the shipper to deliver such a certificate to such carrier, or who shall refuse to accept any petroleum or petroleum products when having reasonable ground for believing that such petroleum or petroleum products constitute contraband oil, shall be liable on account of such refusal for any penalties or damages. No common carrier shall be subject to any penalty under section 6 in any case where (1) such carrier has a certificate of clearance which on its face appears to be valid and to have been issued by a board created under authority of section 5, certifying that the shipment in question is not contraband oil, and such carrier had no reasonable ground for believing



such certificate to be invalid or to have been issued as a result of fraud or misrepresentation of fact, or (2) such carrier, as respects any shipment originating in any area where certificates of clearance are not required under authority of this Act, had no reasonable ground for believing such petroleum or petroleum products to constitute contraband oil.

SEC. 9. (a) Any board established under authority of section 5, and any agency designated under authority of section 11, may hold and conduct such hearings, investigations, and proceedings as may be necessary for the purposes of this Act, and for such purposes those provisions of section 21 of the Securities Exchange Act of 1934 relating to the administering of oaths and affirmations, and to the attendance and testimony of witnesses and the production of evidence (including penalties), shall apply.

Hearings, proceedings, etc., authorized.

Vol. 48, p. 899.

(b) The members of any board established under authority of section 5 shall be appointed by the President, without regard to the civil service laws but subject to the Classification Act of 1923, as amended; and any such board may appoint, without regard to the civil service laws but subject to the Classification Act of 1923, as amended, such employees as may be necessary for the execution of its functions under this Act.

Board members; appointment.

Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.

U. S. C., p. 85.

SEC. 10. (a) Upon application of the President, by the Attorney General, the United States District Courts shall have jurisdiction to issue mandatory injunctions commanding any person to comply with the provisions of this Act or any regulation issued thereunder.

Mandatory injunctions.

(b) Whenever it shall appear to the President that any person is engaged or about to engage in any acts or practices that constitute or will constitute a violation of any provision of this Act or of any regulation thereunder, he may in his discretion, by the Attorney General, bring an action in the proper United States District Court to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond.

Restraining orders.

(c) The United States District Courts shall have exclusive jurisdiction of violations of this Act or the regulations thereunder, and of all suits in equity and actions at law brought to enforce any liability or duty created by, or to enjoin any violation of, this Act or the regulations thereunder. Any criminal proceeding may be brought in the district wherein any act or transaction constituting the violation occurred. Any suit or action to enforce any liability or duty created by this Act or regulations thereunder, or to enjoin any violation of this Act or any regulations thereunder, may be brought in any such district or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant 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).

Exclusive jurisdiction of United States District Courts.

Proceedings.

Venue of actions.

Judgments subject to review.  
U. S. C., pp. 1259, 1272.

SEC. 11. Wherever reference is made in this Act to the President such reference shall be held to include, in addition to the President, any agency, officer, or employee who may be designated by the President for the execution of any of the powers and functions vested in the President under this Act.

Delegation of powers, etc.

SEC. 12. If any provision of this Act, or the application thereof to any person or circumstance, shall be held invalid, the validity of the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Saving provision.

SEC. 13. This Act shall cease to be in effect on June 16, 1937.

Duration of Act.

Approved, February 22, 1935.

[CHAPTER 19.]

JOINT RESOLUTION

February 28, 1935.  
[S. J. Res. 49.]  
[Pub. Res., No. 5.]

Authorizing the use of public parks, reservations, and other public spaces in the District of Columbia; and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by Washington, D. C., 1935 Shrine Committee, Incorporated, and for other purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior, the Secretary of the Treasury, the Commissioners of the District of Columbia, the Board of Education of the District of Columbia, and the Architect of the Capitol are hereby severally authorized to grant permits to the Washington, D. C., 1935 Shrine Committee, Incorporated, a body corporate organized pursuant to the provisions of chapter 5 of title V of the Code of the District of Columbia (hereinafter referred to as the "Committee") for the use of any buildings, parks, rivers, waterways, reservations, sidewalks, or other public spaces in the District of Columbia, under his, their, or its control, respectively on the occasion of the sixty-first annual session of the Imperial Council Ancient and Arabic Order of the Nobles of the Mystic Shrine, in the month of June 1935: *Provided*, That such use will inflict no serious or permanent injury upon any such buildings, parks, rivers, waterways, reservations, sidewalks, or other public spaces, or any portion or the contents thereof, in the opinion of the person granting any such permit, in accordance with this authority: *Provided further*, That all stands, arches, or platforms that may be erected on the public spaces aforesaid, including such as may be erected in connection with any display of fireworks, shall be under the supervision of the said Washington, D. C., 1935 Shrine Committee, Incorporated, and in accordance with plans and designs to be approved by the Architect of the Capitol, the Engineer Commissioner of the District of Columbia, and the Superintendent of National Capital Parks, and that no person or corporation shall be authorized to erect or use any such stands, arches, or platforms without permission of said committee: *And provided further*, That any such buildings, parks, reservations, or other public spaces which shall be used or occupied, by the erection of stands or other structures, or otherwise, shall be promptly restored to their condition before such occupancy, and the said committee shall indemnify the United States or the District of Columbia, as the case may be, for all damage of any kind whatsoever sustained by reason of any such use or occupation.

Washington, D. C.,  
Mystic Shrine session.  
Permits granted for  
use of parks, etc.

*Provisos.*  
Condition.

Supervision, plans,  
etc., of stands, etc.

Restoration after use.

Special traffic regu-  
lations.

*Proviso.*  
Arrests,

Effective date of pre-  
scribed penalties.

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized to designate, set aside, and regulate the use of such streets, avenues, and sidewalks in the District of Columbia, under their control, as they may deem proper and necessary, for the purpose of said session, and to make and enforce such special regulations regarding standing, movement, and operation of vehicles of whatever kind or character, and all reasonable regulations necessary to secure the preservation of public order and the protection of life and property, from the 8th day of June 1935 to the 17th day of June 1935, both inclusive. Such regulations shall be in force during said period, and shall be published in one or more daily newspapers published in the District of Columbia: *Provided*, That the expiration of said period shall not prevent the arrest or trial of any person for any violation of such regulations committed during the time same were in force and effect: *Provided, however*, That no penalty prescribed for the violation of any such regulations shall be in force until five days after the date of publication.

SEC. 3. That the Public Utilities Commission of the District of Columbia is hereby granted authority to make such special regulations as in the opinion of said Commission may be necessary or desirable, regulating the standing, movement, and operation of taxicabs, street cars, busses, and other vehicles of conveyance under the regulation or control of said Commission, for the period commencing the 8th day of June 1935 and ending on the 15th day of June 1935, both inclusive.

Vehicles of conveyance; regulations.

SEC. 4. That the Secretary of War and the Secretary of the Navy are hereby authorized to loan to said committee such tents, camp appliances, trucks, motor equipment, benches, chairs, hospital furniture and utensils of all description, ambulances, horses, drivers, stretchers, Red Cross flags and poles, and other property and equipment, belonging to the United States, as in their judgment may be spared at the time of said session, consistent with the interests of the United States: *Provided*, That the said committee shall indemnify the United States for any loss or damage to any and all such property not necessarily incidental to such use: *And provided further*, That the said committee shall give approved bond to do the same.

Loan of tents, camp appliances, etc.

*Provisos.*  
Indemnity for loss, etc.  
Bond.

SEC. 5. That the Secretary of War and the Secretary of the Navy are authorized to loan to the said committee such ensigns, flags, decorations, lighting equipment, and so forth, belonging to the United States (battle flags excepted) as are not then in use, and may be suitable and proper for decorations and other purposes, which may be spared without detriment to the public service, such ensigns, flags, decorations, lighting equipment, and so forth, to be used by the committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them: *Provided*, That the said committee shall, within five days after the close of said session, return to the said Secretaries all such ensigns, flags, decorations, lighting equipment, and so forth, thus loaned; and said committee shall indemnify the United States for any loss or damage not necessarily incident to such use.

Loan of Government flags, etc.

*Proviso.*  
Return after session.

SEC. 6. That the Superintendent of National Capital Parks, subject to the approval of the Director of National Parks Service, is hereby authorized to permit the use of any or all public parks, reservations, or other public spaces in the District of Columbia, including the Monument Grounds and the Ellipse, for use by said committee for the erection of grand stands, reviewing stands, platforms, and other structures for reviewing parade or other purposes; and said committee is hereby authorized to charge reasonable fees for the use of the same provided such fees are used to aid in meeting the necessary expenses incident to the said session.

Use of public spaces for stands, etc.

SEC. 7. That the Superintendent of National Capital Parks, subject to the approval of the Director of National Parks Service, is hereby authorized to permit the use of such public parks, reservations, or other public spaces in the District of Columbia, under the control of the said Superintendent of National Capital Parks, as in the opinion of said Superintendent of National Capital Parks may be necessary, for the use by said committee for the parking of automobiles, the temporary erection of tents for entertainment, hospitals, and other purposes; and the said committee is hereby authorized to charge reasonable fees for the use of the same provided such fees are used to aid in meeting the expenses incident to the said session.

Reservations for automobiles.

Charge allowed; condition.

SEC. 8. That the Commissioners of the District of Columbia are hereby authorized to permit said committee to stretch suitable overhead conductors, with sufficient supports, wherever necessary and in the nearest practicable connection with the present supply of light,

Overhead conductors for special illumination.

- Provisos.*  
Time limit for use.
- Placing and removing wires.
- No Government liability.
- Wires over parks, etc.
- Licenses to peddlers, etc.
- Overhead wires.
- Use of unoccupied public buildings.
- Provisos.*  
Surrender of, after session closes.  
Bond.
- for the purpose of effecting special illumination: *Provided*, That the said conductors shall not be used for the conveying of electrical currents after June 15, 1935, and shall, with their supports, be fully and entirely removed from the public spaces, streets, and avenues of the said city of Washington on or before June 25, 1935: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public; and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia, and that if it shall be necessary to erect wires for illuminating or other purposes over any park or reservation in the District of Columbia, the work of erection and removal of said wires shall be under the supervision of the officer in charge of said park or reservation.
- SEC. 9. That the Commissioners of the District of Columbia are hereby authorized to grant, subject to approval of said committee and under such conditions as they may impose, special licenses to peddlers, merchants, and vendors to sell goods, wares, and merchandise on the streets, avenues, and sidewalks in the District of Columbia during said session, and to charge for such privileges such fees as they may deem proper.
- SEC. 10. That the Commissioners of the District of Columbia are hereby authorized to permit the telegraph and telephone companies to extend overhead wires to such points as shall be deemed necessary by the said committee, the said wires to be taken down within ten days after the conclusion of the session.
- SEC. 11. That the Secretary of the Interior and the Secretary of the Treasury are hereby authorized to assign to said committee for use and occupancy during said session such unoccupied public buildings or portions thereof in the District of Columbia as, in its discretion, may appear advisable: *Provided*, That any and all buildings so assigned shall be surrendered within ten days after the close of the said session: *Provided further*, That the said committee shall furnish a bond or other satisfactory assurance of indemnity against damage to said property while in its possession, incidental wear and tear excepted.
- Approved, February 28, 1935.

## [CHAPTER 20.]

## AN ACT

March 2, 1935.  
[H. R. 3982.]  
[Public, No. 15.]

To extend the times for commencing and completing the construction of a bridge across the Ohio River between Rockport, Indiana, and Owensboro, Kentucky.

Ohio River.  
Time extended for  
bridging, Rockport,  
Ind., to Owensboro,  
Ky.  
Vol. 48, p. 1016.  
Post, p. 1199.

*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 between Rockport, Indiana, and Owensboro, Kentucky, authorized to be built by an act of Congress approved June 18, 1934, are hereby extended one and three years, respectively, from June 18, 1935.

Amendment.

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

Approved, March 2, 1935.

## [CHAPTER 21.]

## AN ACT

To authorize a transfer of forest reservation lands in Forrest and Perry Counties, Mississippi, to the State of Mississippi, or to the War Department, and for other purposes.

March 2, 1935.  
[H. R. 4983.]  
[Public, No. 16.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if any of the lands purchased or to be purchased by the United States under the provisions of the Act approved March 1, 1911, as amended (U. S. C., title 16, secs. 513-521, inclusive; Supp. VII, title 16, secs. 513-521, inclusive), within the limits of townships 1, 2, and 3 north, ranges 9, 10, 11, 12, and 13, in Forrest and Perry Counties, State of Mississippi, are determined to be chiefly valuable and necessary for a National Guard encampment and related military purposes, the Secretary of Agriculture, with the consent and approval of the National Forest Reservation Commission established by section 4 of said Act of March 1, 1911, may, and he hereby is, authorized to convey full title to said lands to the State of Mississippi or the War Department of the United States: *Provided*, That there is paid into the Treasury of the United States, or made available by transfer on the books of said Treasury, sums of money equal to the full amounts expended by the Department of Agriculture for the purchase of said lands, and the money so paid into or transferred on the books of the Treasury shall be available for expenditure by the Secretary of Agriculture for the purchase of other lands under the provisions of said Act of March 1, 1911, as amended.

Forest reservation lands in Forrest and Perry Counties, Miss. Transfer of, authorized.  
U. S. C., p. 665.

Conveyance of title.

*Proviso.*  
Payment, etc.

Approved, March 2, 1935.

## [CHAPTER 22.]

## AN ACT

Granting the consent of Congress to the State of Indiana to construct, maintain, and operate a free highway bridge across the Wabash River at or near La Fayette, Indiana.

March 2, 1935.  
[H. R. 5701.]  
[Public, No. 17.]

*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 Indiana to construct, maintain, and operate a free highway bridge and approaches thereto across the Wabash River, at a point suitable to the interests of navigation, at or near La Fayette, Indiana, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Wabash River. Indiana may bridge, at La Fayette.

Construction.  
Vol. 34, p. 84.  
U. S. C., p. 1474.

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

Amendment.

Approved, March 2, 1935.

## [CHAPTER 23.]

## AN ACT

To amend section 824 of the Code of Laws for the District of Columbia.

March 4, 1935.  
[S. 402.]  
[Public, No. 18.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 824 of the Code of Laws for the District of Columbia be, and the same is hereby, amended to read as follows:

District of Columbia Code Amendment.  
Vol. 31, p. 1324.

"SEC. 824. UNLAWFUL ENTRY ON PRIVATE PROPERTY.—Any person who, without lawful authority, shall enter, or attempt to enter, a private dwelling or building against the will of the lawful occupant

Unlawful entry on private property.

thereof, or being therein, without lawful authority to remain therein, shall refuse to quit the same on the demand of the lawful occupant thereof; or any person who, without lawful authority, shall enter, or attempt to enter, an unoccupied private dwelling or building against the will or consent of the lawful owner thereof, or his duly authorized agent, or being therein, without lawful authority to remain therein, shall refuse to quit the same on the demand of the lawful owner thereof or his duly authorized agent, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$50 or imprisonment in the jail for not more than six months, or both, in the discretion of the court."

Approved, March 4, 1935.

[CHAPTER 24.]

JOINT RESOLUTION

To provide for the completion of the publication of the writings of George Washington.

March 4, 1935.  
[H. J. Res. 140.]  
[Pub. Res., No. 6.]

George Washington.  
Completion of publi-  
cation of the writings  
of, authorized.  
Vol. 47, p. 63.

Sum for printing and  
binding.  
*Post*, p. 573.

Preparation of manu-  
script, etc.

Distribution of sets.

Disposition of other  
material, etc.

Assistants author-  
ized.

Obligations per-  
mitted.

Appropriation for  
salaries and expenses.

Disbursing agency.

Expiration.  
*Post*, p. 1896.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the printing and binding at the Government Printing Office of the remaining volumes of the definitive edition of the writings of George Washington, to be printed, bound, and distributed as provided by section 1 of the Act approved March 10, 1932 (47 Stat. 63), there is hereby authorized to be appropriated such sum as the Public Printer estimates will be required for such printing and binding.

SEC. 2. The former Director of the George Washington Bicentennial Commission, without receiving any compensation therefor, shall (a) complete the preparation of the manuscript for, and provide for the printing and binding of, the remaining unpublished volumes of such writings; (b) distribute that portion of the undistributed sets of such writings required by law to be distributed by the Commission; (c) dispose, in such manner as in his judgment will best serve the purposes for which the George Washington Bicentennial Commission was created, of such other educational material possessed by the Commission as is not required by law to be distributed in a definite way; (d) employ assistants (not to exceed five in number) in the same manner as the Commission was authorized to procure personnel; and (e) incur obligations for such miscellaneous expenses as may be necessary and/or incident to the administration of this joint resolution, and for the printing and binding authorized by section 1.

SEC. 3. For personal services, including services rendered since December 31, 1934, travel and necessary miscellaneous expenses, in connection with the purposes of this joint resolution, there is hereby appropriated, from any money in the Treasury not otherwise appropriated, \$35,000.

SEC. 4. Payments authorized under the provisions of this joint resolution shall be made by the Division of Disbursement, Treasury Department.

SEC. 5. The authority granted under this joint resolution shall expire upon completion of the duties authorized hereby, and in no event later than December 31, 1936.

Approved, March 4, 1935.

## [CHAPTER 28.]

## AN ACT

To amend certain sections of the code of law for the District of Columbia, approved March 3, 1901, as amended, relating to descent and distribution.

March 6, 1935.

[H. R. 3464.]

[Public, No. 19.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 380 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended (D. C. Code, title 29, sec. 288), is amended to read as follows:

District of Columbia  
Code Amendments.  
Vol. 31, p. 1250.  
Wills and administration.

"SEC. 380. If there be no child, or descendant, the whole shall go to the father and mother in equal shares, or to the survivor of them."

Distribution; to father, mother.

SEC. 2. Section 384 of such Act, as amended (D. C. Code, title 29, sec. 292), is amended to read as follows:

"SEC. 384. If there be no collaterals, the grandfathers and grandmothers, or such of them as survive, shall take alike."

To grandfathers,  
grandmothers.

SEC. 3. (A) Section 940 of such Act, as amended (D. C. Code, title 25, sec. 231), is amended to read as follows:

Vol. 31, p. 1342.

"SEC. 940. COURSE OF DESCENTS GENERALLY.—On the death of any person seized of an estate in fee simple in lands, tenements, or hereditaments in the District of Columbia, and intestate thereof, the same shall descend in fee simple to such person's kindred in the following order, namely:

Property.  
Course of descents  
generally.

"First. To his child or children and their descendants, if any, equally.

"Second. If there be no child or descendant of a child, then equally to the father and mother of the intestate, or the whole to the sole surviving parent.

"Third. If there be no father or mother, then to the brothers and sisters of the intestate, and their descendants equally.

"Fourth. If there be no brother or sister, or descendant from a brother or sister, then the whole shall go to the widow or widower of the intestate.

"Fifth. If none such, then one moiety of the estate shall go to the paternal, the other to the maternal kindred of the intestate in the following order:

"Sixth. First to the grandfather and grandmother equally, but if one be dead the entire moiety to the sole surviving grandparent.

"Seventh. If none, then to the uncles and aunts of the intestate, and their descendants equally.

"Eighth. If none such, then to the great-grandfathers and great-grandmothers, in the same manner prescribed for grandfather and grandmother in subdivision 6.

"Ninth. If none, then to the brothers and sisters of the grandfathers and grandmothers, and their descendants equally.

"Tenth. And so on in other cases, without end, passing to the nearest lineal ancestors and the descendants of such ancestors.

"Eleventh. If there be no paternal kindred, the whole shall go to the maternal kindred; and if there be no maternal kindred, the whole shall go to the paternal kindred. If there be neither maternal or paternal kindred, the whole shall go to the kindred of the husband or wife of the intestate in the like course as if such husband or wife had died entitled to the estate; and if the intestate has had more husbands or wives than one, and all have died before such intestate, then the estate shall be equally divided among the kindred of the several husbands or wives in equal degree equally."

(B) Sections 941 to 951, inclusive, of such Act, as amended (D. C. Code, title 25, secs. 232 to 242, inclusive), are hereby repealed.

Vol. 31, pp. 1342-1343.

Kindred of the whole and the half-blood.

Vol. 31, p. 1343.

Property representation.

SEC. 4. Section 954 of such Act, as amended (D. C. Code, title 25, sec. 245), is amended to read as follows:

"SEC. 954. In no case shall there be any distinction between the kindred of the whole- and the half-blood."

SEC. 5. Section 955 of such Act, as amended (D. C. Code, title 25, sec. 246), is amended to read as follows:

"SEC. 955. Whenever those entitled to share in the estate in fee simple in lands, tenements, or hereditaments in the District of Columbia, of an intestate, are all in the same degree of kindred to the intestate, they shall take per capita or by persons; and, where a part of them are dead and a part living, the issue of those dead shall take per stirpes or by stocks the shares of their deceased parents."

Approved, March 6, 1935.

[CHAPTER 29.]

JOINT RESOLUTION

March 7, 1935.  
[H. J. Res. 94.]  
[Pub. Res., No. 7.]

Providing for the participation of the United States in the California Pacific International Exposition to be held at San Diego, California, in 1935 and 1936; authorizing an appropriation therefor; and for other purposes.

California Pacific International Exposition. Appropriation for. Post, pp. 50, 119, 1107, 1110.

Whereas there is to be held at San Diego, California, beginning in May 1935, the California Pacific International Exposition for the purpose of inspiring national confidence and a higher appreciation of American institutions, stimulating business and industry, assisting the Government in bringing a more abundant life to its people, creating understanding among nations, and in commemoration of the four hundredth anniversary of the discovery of the Pacific Southwest by Francisco Vasquez De Coronado; and

Whereas said exposition is worthy and deserving of the support and encouragement of the Government of the United States of America: Therefore, be it

Foreign nations; participation.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he hereby is, authorized and respectfully requested by proclamation or in such manner as he may deem proper to invite all foreign countries and nations to such proposed exposition with a request that they participate therein.

Commission created.

Composition, purpose, etc.

SEC. 2. There is hereby established a commission to be known as "The California Pacific International Exposition Commission" and to be composed of the Secretary of State, the Secretary of Agriculture, and the Secretary of Commerce; which Commission shall serve without additional compensation and shall represent the United States in connection with the holding of an international exposition known as "The California Pacific International Exposition" in San Diego, California, in the year 1935, and continuing into the year 1936.

Appointment of Federal Commissioner.

SEC. 3. There is hereby created a Federal commissioner for the California Pacific International Exposition, such commissioner to be appointed by the President upon the nomination of the Secretary of Agriculture, who shall select for this purpose an official of his Department who has had experience in, and is familiar with, the preparation and management of exhibitions, and who will serve in this capacity without additional salary. That the expenses of the Federal commissioner and such staff as he may require will be met out of the funds provided for the purposes of the Government participation in the exposition.

Qualifications; expenses.



SEC. 4. The Commission shall prescribe the duties of the Federal commissioner and shall delegate such powers and functions to him as it shall deem advisable, in order that there may be exhibited at the California Pacific International Exposition by the Government of the United States, its executive departments, independent offices, and establishments such articles and materials as illustrate the function and administrative faculty of the Government in the advancement of industry, the arts, and peace, demonstrating the nature of our institutions particularly as regards their adaptation to the wants of the people.

Duties, powers, and functions.

SEC. 5. The commissioner may employ such clerks, stenographers, and other assistants as may be necessary and fix their reasonable compensation within the grades and rates of compensation fixed by the Classification Act of 1923, as amended; purchase such material, contract for such labor and other services, and exercise such powers as are delegated to him by the Commission as hereinbefore provided, and in order to facilitate the functioning of his office may subdelegate such powers (authorized or delegated) to officers and employees as may be deemed advisable by the Commission.

Employment of personnel.

Compensation.  
Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.  
U. S. C., p. 85.

SEC. 6. The heads of the various executive departments and independent offices and establishments of the Government are authorized to cooperate with the commissioner in the procurement, installation, and display of exhibits; to lend to the California Pacific International Exposition, with the knowledge and consent of the commissioner, such articles, specimens, and exhibits which the commissioner shall deem to be in the interest of the United States to place with the science or other exhibits to be shown under the auspices of that corporation; to contract for such labor or other services as shall be deemed necessary, and to designate officials or employees of their departments or branches to assist the commissioner. At the close of the exposition, or when the connection of the Government of the United States therewith ceases, the commissioner shall cause all such property to be returned to the respective departments and branches from which taken, and any expenses incident to the restoration, modification, and revision of such property to a condition which will permit its use at subsequent expositions and fairs, and for the continued employment of personnel necessary to close out the fiscal and other records and prepare the required reports of the participating organizations, may be paid from the appropriation provided; and if the return of such property is not practicable, he may, with the consent of the department or branch from which it was taken, make such disposition thereof as he may deem advisable and account therefor.

Cooperation of executive departments, etc.

Loan of exhibits.

Return of, at close of exposition.

Expenses of restoration, etc.

Preparation of reports.

Disposal of property when return impracticable.

Appropriation authorized.  
*Post*, p. 50.

Portion of, for construction, rental, etc.

SEC. 7. The sum of \$350,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended, of which sum not to exceed the sum of \$125,000 may be expended for the erection of such building or group of buildings, and/or for the rental of such space, as the Commission may deem adequate to carry out effectively the provisions of this resolution; for the decoration of such structure or structures; for the proper maintenance of such buildings, site, and grounds during the period of the exposition. The Commission may contract with the California Pacific International Exposition for the designing and erection of such building or buildings and/or for the rental of such space as shall be deemed proper. The remaining portion of the appropriation authorized under this resolution shall be available for the selection, purchase, preparation, assembling, transportation, installation, arrangement, safe-keeping, exhibition, demonstration, and return of such articles and materials as the Commission may decide shall be included in such Government exhibit and in the

Contracts for design, etc., of buildings, etc.

General expenses.

Personal services. exhibits of the California Pacific International Exposition; for the compensation of the employees of the Commission in the District of Columbia and elsewhere, for the payment of salaries of officers and employees of the Government, employed by or detailed for duty with the Commission, and for their actual traveling expenses and subsistence at not to exceed \$6 per day: *Provided*, That no such official or employee so designated shall receive a salary in excess of the amount which he has been receiving in the department or branch where employed plus such reasonable allowance for subsistence expenses as may be deemed proper by the commissioner; for telephone service, purchase of furniture and equipment, stationery and supplies, typewriting, adding, duplicating, and computing machines, their accessories and repairs, books of reference and periodicals, uniforms, maps, reports, documents, plans, specifications, manuscripts, newspapers and all other publications, ice and drinking water for office purposes: *Provided*, That payment for telephone service, rents, subscriptions to newspapers and periodicals, and other similar purposes may be made in advance, for the hire of a passenger-carrying automobile, its maintenance, repair, and operation, for the official use of the commissioner, for printing and binding; for entertainment of distinguished visitors, and all other expenses as may be deemed necessary by the Commission to fulfill properly the purposes of this resolution. All purchases, expenditures, and disbursements, under any appropriations which may be provided by authority of this resolution, shall be made under the direction of the Commission: *Provided*, That the Commission, as hereinbefore stipulated, may delegate these powers and functions to the commissioner, and the commissioner, with the consent of the Commission, may subdelegate them: *And provided further*, That the Commission or its delegated representative may authorize the allotment of funds to any executive department, independent office, or establishment of the Government with the consent of the heads thereof for direct expenditure by said executive department, independent office, or establishment for the purpose of defraying any expenditure which may be incurred by said executive department, independent office, or establishment in executing the duties and functions delegated to said office by the Commission; and all accounts and vouchers covering expenditures under these appropriations shall be approved by the commissioner or such assistants as he may delegate, except for such allotments as may be made to the various executive departments and establishments for direct expenditure; but these provisions shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit or permit any obligations to be incurred in excess of the amount authorized to be appropriated: *Provided*, That in the construction of buildings or exhibits requiring skilled and unskilled labor, the prevailing rate of wages, as provided in the Act of March 3, 1931, shall be paid.

*Provided*, That no such official or employee so designated shall receive a salary in excess of the amount which he has been receiving in the department or branch where employed plus such reasonable allowance for subsistence expenses as may be deemed proper by the commissioner; for telephone service, purchase of furniture and equipment, stationery and supplies, typewriting, adding, duplicating, and computing machines, their accessories and repairs, books of reference and periodicals, uniforms, maps, reports, documents, plans, specifications, manuscripts, newspapers and all other publications, ice and drinking water for office purposes: *Provided*, That payment for telephone service, rents, subscriptions to newspapers and periodicals, and other similar purposes may be made in advance, for the hire of a passenger-carrying automobile, its maintenance, repair, and operation, for the official use of the commissioner, for printing and binding; for entertainment of distinguished visitors, and all other expenses as may be deemed necessary by the Commission to fulfill properly the purposes of this resolution. All purchases, expenditures, and disbursements, under any appropriations which may be provided by authority of this resolution, shall be made under the direction of the Commission: *Provided*, That the Commission, as hereinbefore stipulated, may delegate these powers and functions to the commissioner, and the commissioner, with the consent of the Commission, may subdelegate them: *And provided further*, That the Commission or its delegated representative may authorize the allotment of funds to any executive department, independent office, or establishment of the Government with the consent of the heads thereof for direct expenditure by said executive department, independent office, or establishment for the purpose of defraying any expenditure which may be incurred by said executive department, independent office, or establishment in executing the duties and functions delegated to said office by the Commission; and all accounts and vouchers covering expenditures under these appropriations shall be approved by the commissioner or such assistants as he may delegate, except for such allotments as may be made to the various executive departments and establishments for direct expenditure; but these provisions shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit or permit any obligations to be incurred in excess of the amount authorized to be appropriated: *Provided*, That in the construction of buildings or exhibits requiring skilled and unskilled labor, the prevailing rate of wages, as provided in the Act of March 3, 1931, shall be paid.

Stationery, etc. furniture, stationery, etc.

Advance payments.

Delegation of functions.

Allotment of funds to Government offices.

Approval of vouchers; exception.

Audit by General Accounting Office.

Prevailing wage rate for construction work. Vol. 46, p. 1494; U. S. C., p. 1788.

Acceptance of contributions.

Disposal of buildings and property.

SEC. 8. The commissioner, with the approval of the Commission, may receive from any source contributions to aid in carrying out the general purposes of this resolution, but the same shall be expended and accounted for in the same manner as any appropriation which may be made under authority of this resolution. The commissioner is also authorized to receive contributions of material, or borrow material or exhibits, to aid in carrying out the general purposes of this resolution; and at the close of the exposition or when the connection of the Government of the United States therewith ceases, shall dispose of any such portion of the material contributed as may be unused, and return such borrowed property; and, under the direction of the Commission, dispose of any buildings

which may have been constructed and account therefor: *Provided*, That all disposition of materials, property, buildings, and so forth, shall be at public sale to the highest bidder and the proceeds thereof shall be covered into the Treasury of the United States.

SEC. 9. It shall be the duty of the Commission to transmit to Congress, within six months after the close of the exposition, a detailed statement of all expenditures, and such other reports as may be deemed proper, which reports shall be prepared and arranged with a view to concise statement and convenient reference.

Approved, March 7, 1935.

[CHAPTER 31.]

JOINT RESOLUTION

Authorizing and directing the Federal Communications Commission to investigate and report on the American Telephone and Telegraph Company and on all other companies engaged directly or indirectly in telephone communication in interstate commerce, including all companies related to any of these companies through a holding company structure, or otherwise.

*Proviso.*  
By auction sales.

Report to Congress.

March 15, 1935.  
[S. J. Res. 46.]  
[Pub. Res., No. 8.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That it is necessary, in aid of legislation by the Congress and for the use of governmental agencies, including State regulatory commissions, for the information of the general public, as an aid in providing more effective rate regulation, and for other purposes in the public interest, that accurate and comprehensive information be procured and compiled regarding the American Telephone and Telegraph Company and other telephone companies.

American Telephone and Telegraph Company, etc.  
Necessity for examination, etc., declared.

SEC. 2. The Federal Communications Commission is hereby authorized and directed to investigate and report to the Congress on the following matters with respect to the American Telephone and Telegraph Company and all other companies engaged directly or indirectly in telephone communication in interstate commerce, including all of their subsidiary, affiliated, associated, and holding companies, and any other companies in which any of them have any direct or indirect financial interest, or which have any such interest in them, or in which any of their officers or directors hold any office or exert any control, or whose officers or directors hold any office or exert any control in them—

Federal Communications Commission directed to investigate and report to Congress.

Subsidiaries, holding companies, etc., included.

(a) The corporate and financial history, and the capital structure and the relationship of such company and of its subsidiary, affiliated, associated, and holding companies, including the determination of whether or not such structure may enable them to evade State or Federal regulation or taxation, or to conceal, pyramid, or absorb profits, or to do any other act contrary to the public interest.

History, structure, interrelationships, etc.

(b) The extent and character of intercompany service contracts and all transactions between the telephone companies and their subsidiaries, affiliated, associated, or holding companies, and particularly between the American Telephone and Telegraph Company and the Western Electric Company and other manufacturers of electrical communication equipment; the methods of publishing telephone directories and placing and charging for advertising therein; the cost of and sale prices of telephone equipment, material, or devices to telephone operating companies or users; the profits upon such sales and the effect of such sales upon the rates or upon the rate base of operating companies when used as a basis for telephone charges in the various States or in interstate commerce; and the probable savings to telephone operating companies and the public by purchasing equipment under a system of competitive bidding.

Service contracts, transactions, etc.

With Western Electric Company.

Equipment, etc., prices.

Failure to reduce rates, etc.

(c) The reasons for the failure generally to reduce telephone rates and charges during the years of declining prices; and the extent, if any, to which local subscribers or the users of toll service have borne the cost of the research developments for telephone equipment and appliances, radio, motion picture, and other inventions, including the maintenance and support of Bell Telephone Laboratories, Incorporated.

Effect of monopolistic control.

(d) The effect of monopolistic control upon the reasonableness of telephone rates and charges, upon the methods of competition with independent telephone companies, and upon the character of services rendered, and the alleged unfair or discriminatory practices with respect to such companies, and with respect to radio broadcasting or public speaker "hook-ups."

Mergers, etc.

(e) The effect of mergers, consolidations, and acquisitions of control by telephone companies, including the determination of whether there has been any "write-up" in the purchase price of property, equipment or intangibles, the fairness of the terms and conditions of any merger, consolidation, or acquisition, and the public interest therein, and the effect thereof upon rates or service.

Methods of accounting.

(f) The accounting methods of the companies, particularly with reference to depreciation accounting, apportionment of investment, revenues and expenses between State and interstate operations, employee pension funds, and valuation of properties for both rate and tax purposes.

Methods of competition, etc.

(g) The methods of competition with other companies or industries, including the determination of whether or not there has been any sale or refusal to buy from or sell to competing companies, or suppression of patents, and the expansion of the companies into fields other than telephone communication, including teletype service, telephoto service, telegraph service, broadcasting, motion and sound picture production and distribution, and the manufacture of electrical equipment, so far as such expansion may relate to or affect communications.

Propaganda to influence public opinion.

(h) Whether or not the companies have sought through propaganda or the expenditure of money or the control of channels of publicity to influence or control public opinion, legislative or administrative action, or elections.

"Company" defined.

SEC. 3. As used in the resolution the term "company" shall include all subsidiary, affiliated, associated, and holding companies or corporations and all companies directly or indirectly associated or connected with telephone companies, either by direct or indirect stock ownership, interlocking directorates, voting trusts, holding or investment companies, or any other direct or indirect means.

Consolidation of investigations.

SEC. 4. The inquiry into certain practices of telephone carriers subject to the Communications Act of 1934, recently instituted by the Federal Communications Commission pursuant to its Telephone Division Order Numbered 11 and Statement of November 14, 1934, may be consolidated with the investigation required by this joint resolution in the manner and to the extent deemed desirable by the Commission.

Vol. 48, p. 1080.

Hearings authorized.

SEC. 5. For the purposes of this resolution the Federal Communications Commission is hereby authorized to hold hearings; to contract for stenographic reporting service; to utilize its regular personnel, facilities, jurisdiction, and powers insofar as practicable; and to employ for the purposes of this investigation such additional experts, including engineering, accounting, legal, and other assistants as may be found necessary, without regard to the provisions of other laws applicable to the employment and compensation of officers

Expert assistants.

and employees of the United States, and to make such other expenditures, including necessary travel expenses, and expenditures for printing and binding, as it deems necessary. The Commission is also hereby authorized to have access to, upon demand, for the purposes of examination, and the right to copy, any books, papers, correspondence, memoranda, and other records of any person, partnership, company, or other organization being investigated, whether such books, papers, correspondence, memoranda, or records are in the possession of the company under investigation or are in the possession of other persons, firms, or corporations; to require by subpoena the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records which the Commission deems relevant or material to the inquiry, at any designated place of hearing within the United States; to administer oaths and affirmations, to require persons, partnerships, companies, or other organizations to submit to the Commission in writing reports and answers to specific questions, furnishing such information as the Commission may require relative to the inquiry. Such reports and answers shall be made under oath or otherwise as the Commission may prescribe and shall be filed with the Commission within such reasonable period as the Commission may prescribe, unless additional time be granted in any case by the Commission. In case of contumacy or the refusal to obey any subpoena or other order issued hereunder, the Commission may invoke the aid of any court of the United States, within the jurisdiction of which such inquiry is carried on, or where such party guilty of contumacy or refusal to obey resides or has his place of business, in requiring obedience to such subpoena or other order and any such court of the United States shall have jurisdiction to issue its order enforcing such subpoena or other order of the Commission in whole or in part; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in such cases may be served wherever the defendant may be found.

Expenditures authorized.

Inquiries, examination of records, etc.

Sworn statements.

Court jurisdiction to compel testimony.

SEC. 6. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$750,000, to be made immediately available to the Federal Communications Commission for the purposes of the investigation and report herein authorized and directed, and the Commission shall make special reports to Congress on its progress and its findings in this investigation.

Appropriation.  
Post, p. 1602.

Approved, March 15, 1935.

[CHAPTER 32.]

AN ACT

To amend the Agricultural Adjustment Act with respect to rice, and for other purposes.

March 18, 1935.  
[H. R. 6221.]  
[Public, No. 20.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (a) of section 9 of the Agricultural Adjustment Act, as amended, is further amended by striking out the comma after the words "except that" in the second sentence and inserting in lieu thereof the following: "(1)"; and by striking out the period at the end of said second sentence and inserting a comma and the following: "and (2) in the case of rice, the Secretary of Agriculture shall, before April 1, 1935, proclaim that rental or benefit payments are to be made with respect thereto, and the processing tax shall be in effect on and after April 1, 1935."

Agricultural Adjustment Act, amendments.  
Vol. 48, pp. 35, 676.  
Processing tax on rice; rental or benefit payments.

Effective date.

Marketing year.  
Vol. 48, p. 36.

SEC. 2. Subsection (a) of section 9 of the Agricultural Adjustment Act, as amended, is further amended by inserting at the end of the third sentence the following: "In the case of rice, the period from August 1 to July 31, both inclusive, shall be considered to be the marketing year."

Processing tax rate  
on rough rice.  
Vol. 48, p. 671.  
Post, p. 763.

SEC. 3. Subsection (b) of section 9 of the Agricultural Adjustment Act, as amended, is further amended by inserting after the words "except that" in the first sentence the following: "(1)"; by striking out the period at the end of said first sentence and the word "If" at the beginning of the second sentence and inserting in lieu thereof a comma and the words "and if"; and by striking out the period at the end of said second sentence and inserting in lieu thereof a comma and the following: "and (2) for the period from April 1, 1935, to July 31, 1936, both inclusive, the processing tax with respect to rice shall be at the rate of 1 cent per pound of rough rice, subject, however, to any modification of such rate which may be made pursuant to any other provision of this title."

Computing weight  
for tax purposes.  
Vol. 48, p. 36.

SEC. 4. Subsection (b) of section 9 of the Agricultural Adjustment Act, as amended, is further amended by inserting after the third sentence the following: "In the case of rice, the weight to which the rate of tax shall be applied shall be the weight of rough rice when delivered to a processor, except that where the producer processes his own rice, the weight to which the rate of tax shall be applied shall be the weight of rough rice when delivered to the place of processing."

Rice excepted from  
certain milling provisions,  
under processing tax.  
Vol. 48, p. 36.

SEC. 5. Subsection (d) of section 9 of the Agricultural Adjustment Act, as amended, is further amended by striking out the word "rice" and the commas which precede and follow said word in the two places in which the word occurs in paragraph (1).

Supplementary  
items.  
Vol. 48, p. 1242.

SEC. 6. Subsection (d) of section 9 of the Agricultural Adjustment Act, as amended, is further amended by renumbering paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following:

Definitions.

"(7) In the case of rice—

"Rough rice."  
Vol. 48, p. 36.

"(A) The term 'rough rice' means rice in that condition which is usual and customary when delivered by the producer to a processor.

"Processing."

"(B) The term 'processing' means the cleaning, shelling, milling (including custom milling for toll as well as commercial milling), grinding, rolling, or other processing (except grinding or cracking by or for the producer thereof for feed for his own livestock, cleaning by or directly for a producer for seed purposes, and drying) of rough rice; and in the case of rough rice with respect to which a tax-payment warrant has been previously issued or applied for by application then pending, the term 'processing' means any one of the above mentioned processings or any preparation or handling in connection with the sale or other disposition thereof.

"Cooperating producer."

"(C) The term 'cooperating producer' means any person (including any share-tenant or share-cropper) whom the Secretary of Agriculture finds to be willing to participate in the 1935 production-adjustment program for rice.

"Processor."  
Vol. 48, p. 39; Post,  
p. 47.

"(D) The term 'processor', as used in subsection (b-1) of section 15 of this title, means any person (including a cooperative association of producers) engaged in the processing of rice on a commercial basis (including custom milling for toll as well as commercial milling)."

Rental or benefit  
payments.  
Vol. 48, pp. 34, 676.  
Post, p. 752.

SEC. 7. Subsection (1) of section 8 of the Agricultural Adjustment Act, as amended, is amended by inserting at the end of the first sentence thereof the following new sentence: "In the case of rice, the Secretary, in exercising the discretion conferred upon him by this section to provide for rental or benefit payments, is directed to pro-

vide in any agreement entered into by him with any rice producer pursuant to this section, upon such terms and conditions as the Secretary determines will best effectuate the declared policy of the Act, that the producer may pledge for production credit in whole or in part his right to any rental or benefit payments under the terms of such agreement and that such producer may designate therein a payee to receive such rental or benefit payments.”

Producer to agree to conform to policy of Act.

May designate payee to receive payments.

SEC. 8. Section 15 of the Agricultural Adjustment Act, as amended, is further amended by inserting after subsection (b) the following subsections:

Vol. 48, p. 39.

“(b-1) The Secretary of Agriculture is authorized and directed to issue tax-payment warrants, with respect to rough rice produced in 1933 and 1934 (provided the processing of such rice is not exempt from the tax, and provided no tax payment warrant has been previously issued with respect thereto or previously applied for by application then pending, sufficient to cover the tax with respect to the processing thereof at the rate in effect at the time of such issuance, to any processor with respect to any such rice which he has in his possession on March 31, 1935, and to, or at the direction of any other person with respect to any such rice which, on or after April 1, 1935, he delivers for processing or sells to a processor: *Provided*, That in case any such processor or other person is the producer of such rice (or has received such rice by gift, bequest, or descent from the producer thereof) that such processor or other person is, if eligible, a cooperating producer: *And provided further*, That in case such processor or other person is not the producer thereof (nor a person who has received such rice by gift, bequest, or descent from the producer thereof), (a) that, if the title to such rice was transferred from the producer thereof, whether by operation of law or otherwise, prior to April 1, 1935, such producer received the price prescribed in any marketing agreement, license, regulation, or administrative ruling, pursuant to this title, applicable to the sale of such rice by the producer, and (b) that, if the title to such rice was transferred from the producer thereof, whether by operation of law or otherwise, on or after April 1, 1935, such producer received at least the full market price therefor plus an amount equal to 99 per centum of the face value of tax-payment warrants sufficient to cover the tax on the processing of such rice at rate in effect at the time title was so transferred, and was, if eligible, a cooperating producer.

Tax payment warrants. 1933 and 1934 crops. Conditions.

Rate.

To whom issued.

*Provisos.* Cooperating producer requirements.

When processor is not producer.

“(b-2) The warrants authorized and directed to be issued by subsection (b-1) of this section—

Warrants.

“(1) shall be issued by the Secretary of Agriculture or his duly authorized agent in such manner, at such time or times, at such place or places, in such form, and subject to such terms and conditions with reference to the transfer thereof or the voiding of warrants fraudulently obtained and/or erroneously issued, as the Secretary of Agriculture may prescribe, and the Secretary of Agriculture is authorized to discontinue the further issuance of tax-payment warrants at any time or times and in any region or regions when he shall determine that the rice in any such region or regions can no longer be identified adequately as rice grown in 1933 or 1934; and

Issue, form, transfer, etc.

Discontinuance when crop identity no longer established.

“(2) shall be accepted by the Collector of Internal Revenue and the Secretary of the Treasury at the face value thereof in payment of any processing tax on rice.

Acceptance, in payment of processing tax.

“(b-3) (1) Any person who deals or traffics in, or purchases any such tax-payment warrant or the right of any person thereto at less than 99 per centum of its face value shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned for not more than one year or both.

Penalty provisions.

Traffic in tax-payment warrants.

Unlawfully securing warrant.

"(2) Any person who, with intent to defraud, secures or attempts to secure, or aids or assists in or procures, counsels, or advises, the securing or attempting to secure any tax-payment warrant with respect to rice as to which any tax-payment warrant has been theretofore issued shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

Counterfeiting, etc.

"(3) Any person who with intent to defraud forges, makes, alters, or counterfeits any tax-payment warrant or any stamp, tag, or other means of identification provided for by this title or any regulation issued pursuant thereto, or makes any false entry upon such warrant or any false statement in any application for the issuance of such warrant, or who uses, sells, lends, or has in his possession any such altered, forged, or counterfeited warrant or stamp, tag, or other means of identification, or who makes, uses, sells, or has in his possession any material in imitation of the material used in the manufacture of such warrants or stamps, tags, or other means of identification, shall, upon conviction thereof, be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or both.

False statements.

Furnishing information.

"(4) All producers, warehousemen, processors, and common carriers, having information with respect to rice produced in the years 1933 or 1934, may be required to furnish to the Secretary of Agriculture such information as he shall, by order, prescribe as necessary to safeguard the issuance, transfer, and/or use of tax-payment warrants.

Regulations authorized.

"(5) The Secretary of Agriculture may make regulations protecting the interests of producers (including share-tenants and sharecroppers) and others, in the issuance, holding, use, and/or transfer of such tax-payment warrants."

Equalizing tax on imports.  
Vol. 48, pp. 40, 676.  
Application of section to U. S. possessions.  
Post, p. 768.

SEC. 9. Subsection (e) of section 15 of the Agricultural Adjustment Act, as amended, is further amended, by inserting after the word "Provided" the following: "(1) That in the event any of the provisions of this title have been or are hereafter made applicable to any possession of the United States in the case of any particular commodity or commodities, but not generally, this title, for the purposes of this subsection, shall be deemed applicable to such possession with respect to such commodity or commodities but shall not be deemed applicable to such possession with respect to other commodities; and (2)."

Floor stocks.  
Vol. 48, pp. 40, 678, 1241.  
Post, pp. 768, 1740.

SEC. 10. Section 16 of the Agricultural Adjustment Act, as amended, is further amended by relettering subsection "(C)" as subsection "(e)"; by striking out in subdivisions 3 and 4 of said subsection the words "of subsection (c) of this section" and "of subsection (c)", respectively, and inserting in each such subdivision in lieu of the words so stricken out, the words "of this subsection"; and by adding at the end of said section the following:

Tax provisions not applicable to rice.

"(f) The provisions of this section shall not be applicable with respect to rice."

Exportation of tax-paid products.  
Vol. 48, pp. 40, 676.  
Rice; use of tax-payment warrants.  
Post, pp. 1739, 1740.

SEC. 11. Subsection (a) of section 17 of the Agricultural Adjustment Act, as amended, is further amended by inserting after the second sentence the following: "In the case of rice, a tax due under this title which has been paid by a tax-payment warrant shall be deemed for the purposes of this subsection to have been paid; and with respect to any refund authorized under this section, the amount scheduled by the Commissioner of Internal Revenue for refunding shall be paid, any provision of law notwithstanding."

Approved, March 18, 1935.



[CHAPTER 36.]

## AN ACT

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1935, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1935, and for other purposes.

March 21, 1935.  
[H. R. 6644.]  
[Public, No. 21.]

*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, 1935, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1935, and for other purposes, namely:

First Deficiency Act,  
fiscal year 1935.

**TITLE I—GENERAL APPROPRIATIONS  
LEGISLATIVE**

General appropria-  
tions.  
Legislative.

**HOUSE OF REPRESENTATIVES**

House of Representa-  
tives.

For payment to the widow of Anthony J. Griffin, late a Representative from the State of New York, \$9,500.

Anthony J. Griffin.  
Pay to widow.

For payment to the widow of Henry T. Rainey, late a Representative from the State of Illinois, \$9,500.

Henry T. Rainey.  
Pay to widow.

For payment to the widow of Frederick Landis, late a Representative-elect from the State of Indiana, \$9,500.

Frederick Landis.  
Pay to widow.

The three foregoing appropriations to be disbursed by the Sergeant at Arms of the House.

Committee on Revision of the Laws: For the employment of competent persons in continuing the work of compiling, codifying, and revising the laws and treaties of the United States, fiscal years 1935 and 1936, \$3,000.

Committee on Revision of the Laws.  
Vol. 45, p. 1007; U. S. C., p. 3.

**OFFICE OF ARCHITECT OF THE CAPITOL**

Architect of the Cap-  
itol.

Capitol Building: For the purchase and installation for the committee rooms of the Senate Committee on Appropriations of complete, improved ventilation, dehumidifying air-conditioning apparatus with automatically controlled ducts and water piping for the connection of the different units of such apparatus, and for all necessary structural alterations required for such installation, including personal services, advertising, traveling, and other necessary expenses incident thereto, \$10,000, to be expended by the Architect of the Capitol without compliance with sections 3709 and 3744 of the Revised Statutes of the United States, to remain available until June 30, 1936.

Air-conditioning  
rooms of Senate Com-  
mittee on Appropria-  
tions, expenses.

Expenditure without  
advertising.  
R. S., secs. 3709, 3744;  
U. S. C., pp. 1803, 1805.

The unexpended balances on June 30, 1935, of the appropriation for the Senate Office Building and of the appropriation for the House Office Buildings, contained in the Deficiency Appropriation Act, fiscal year 1934, for installation, repair, and reconditioning of elevators, and of the portion of the appropriation "Capitol Building and Repairs, 1935", allocated for installation, repair, and reconditioning of elevators, shall continue available for the same purposes until June 30, 1936; and in addition there are appropriated, to be merged with, and to be available for the same purposes as, the appropriations hereinbefore extended for the Senate Office Building and the Capitol Building, the following respective sums: For the Senate Office Building, \$5,500; and for the Capitol Building and Repairs, \$4,500; in all, \$10,000, to remain available until June 30,

Senate and House  
Office Buildings.  
Elevators.  
Vol. 43, p. 1025.

Additional sums  
available.

*Proviso.*  
Allocation for Capitol elevators.

1936: *Provided*, That \$6,000 of the unexpended balance of the foregoing appropriation for the House Office Buildings shall be transferred to and be available under the foregoing allocation for elevator work in the Capitol Building.

Independent offices.

## INDEPENDENT OFFICES

California Pacific International Exposition.

### CALIFORNIA PACIFIC INTERNATIONAL EXPOSITION

Participation, etc.

*Ante*, p. 40.  
*Post*, pp. 119, 1107,  
1110.

For the purpose of carrying into effect the provisions of the public resolution entitled "Joint resolution providing for the participation of the United States in the California Pacific International Exposition to be held at San Diego, California, in 1935 and 1936; authorizing an appropriation therefor; and for other purposes", approved March 7, 1935, and for each and every object thereof, and within the limits of cost specified therein, \$350,000, to remain available until June 30, 1936: *Provided*, That expenses for subsistence authorized by such Act shall be on a per diem allowance basis in lieu of actual expenses and shall not exceed \$5 per day for any person.

*Proviso.*  
Subsistence allowance.

D. C.-Va. Boundary Commission.

### DISTRICT OF COLUMBIA-VIRGINIA BOUNDARY COMMISSION

Expenses.  
*Ante*, p. 23.  
*Post*, p. 67.

For the District of Columbia-Virginia Boundary Commission, including the same objects specified under this head in Public Resolution Numbered 3, approved February 13, 1935, \$10,000, to continue available until December 2, 1935.

Farm Credit Administration.

### FARM CREDIT ADMINISTRATION

Crop production loans.

*Ante*, p. 29.  
*Post*, p. 1458.

Crop production loans: To enable the Governor of the Farm Credit Administration to carry into effect the provisions of the Act entitled "An Act to provide for loans to farmers for crop production and harvesting during the year 1935, and for other purposes", approved February 20, 1935, including personal services and rent in the District of Columbia and elsewhere; paper, printing, and binding; 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; and such other expenses as may be necessary; there is hereby reappropriated and made immediately available and to remain available until June 30, 1936, for the foregoing purposes, a total of \$60,000,000 from unobligated balances (to be designated by the President) under allocations from the appropriation of \$525,000,000 for relief in stricken agricultural areas contained in the Emergency Appropriation Act, fiscal year 1935.

Supplies and services.  
R. S., sec. 3709, p. 733; U. S. C., p. 1803.

Vol. 48, p. 1056.

Federal Power Commission.

### FEDERAL POWER COMMISSION

Printing and binding.  
*Ante*, p. 10.  
*Post*, p. 1111.

Printing and binding: For additional printing and binding, Federal Power Commission, to remain available until June 30, 1936, \$25,000.

Federal Communications Commission.

### FEDERAL COMMUNICATIONS COMMISSION

Grand Island, Nebr., radio station.  
Additional land.  
Vol. 48, p. 805.

Not to exceed \$1,200 of the appropriation for the Federal Communications Commission for the fiscal year 1935 shall be available for the purchase of an additional tract of land containing approximately ten acres adjacent to that now owned by the United States at Grand Island, Nebraska, and for enclosing the same, for use in connection with the constant-frequency monitoring station located at said place, as authorized by the Act approved May 25, 1934 (48 Stat. 805).

## FEDERAL TRADE COMMISSION

For an additional amount for the Federal Trade Commission, including the same objects specified under this caption in Title I, Independent Offices Appropriation Act, 1935, \$110,000, to remain available until June 30, 1936.

Federal Trade Commission.

Expenses.  
Vol. 48, p. 513; *Ante*, p. 10.

## NATIONAL ARCHIVES

Salaries and expenses: For the Archivist and for all other authorized expenditures of the National Archives in performing the duties imposed by law, including personal services; supplies and equipment; purchase and exchange of books and maps; contract stenographic reporting services; purchase of newspapers, periodicals, and press clippings; travel expenses, including not to exceed \$500 for the expenses of attendance at meetings concerned with the work of the National Archives; purchase, exchange, maintenance, and operation of motor vehicles, including not more than one passenger-carrying automobile for the official use of the National Archives; and all other necessary expenses, fiscal year 1936, \$458,000, of which not to exceed \$73,000 shall be immediately available: *Provided*, That subsistence expenses payable under this appropriation shall be on a per diem allowance basis in lieu of actual expenses and shall not exceed \$5 per day for any person: *Provided further*, 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 National Archives when the aggregate cost involved does not exceed the sum of \$50.

National Archives.

Salaries and expenses.  
Vol. 48, p. 1122.

Attendance at meetings.

*Provisos*.  
Subsistence.Minor purchases, etc.  
R. S., sec. 3709, p. 733; U. S. C., p. 1803.

Printing and binding: For all printing and binding for the National Archives, fiscal year 1936, \$17,000, of which not to exceed \$2,000 shall be immediately available.

Printing and binding.

## VETERANS' ADMINISTRATION

Pensions: For an additional amount for the payment of pensions, gratuities, and allowances, including the same objects specified under this head in the Independent Offices Appropriation Act, 1935, \$94,650,000.

Veterans' Administration.

Pensions.  
Vol. 48, p. 520.

## DISTRICT OF COLUMBIA

District of Columbia.

## PUBLIC SCHOOLS

Public schools.

For the purchase of additional equipment for teaching commercial classes in the junior and senior high schools, to continue available until June 30, 1936, \$15,000.

Equipment for teaching commercial classes.

For the rehabilitation of the Adams Administration Building for use as an elementary-school building for instruction purposes, to continue available until June 30, 1936, \$20,000.

Adams Administration Building.

## DEPARTMENT OF AGRICULTURE

Department of Agriculture.

## FOREST SERVICE

Forest Service.

Salaries and general expenses (fighting forest fires): For an additional amount for fighting and preventing forest fires, including the same objects specified under this head in the Agricultural Appropriation Act for the fiscal year 1935, \$2,348,000.

Fighting forest fires.  
Vol. 48, p. 482.

Biological Survey  
Bureau.

BUREAU OF BIOLOGICAL SURVEY

Predatory animals,  
etc., control.  
Vol. 43, p. 489.

Salaries and expenses (control of predatory animals and injurious rodents): For an additional amount for control of predatory animals and injurious rodents, including the same objects specified under this head in the Agricultural Appropriation Act for the fiscal year 1935, \$15,000.

Department of Justice.

DEPARTMENT OF JUSTICE

Attorney General's  
office.

OFFICE OF THE ATTORNEY GENERAL

Contingent expenses.  
Vol. 46, p. 1321.

Contingent expenses: For an additional amount for contingent expenses, Department of Justice, including the same objects specified under this head in the Act making appropriations for the Department of Justice for the fiscal year 1932, \$1.70.

Books.  
Vol. 46, p. 186.

Books: For an additional amount for books, Department of Justice, including the same objects specified under this head in the Act making appropriations for the Department of Justice for the fiscal year 1931, \$5.02.

Additional sum.  
Vol. 48, p. 536.

For an additional amount for books, Department of Justice, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$6,000.

Miscellaneous.

MISCELLANEOUS OBJECTS, DEPARTMENT OF JUSTICE

Preparation of rules  
in actions at law.  
Vol. 48, p. 1064.

Preparation of rules in actions at law: To enable the Attorney General to cooperate with the Supreme Court in the preparation of rules in actions at law, pursuant to the Act entitled "An Act to give the Supreme Court of the United States authority to make and publish rules in actions at law", approved June 19, 1934 (48 Stat. 1064), including personal services at the seat of government or elsewhere, printing and binding, contingent expenses, and traveling expenses, to be expended under the direction of the Attorney General, \$40,000, to remain available until June 30, 1936.

Division of Investigation.

DIVISION OF INVESTIGATION

Salaries and expenses.  
Vol. 48, pp. 537, 1035.

Salaries and expenses: The amount which may be expended for personal services in the District of Columbia from the appropriation "Salaries and expenses, Division of Investigation, 1935", is increased from \$600,000 to \$696,420.

United States  
Courts.

JUDICIAL

MARSHALS, DISTRICT ATTORNEYS, CLERKS, AND OTHER EXPENSES OF UNITED STATES COURTS

Marshals.

Salaries, fees, and expenses of marshals: For additional amounts for salaries, fees, and expenses of marshals, United States courts, including the same objects specified under this head in the Acts making appropriations for the Department of Justice for the following fiscal years:

For 1924, \$230.53.

For 1931, \$372.07.

District attorneys.

Salaries and expenses of district attorneys: For an additional amount for salaries and expenses of district attorneys, 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 1933, \$188.33.

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 appropriation for the Department of Justice for the following fiscal years:

For 1931, \$471.60.

For 1932, \$15,395.89.

For 1933, \$28,582.02.

Conciliation commissioners: For an additional amount 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", as amended, \$135,000, to remain available until June 30, 1936.

Supplies: For an additional amount for supplies for 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 1931, 68 cents.

#### PENAL AND CORRECTIONAL INSTITUTIONS

United States penitentiary, Leavenworth, Kansas, Buildings: For construction and repair of buildings, including the purchase and installation of machinery and equipment and all expenses incident thereto, to be expended so as to give the maximum amount of employment to inmates of the institution, \$65,410, to remain available until June 30, 1936: *Provided*, That the use of the annex by the Bureau of Prisons, Department of Justice, is hereby continued until July 1, 1936.

United States penitentiary, Leavenworth, Kansas, maintenance: For an additional amount for the United States penitentiary at Leavenworth, Kansas, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$126,080.

United States penitentiary, Atlanta, Georgia, maintenance: For an additional amount for the United States penitentiary at Atlanta, Georgia, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$83,180.

United States penitentiary, McNeil Island, Washington, maintenance: For an additional amount for the United States penitentiary at McNeil Island, Washington, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$38,715.

United States Northeastern Penitentiary, Lewisburg, Pennsylvania, maintenance: For an additional amount for the United States penitentiary in the northeast, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$59,180.

United States Industrial Reformatory, Chillicothe, Ohio, maintenance: For an additional amount for the United States Industrial Reformatory at Chillicothe, Ohio, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$21,705.

United States Southwestern Reformatory, El Reno, Oklahoma, maintenance: For an additional amount for the United States Southwestern Reformatory, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$130,500.

Commissioners.

Conciliation commissioners.  
Vol. 30, p. 544; Vol. 47, p. 1467.  
U. S. C., p. 319; Supp. I, p. 47.

Supplies.

Penal and correctional institutions.

Federal penitentiaries.  
Leavenworth, Kans., construction, etc.

*Provido*.  
Use of annex.

Maintenance.  
Vol. 48, p. 544.

Atlanta, Ga.

McNeil Island, Wash.

Northeastern Penitentiary.

Industrial Reformatory.

Southwestern Reformatory.  
Vol. 48, p. 545.

Federal jails.  
Vol. 48, p. 545.

Federal jails, maintenance: For an additional amount for Federal jails, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$101,015.

Prison camps.

Prison camps, maintenance: For an additional amount for prison camps, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$13,140.

Petersburg, Va., re-  
formatory camp.

Federal Reformatory Camp, Petersburg, Virginia, maintenance: For an additional amount for the Federal Reformatory Camp at Petersburg, Virginia, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$36,090.

Additional, for con-  
struction.  
Vol. 47, p. 1387.

Not to exceed \$11,000 of the unexpended balance of the appropriation "Federal Reformatory Camp, Petersburg, Virginia, maintenance, 1934", is made available for the payment of obligations which have been incurred for construction and repair of buildings, including the purchase and installation of machinery and equipment and all expenses incident thereto, at such camp.

Support of prisoners.  
Los Angeles County,  
Calif.  
Vol. 46, p. 1329.

Support of United States prisoners: For an additional amount for support of United States prisoners, including the same objects specified under this head in the Act making appropriations for the Department of Justice for the fiscal year 1932, \$35,403, to constitute settlement in full with Los Angeles County, California, for the fiscal year 1932, for the support of United States prisoners.

Navy Department.

## NAVY DEPARTMENT

Secretary's office.

### SECRETARY'S OFFICE

Damage claims.  
Vol. 42, p. 1066.  
U. S. C., p. 1550.

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the Act entitled "An Act to amend the Act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels", approved December 28, 1922 (U. S. C., title 34, sec. 599), as fully set forth in House Document Numbered 129, Seventy-fourth Congress, and including item numbered 6, page 4, in House Document Numbered 328, Seventy-third Congress, \$3,824.66.

Elizabeth Bolger.  
Vol. 48, p. 1376.

Payment to Elizabeth Bolger: For payment to Elizabeth Bolger in full settlement of all claims against the Government on account of personal injuries sustained as the result of the carelessness of the driver of a Navy automobile on April 5, 1919, in Brooklyn, New York, as authorized in the Act approved June 8, 1934 (48 Stat., 1376), \$700.

Bureau of Naviga-  
tion.

### BUREAU OF NAVIGATION

Naval Reserve.

Naval Reserve: For an additional amount for expenses of organizing, administering, and recruiting the Naval Reserve and Naval Militia, and so forth, including the same objects specified under this head in the Naval Appropriation Act for the fiscal year 1935, \$175,000.

Bureau of Supplies  
and Accounts.

### BUREAU OF SUPPLIES AND ACCOUNTS

Pay, subsistence, and  
transportation.  
Limitation increased.  
Vol. 47, p. 1531.

Pay, subsistence, and transportation, Navy: The limitation on expenditures for "transportation of dependents of officers and enlisted men of the Navy" under the appropriation "Pay, subsistence, and transportation, Navy", for the fiscal year 1934, is hereby increased from \$450,000 to \$575,000.

Sue Hall Erwin.  
Vol. 48, p. 1392.

Payment to Sue Hall Erwin: For payment to Sue Hall Erwin of an amount equal to six months' pay of her son, the late Marcus Erwin, Junior, ensign, United States Navy, as authorized in the Act approved June 14, 1934 (48 Stat., 1392), \$750.

## POST OFFICE DEPARTMENT

## OUT OF THE POSTAL REVENUES

## OFFICE OF FIRST ASSISTANT POSTMASTER GENERAL

Clerks, first- and second-class post offices: For an additional amount for compensation of clerks and employees at first- and second-class post offices, and so forth, including the same objects specified under this head in the Post Office Department Appropriation Act, 1935, \$2,500,000.

City delivery carriers: For an additional amount for pay of letter carriers, City Delivery Service, fiscal year 1935, \$500,000.

## OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL

Stationery: For an additional amount for stationery for the Postal Service, and so forth, including the same objects specified under this head in the Post Office Department Appropriation Act, 1935, \$49,000.

## DEPARTMENT OF STATE

## FOREIGN INTERCOURSE

Allowance to widows or heirs of Foreign Service officers who die abroad: For an additional amount for allowance to widows or heirs of Foreign Service officers who die abroad, including the same objects specified under this head in the Act making appropriations for the Department of State for the fiscal year 1933, \$163.82.

Bringing home criminals: For an additional amount for bringing home criminals, including the same objects specified under this head in the Act making appropriations for the Department of State for the fiscal year 1933, \$25.

Bringing home persons charged with crime: For an additional amount for bringing home persons charged with crime, including the same objects specified under this head in the Act making appropriations for the Department of State for the fiscal year 1934, \$125.

For an additional amount for bringing home persons charged with crime, including the same objects specified under this head in Department of State Appropriation Act, 1935, \$1,500.

Payment to the Government of Canada on account of the sinking of the schooner I'm Alone: For payment to the Government of Canada, upon receipt by the Secretary of State of satisfactory releases from the respective claimants, in full settlement of all claims for damages resulting from the sinking of the schooner I'm Alone in the Gulf of Mexico by the United States Coast Guard on March 22, 1929, as recommended in the joint final report, dated January 5, 1935, of the Commissioners appointed by the United States and Canada pursuant to the provisions of the convention of January 23, 1924, between the United States and Great Britain, \$50,666.50.

Narcotics Limitation Convention: For payment of the share of the United States of the expenses for the calendar years 1933 and 1934 in connection with the Convention between the United States and other powers for Limiting the Manufacturing and Regulating the Distribution of Narcotic Drugs, signed at Geneva, July 13, 1931, \$12,086, together with such additional sum, due to increases in rates of exchange, as may be necessary to pay in foreign currency the proportionate share of the United States.

Post Office Department.

Postal Service.

First Assistant Postmaster General.

Clerks, etc., first- and second-class offices.  
Vol. 48, p. 445.

City delivery.

Fourth Assistant Postmaster General.

Stationery, etc.  
Vol. 48, p. 447.

Department of State.

Foreign intercourse.

Allowance to widows or heirs of Foreign Service officers.  
Vol. 47, p. 479.Bringing home criminals.  
Vol. 47, p. 487.Bringing home persons charged with crime.  
Vol. 47, p. 1378.Additional sum.  
Vol. 48, p. 536.Payment to Canada. "I'm Alone", damage claim.  
Vol. 46, pp. 113, 1581.Narcotics Limitation Convention.  
Vol. 48, p. 1543.

International Monetary and Economic Conference; General Disarmament Conference.

Balances reappropriated.

Vol. 47, pp. 538, 783; Vol. 48, pp. 278, 1041. Post, p. 1633.

Participation in Disarmament Conference.

Naval armament limitation conference. Vol. 43, p. 1655.

Services, etc., without advertising. R. S., sec. 3709, p. 733; U. S. C., p. 1803.

Allowance to widows of officers.

Proviso. Limitation on attorneys', etc., fees. Vol. 48, p. 1397.

Jeannette S. Jewell. Vol. 48, p. 1396.

Alice M. A. Damm. Vol. 48, p. 1397.

Rosemund Pauline Lowry. Vol. 48, p. 1397.

Elizabeth Millicent Trammell.

Vol. 48, p. 1436.

Marcella Leahy McNeerney.

Vol. 48, p. 1439.

Cornelia Claiborne. Vol. 48, p. 1453.

Mary Seeley Watson. Vol. 48, p. 1455.

Treasury Department.

Division of Supply.

Printing and binding.

International Monetary and Economic Conference, 1933-1935, and General Disarmament Conference, Geneva, Switzerland, 1933-1935: The unexpended balances of the appropriations "International Monetary and Economic Conference, 1933-1935", and "General Disarmament Conference, Geneva, Switzerland, 1933-1935", are hereby continued available until June 30, 1936, and are made available, in addition to the purposes for which they were appropriated, for the expenses of continued participation by the Government of the United States in the General Disarmament Conference and for participation in any naval conference which may be held under the provisions of the treaty between the United States, the British Empire, France, Italy, and Japan, agreeing to a limitation of naval armament, signed at Washington, February 6, 1922, and of the treaty between the United States of America and other powers for the limitation and reduction of naval armament, signed at London, April 22, 1930, and for any meetings or conversations in connection therewith; including personal services in the District of Columbia and elsewhere without reference to the Classification Act of 1923, as amended; stenographic reporting, translating, and other services by contract if deemed necessary, without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent; traveling expenses; purchase of necessary books, documents, newspapers, and periodicals; stationery; official cards; printing and binding; entertainment; hire, maintenance, and operation of motor-propelled, passenger-carrying vehicles; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which expenditures may be made for any of the purposes herein specified.

Widows of Foreign Service officers: For the payment of one year's salary to the following widows of Foreign Service officers as authorized by law: *Provided*, That such portion of private Act Numbered 262, Seventy-third Congress (48 Stat., 1397), as is contained in the proviso thereof, shall apply with the same force and effect to each of these appropriations as it applies to the authorization for an appropriation in such private Act:

To Jeannette S. Jewell (Act of June 16, 1934, 48 Stat., 1396), \$7,000.

To Alice M. A. Damm (Act of June 16, 1934, 48 Stat., 1397), \$5,000.

To Rosemund Pauline Lowry (Act of June 16, 1934, 48 Stat., 1397), \$4,500.

To Elizabeth Millicent Trammell (Act of June 26, 1934, 48 Stat., 1436), \$3,000.

To Marcella Leahy McNeerney (Act of June 26, 1934, 48 Stat., 1439), \$2,500.

To Cornelia Claiborne (Act of June 26, 1934, 48 Stat., 1453), \$7,000.

To Mary Seeley Watson (Act of June 26, 1934, 48 Stat., 1455), \$5,000.

## TREASURY DEPARTMENT

### DIVISION OF SUPPLY

Printing and binding, Treasury Department: For an additional amount for printing and binding, Treasury Department, including the same objects specified under this head in the Act making appropriations for the Treasury Department for the fiscal year 1935, \$17,500.



Stationery: For an additional amount for stationery for the Treasury Department and its several bureaus and offices and field services thereof, including the same objects specified under this head in the Treasury Department Appropriation Act, 1935, \$97,000.

Stationery.

## COAST GUARD

Coast Guard.

Pay and allowances: For an additional amount for pay and allowances, including the same objects specified under this head in the Treasury Department Appropriation Act, 1935, \$371,663.

Pay and allowances.  
Vol. 48, p. 432.

Fuel and water: For an additional amount for fuel and water, including the same objects specified under this head in the Treasury Department Appropriation Act, 1935, \$335,900.

Fuel and water.

Outfits: For an additional amount for outfits, including the same objects specified under this head in the Treasury Department Appropriation Act, 1935, \$99,943.

Outfits.

Rebuilding and repairing stations, and so forth: For an additional amount for rebuilding and repairing stations, and so forth, including the same objects specified under this head in the Treasury Department Appropriation Act, 1935, \$12,970.

Rebuilding and repairing stations, etc.

Communication lines: For an additional amount for communication lines, including the same objects specified under this head in the Treasury Department Appropriation Act, 1935, \$27,028.

Communication lines.

Contingent expenses: For an additional amount for contingent expenses, including the same objects specified under this head in the Treasury Department Appropriation Act, 1935, \$10,000.

Contingent expenses.

Repairs to Coast Guard vessels: For an additional amount for repairs to Coast Guard vessels, including the same objects specified under this head in the Treasury Department Appropriation Act, 1935, \$475,000.

Vessel, etc., repairs.  
Vol. 48, p. 432.

## PROCUREMENT DIVISION, PUBLIC WORKS BRANCH

Procurement Division, Public Works.

General expenses of public buildings: For an additional amount for general expenses of public buildings, including the same objects specified under this head in the Act approved March 15, 1934, making appropriations for the Treasury Department for the fiscal year 1935, \$168,317.

Public buildings.  
General expenses.  
Vol. 48, p. 433.

Rent of temporary quarters, public buildings: For an additional amount for rent of temporary quarters, for the fiscal year 1935, including the same objects specified under this head in the Deficiency Appropriation Act, fiscal year 1934, approved June 19, 1934, \$15,470.

Rent of temporary quarters.  
Vol. 48, p. 1043.

Furniture and furnishings for United States courthouse, New York, New York: The Secretary of the Treasury is hereby authorized, out of the lump-sum appropriations available for sites and construction of Federal buildings under the Act of May 25, 1926, as amended, to expend not to exceed \$443,772 to provide the necessary furniture and furnishings for the United States courthouse, New York, New York, authorized by the Act of March 4, 1931 (46 Stat., p. 1598), and the Director of Procurement, Treasury Department, is hereby authorized to make contracts after advertising and competitive bidding, for the purchase of said furniture and furnishings and to make expenditures for services, supplies, material, and equipment, including the reconditioning of old furniture, and necessary travel and subsistence in connection with the purchase and inspection of commodities to be contracted for or purchased, and, when deemed desirable or advantageous by him, the said Director of Procurement is authorized to employ by contract or otherwise, without regard to civil-service laws and regulations, such temporary

New York, N. Y., courthouse.  
Furnishings, etc.  
Vol. 44, p. 630.

Vol. 46, p. 1598.

Contracts.

*Proviso.*  
Cost basis.

outside professional or technical services as he may find necessary in furnishing those portions of the said building requiring special treatment, all within the total amount made available herein: *Provided*, That the cost of furniture and furnishings, except filing equipment in areas devoted exclusively to that purpose, shall be based upon the square-foot area of the rooms to be furnished, and shall not exceed the rates set forth herein, as follows: For District and Appellate court rooms, \$1.75 per square foot; judges' private and outer offices, United States commissioners' court rooms, and the law library, \$1.50 per square foot; for all other space, \$1 per square foot.

War Department.

## WAR DEPARTMENT

Military activities.

### MILITARY ACTIVITIES

Travel, military and civil personnel.  
Vol. 48, p. 617.

Travel, military and civil personnel: For an additional amount for "Travel, military and civil personnel, War Department", including the same objects specified under this head in the War Department Appropriation Act for the fiscal year 1935, \$500,000.

Pay, etc., of the Army.  
Aviation increase.  
Vol. 48, p. 618.

Pay, and so forth, of the Army: The limitation on the amount available for aviation increase of pay to commissioned and warrant officers of the Army, as contained in the War Department Appropriation Act, fiscal year 1935, approved April 26, 1934, is hereby increased by \$150,000.

Subsistence.  
Vol. 48, p. 620.

Subsistence of the Army: For an additional amount for "Subsistence of the Army", including the same objects specified under this head in the War Department Appropriation Act for the fiscal year 1935, \$3,465,000.

Regular supplies of the Army.  
Vol. 48, p. 621.

Regular supplies of the Army: For an additional amount for "Regular supplies of the Army", including the same objects specified under this head in the War Department Appropriation Act for the fiscal year 1935, \$1,551,000.

Army transportation.  
Vol. 48, p. 622.

Army transportation: For an additional amount for "Army transportation", including the same objects specified under this head in the War Department Appropriation Act for the fiscal year 1935, \$877,124.

Fort Kamehameha, Hawaii.  
Land for flying field.  
Vol. 45, p. 750.

Acquisition of land, Fort Kamehameha, Hawaii: For acquisition of land in the vicinity of Fort Kamehameha Reservation, Territory of Hawaii, under condemnation proceedings as authorized by the Act approved May 26, 1928 (45 Stat., 750), fiscal year 1935, \$1,091,238.62, together with such additional sum as may be necessary to pay interest at the rate stipulated and in accordance with the judgments rendered in condemnation to date of payments.

Ordnance Department.  
Colt's Patent Fire Arms Manufacturing Company.

Ordnance Department: For payment of General Accounting Office Settlement Numbered 0301919 dated May 1, 1933, Claim Numbered 027495, in favor of the Colt's Patent Fire Arms Manufacturing Company, as follows: "Manufacture of Arms, 1926 and 1927", \$1,420.59; "Manufacture of Arms, 1928 and 1929", \$903.40; "Replacing Ordnance and Ordnance Stores, 1928 and 1929", \$4,758.55; in all, \$7,082.54.

National Guard.  
Vol. 48, p. 632.

National Guard: For an additional amount for "Arming, equipping, and training the National Guard", for the procurement of forage, bedding, and so forth, for animals used by the National Guard, \$125,000.

Philippine Islands.  
Establishing, etc., office of U. S. High Commissioner to.  
Vol. 48, p. 461.

United States High Commissioner to the Philippine Islands: For the establishment and maintenance of the office of the United States High Commissioner to the Philippine Islands as authorized by subsection 4 of section 7 of the Act approved March 24, 1934 (48 Stat. 456), including salaries and wages; rental, furnishings, equipment,

maintenance, renovation, and repair of office quarters and living quarters for the High Commissioner; supplies and equipment; purchase and exchange of law books and books of reference, periodicals, and newspapers; traveling expenses, including for persons appointed hereunder within the United States and their families, actual expenses of travel and transportation of household effects from their homes in the United States to the Philippine Islands, utilizing Government vessels whenever practicable; purchase, operation, maintenance and repair of motor vehicles, including not to exceed \$4,500 for the purchase of three passenger-carrying automobiles, and all other necessary expenses, fiscal year 1936, \$165,000, to be immediately available; of which amount not exceeding \$10,000 shall be available for expenditure in the discretion of the High Commissioner for maintenance of his household and such other purposes as he may deem proper: *Provided*, That the salary of the legal adviser and the financial expert who may be appointed hereunder shall not exceed the annual rate of \$12,000 and \$10,000 each, respectively: *Provided further*, That section 3709 of the Revised Statutes (U. S. C., title 45, sec. 5), shall not apply to any purchase or service rendered under this appropriation when the aggregate amount involved does not exceed the sum of \$100.

Travel, etc., expenses.

*Provisos.*  
Salary of legal adviser and financial expert.  
Minor purchases.  
R. S., sec. 3709, p. 733; U. S. C., p. 1803.

## 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 establishments 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), as fully set forth in Senate Document Numbered 35 and House Document Numbered 127, Seventy-fourth Congress, as follows:

Settlement of, not in excess of \$1,000.

Vol. 42, p. 1066; U. S. C., p. 1369.

Civil Works Administration, \$4,250;  
Farm Credit Administration, \$50;  
Veterans' Administration, \$81.30;  
Department of Agriculture, \$6,699.30;  
Department of Commerce, \$1,111.35;  
Department of the Interior, \$2,882.66;  
Department of Justice, \$208.11;  
Navy Department, \$846.55;  
Post Office Department (out of postal revenues), \$280.11;  
Treasury Department, \$1,348.98;  
War Department, \$28,053.37;

In all, \$45,811.73: *Provided*, That in House Document Numbered 127, Seventy-fourth Congress, the amount allowed in item 14, page 91, shall read "\$125.20" instead of "\$125" and the amount allowed in item 39, page 89, shall read "\$106.59" instead of "\$106.58".

*Proviso.*  
Eugene Pittaluga.  
Soucie & Lisherness.

### JUDGMENTS, UNITED STATES COURTS

United States courts, judgments.

SEC. 2. (a) For payment of the final judgments and decrees, including costs of suits, which have been 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), certified to the

Payment of judgments; costs of suits.

Vol. 24, p. 505; U. S. C., pp. 1230, 1252, 1308.

Seventy-fourth Congress in House Document Numbered 124 under the following departments and establishments, namely:

Veterans' Administration, \$1,588.51;

Department of Labor, \$1,000;

War Department, \$11,239.78;

Interest.

In all, \$13,828.29, together with such additional sum as may be necessary to pay interest on certain judgments at the rate of 4 per centum from the date thereof until the time this appropriation is made, and to pay interest at the rate of 6 per centum per annum from November 7, 1927, until date of payment, in the cases of certain judgments as set forth in such document.

Payments; suits in admiralty.  
Vol. 43, p. 1112.  
U. S. C., p. 2054.

(b) 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), certified to the Seventy-fourth Congress in Senate Document Numbered 34 and House Document Numbered 124, under the following departments, namely:

Department of Labor, \$2,918.38;

Navy Department, \$79,978.18;

War Department, \$10,251.60;

Interest.

In all, \$93,148.16, together with such additional sum as may be necessary to pay interest, where specified in such judgments, at the rate provided by law.

Judgments under special Acts, etc.  
Vol. 33, p. 422; U. S. C., p. 1399.

(c) For the payment of the judgments, including costs of suits, rendered against the Government by United States District Courts in special cases and under the provisions of certain special Acts and certified to the Seventy-fourth Congress in House Document Numbered 124, under the following departments, namely:

Navy Department.

Navy Department, \$122,990.58; together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

Judgment under Food Conservation Act.  
Vol. 40, p. 276.

(d) For the payment of judgment, including costs of suit, rendered against the Government of the United States by the United States District Court for the District of New Jersey, under the provisions of the Act of August 10, 1917 (40 Stat., 276-279), certified to the Seventy-fourth Congress in House Document Numbered 124, as follows:

War Department, \$1,000.

Time of payment.

(e) 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.

Interest.

(f) 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.

Judgments, Court of Claims.

#### JUDGMENTS, COURT OF CLAIMS

Payment of.

SEC. 3. (a) For payment of the judgments rendered by the Court of Claims and reported to the Seventy-fourth Congress in Senate Document Numbered 36 and House Document Numbered 123, under the following departments and establishments, namely:

Department of Commerce, \$10,360;

Department of the Interior, \$3,259.17;

Navy Department, \$86,814.05;

Post Office Department, \$8,956.91;

Treasury Department, \$6,782.84;

War Department, \$64,911.09;

In all, \$181,084.06, together with such additional sum as may be necessary to pay interest on certain of the judgments as and where specified in such judgments.

(b) 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).

Time of payment.

Vol. 43, p. 939.  
U. S. C., p. 1265.

#### AUDITED CLAIMS

Audited claims.

SEC. 4. (a) 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 1932 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 fully set forth in House Document Numbered 122, Seventy-fourth Congress, there is appropriated as follows:

Payment of.

Vol. 18, p. 110.  
U. S. C., p. 1410.

Vol. 23, p. 254.  
U. S. C., p. 59.

#### LEGISLATIVE ESTABLISHMENT

For public printing and binding, Government Printing Office, \$2.

Government Print-  
ing Office.

#### INDEPENDENT OFFICES

For operations under Mineral Act of October 5, 1918, \$65,078.67.

For administrative expenses, Federal Farm Board, \$4.25.

For enforcement of wireless communication laws, Federal Radio Commission, \$9.

For salaries, General Accounting Office, \$40.14.

For United States Tariff Commission, \$36.46.

For salaries and expenses, United States Shipping Board, \$175.

For general expenses, office of public buildings and public parks of the National Capital, \$7.20.

For loans to farmers in storm and flood-stricken areas, South-eastern States, \$200.

For Army pensions, \$276.60.

For military and naval compensation, Veterans' Bureau, \$90.

For military and naval compensation, Veterans' Administration, \$2.21.

For medical and hospital services, Veterans' Bureau, \$1,006.02.

For salaries and expenses, Veterans' Bureau, \$258.13.

For salaries and expenses, Veterans' Administration, \$862.87.

#### DEPARTMENT OF AGRICULTURE

For salaries and expenses, Weather Bureau, \$14.04.

For salaries and expenses, Bureau of Animal Industry, \$124.43.

For salaries and expenses, Bureau of Plant Industry, \$99.84.

For salaries and expenses, Forest Service, \$709.02.

Department of Agri-  
culture.

Audited claims, continued.

For Upper Mississippi River Wildlife Refuge, \$5.52.  
 For salaries and expenses, Bureau of Chemistry and Soils, \$7.51.  
 For salaries and expenses, Bureau of Agricultural Economics, \$4.  
 For salaries and expenses, Plant Quarantine and Control Administration, \$16.  
 For eradication of scabies in sheep and goats, Indian Service (Interior transfer to Agriculture, Act February 14, 1931), \$9.

Department of Commerce.

DEPARTMENT OF COMMERCE

For contingent expenses, Department of Commerce, \$6.  
 For aircraft in Commerce, \$12.06.  
 For air navigation facilities, \$1,419.95.  
 For transportation of families and effects of officers and employees, Bureau of Foreign and Domestic Commerce, \$83.78.  
 For enforcement of navigation laws, \$7.50.  
 For retired pay, Lighthouse Service, \$311.03.  
 For party expenses, Coast and Geodetic Survey, \$1.34.  
 For pay, and so forth, of officers and men, vessels, Coast Survey, \$147.51.  
 For general expenses, Lighthouse Service, \$308.04.  
 For salaries and expenses, Patent Office, special fund, 32 cents.

Department of the Interior.

DEPARTMENT OF THE INTERIOR

For Saint Elizabeths Hospital, \$85.20.  
 For National Park Service, \$55.46.  
 For conservation of health among Indians, \$906.89.  
 For Indian school support, \$2,444.35.  
 For support and civilization of Indians, \$68.75.  
 For support of Indians and administration of Indian property, 75 cents.  
 For purchase and transportation of Indian supplies, \$14.52.  
 For relieving distress and prevention, and so forth, of diseases among Indians, \$88.  
 For education of natives of Alaska, \$104.35.  
 For administration of Indian forests, \$40.20.

Department of Justice.

DEPARTMENT OF JUSTICE

For detection and prosecution of crimes, \$24.50.  
 For printing and binding, Department of Justice and courts, \$32.35.  
 For salaries and expenses, Bureau of Prohibition, \$272.  
 For salaries, fees, and expenses of marshals, United States courts, \$3,811.66.  
 For salaries and expenses of clerks, United States courts, \$8.92.  
 For fees of commissioners, United States courts, \$30.45.  
 For fees of witnesses United States courts, \$64.  
 For fees of jurors and witnesses, United States courts, \$99.90.  
 For pay of bailiffs, and so forth, United States courts, \$99.76.  
 For supplies for United States courts, \$9.89.  
 For miscellaneous expenses, United States courts, \$499.69.  
 For support of United States prisoners, \$292.37.  
 For salaries and expenses, Bureau of Prisons, \$10.50.  
 For United States penitentiary, Leavenworth, Kansas, \$28.  
 For United States penitentiary, Atlanta, Georgia, \$23.75.

## DEPARTMENT OF LABOR

Audited claims, continued.  
Department of Labor.

For employment service, Department of Labor, \$30.22.  
 For expenses of regulating immigration, \$53.97.  
 For immigration stations, \$598.40.  
 For salaries and expenses, Bureau of Naturalization, \$5.97.  
 For salaries and expenses, Bureau of Labor Statistics, \$7.24.  
 For salaries and expenses, Bureau of Immigration, \$1.99.

## NAVY DEPARTMENT

Navy Department.

For increase of compensation, Naval Establishment, \$403.84.  
 For pay, miscellaneous, \$1.10.  
 For organizing the Naval Reserve, \$24.21.  
 For engineering, Bureau of Engineering, \$1,917.69.  
 For engineering, Bureau of Steam Engineering, \$18.24.  
 For construction and repair, Bureau of Construction and Repair,  
 93 cents.  
 For ordnance and ordnance stores, Bureau of Ordnance, \$133.13.  
 For pay, subsistence, and transportation, Navy, \$23,979.27.  
 For pay of the Navy, \$1,974.66.  
 For transportation, Bureau of Navigation, \$38.81.  
 For gunnery and engineering exercises, Bureau of Navigation, \$10.  
 For instruments and supplies, Bureau of Navigation, \$2,196.  
 For maintenance, Bureau of Supplies and Accounts, \$199.64.  
 For aviation, Navy, \$8,407.06.  
 For pay, Marine Corps, \$42,770.80.  
 For general expenses, Marine Corps, \$148.64.

## DEPARTMENT OF STATE

Department of State.

For allowance for clerks at consulates, \$58.33.  
 For allowance to widows or heirs of Foreign Service officers who  
 die abroad, \$38.19.  
 For contingent expenses, foreign missions, \$1,108.11.  
 For contingent expenses, United States consulates, \$37.26.  
 For office and living quarters, Foreign Service, \$24.93.  
 For representation, allowances to diplomatic missions and con-  
 sulates, \$77.97.  
 For salaries, Foreign Service officers, \$85.42.  
 For transportation of Foreign Service Officers, \$14.10.

## TREASURY DEPARTMENT

Treasury Department.

For collecting the revenue from customs, \$29,604.49.  
 For collecting the internal revenue, \$69.51.  
 For enforcement of the narcotic and national prohibition acts,  
 internal revenue, \$310.82.  
 For salaries and expenses, Bureau of Narcotics, \$4.50.  
 For Coast Guard, \$120.  
 For contingent expenses, Coast Guard, \$18.04.  
 For fuel and water, Coast Guard, \$50.  
 For pay and allowances, Coast Guard, \$5,591.19.  
 For repairs to Coast Guard vessels, \$59.10.  
 For retired pay, former life-saving service, \$1,295.13.  
 For pay of acting assistant surgeons, Public Health Service, \$5.  
 For pay of other employees, Public Health Service, \$29.33.  
 For pay of personnel and maintenance of hospitals, Public Health  
 Service, \$659.61.

Audited claims, continued.

For suppressing "Spanish influenza" and other communicable diseases, \$2,894.

For interstate quarantine service, 55 cents.

For suppressing counterfeiting and other crimes, \$1.99.

For United States penitentiary, Atlanta, Georgia (Justice transfer to Treasury, Public Health Service), 75 cents.

For compensation of employees, Bureau of Engraving and Printing, \$5.60.

For increase of compensation, Treasury Department, \$17.66.

For stationery, Treasury Department, \$27.83.

For general expenses of public buildings, \$3.50.

For operating supplies for public buildings, \$33.

For remodeling and enlarging public buildings, \$5,075.54.

War Department.

WAR DEPARTMENT

R. S., Sec. 4818, p. 935.  
U. S. C., p. 980.

For pay, and so forth, of the Army (estates of deceased soldiers, 4818 Revised Statutes), \$18,556.64.

For pay, and so forth, of the Army, \$35,153.19.

For pay of the Army, \$9,494.45.

For pay, and so forth, of the Army, War with Spain, \$1,314.45.

For mileage to officers and contract surgeons, \$28.56.

For mileage of the Army, \$34.69.

For increase of compensation, Military Establishment, \$3,046.74.

For Army transportation, \$1,959.88.

For barracks and quarters, \$833.77.

For clothing and equipage, \$95.55.

For general appropriations, Quartermaster Corps, \$3,864.85.

For horses, draft and pack animals, \$32.69.

For regular supplies of the Army, \$110.40.

For subsistence of the Army, \$70.46.

For supplies, services, and transportation, Quartermaster Corps, \$13,437.61.

For sites for military purposes, \$15.50.

For power plant, Fort Mills, Corregidor, Philippine Islands, \$20,684.40.

For ordnance service and supplies, Army, \$193.39.

For manufacture of arms, \$23.60.

For ammunition storage facilities, Army, \$126.85.

For replacing ordnance and ordnance stores, \$28.45.

For signal service of the Army, \$135.82.

For Air Corps, Army, \$3,680.22.

For armament of fortifications, \$2,812.94.

For tanks, \$15.61.

For engineer operations in the field, \$200.45.

For fortifications in insular possessions, \$10.73.

For seacoast defenses, insular possessions, ordnance, \$19.59.

For arming, equipping, and training the National Guard, \$584.39.

For seacoast defenses, \$1.33.

For pay of National Guard for armory drills, \$206.38.

For arms, uniforms, equipment, and so forth, for field service, National Guard, \$42.07.

Civilian military training camps, \$35.97.

For organized reserves, \$77.01.

For reserve officers' training corps, \$768.55.

For disposition of remains of officers, soldiers, and civil employees, \$15.

For headstones for graves of soldiers, \$1.17.

For cemeterial expenses, War Department, \$68.98.



## POST OFFICE DEPARTMENT—POSTAL SERVICE

## (Out of the postal revenues)

Audited claims, continued.  
Post Office Department.

Postal service.

For balances due foreign countries, \$28,560.50.  
 For car fare and bicycle allowance, 35 cents.  
 For clerks, contract stations, \$9.77.  
 For clerks, first- and second-class post offices, \$882.52.  
 For clerks, third-class post offices, \$131.09.  
 For city-delivery carriers, \$161.60.  
 For compensation to postmasters, \$4,018.21.  
 For freight, express, or motor transportation of equipment, and so forth, \$65.81.  
 For indemnities, domestic mail, \$963.20.  
 For indemnities, international mail, \$421.91.  
 For labor-saving devices, \$4.  
 For miscellaneous items, first- and second-class post offices, \$489.50.  
 For railroad transportation and Mail Messenger Service, \$716.69.  
 For Railway Mail Service, traveling expenses, \$39.05.  
 For rent, light, and fuel, \$3,653.08.  
 For Rural Delivery Service, \$278.36.  
 For unusual conditions at post offices, \$210.  
 For vehicle service, \$12,812.75.  
 For Village Delivery Service, \$50.

Total, audited claims, section 4 (a), \$381,945.63, 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.

Total; additional sum, increases in rate of exchange.

(b) 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 1932 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 fully set forth in Senate Document Numbered 37, Seventy-fourth Congress, there is appropriated as follows:

Additional claims, certified by General Accounting Office.  
Vol. 13, p. 110; Vol. 23, p. 254.  
U. S. C., pp. 1410, 59.

## INDEPENDENT OFFICES

Independent Offices.

For Army pensions, \$31.32.  
 For medical and hospital services, Veterans' Bureau, \$4.50.  
 For salaries and expenses, Veterans' Bureau, \$1.25.  
 For salaries and expenses, Veterans' Administration, \$7.

## DEPARTMENT OF COMMERCE

Department of Commerce.

For air navigation facilities, \$638.40.

## DEPARTMENT OF THE INTERIOR

Department of the Interior.

For education, Sioux Nation, \$251.30.  
 For fulfilling treaties with Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota, \$127.37.  
 For conservation of health among Indians, \$85.68.

## DEPARTMENT OF JUSTICE

Department of Justice.

For salaries and expenses, Bureau of Prohibition, \$28.08.  
 For detection and prosecution of crimes, \$3.  
 For pay of bailiffs, and so forth, United States courts, \$10.  
 For miscellaneous expenses, United States courts, \$300.  
 For fees of jurors and witnesses, United States courts, \$3.

Audited claims, continued.  
Navy Department.

## NAVY DEPARTMENT

For pay of the Navy, \$28.

Treasury Department.

## TREASURY DEPARTMENT

For salaries and expenses, Bureau of Narcotics, \$1.  
For pay and allowances, Coast Guard, \$1,182.86.  
For freight, transportation, and so forth, Public Health Service, \$47.80.

War Department.

## WAR DEPARTMENT

For pay, and so forth, of the Army, \$1,105.80.  
For pay of the Army, \$701.58.  
For mileage of the Army, \$18.50.  
For increase of compensation, Military Establishment, \$21.90.  
For general appropriations, Quartermaster Corps, \$297.13.  
For supplies, services, and transportation, Quartermaster Corps, \$71.40.  
For arming, equipping, and training the National Guard, \$5.  
For Reserve Officers' Training Corps, \$3.60.

Post Office Department.

## POST OFFICE DEPARTMENT—POSTAL SERVICE

Postal service.

(Out of the postal revenues)

Railroad transportation and messenger service.  
Total; additional sum, increases in rate of exchange.

For railroad transportation and mail messenger service, \$45.  
Total, audited claims, section 4 (b), \$5,020.47, 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.

Payment of withheld interest.  
Vol. 13, p. 481; Vol. 47, p. 1516; U. S. C., p. 1370.

SEC. 5. Interest withheld from claimants: For payment of interest on amounts withheld from claimants by the Comptroller General of the United States, Act March 3, 1875, as amended by section 13 of the Act of March 3, 1933 (47 Stat. 1516), as allowed by the General Accounting Office, and certified to the Seventy-fourth Congress in House Document Numbered 126, under the Treasury Department, \$4,015.62.

Judgments against collectors of customs.

R. S., sec. 989, p. 185.  
U. S. C., p. 1314.

SEC. 6. Judgments against collectors of customs: For the payment of claims allowed by the General Accounting Office covering judgments rendered by United States District Courts against collectors of customs, where certificates of probable cause have been issued as provided for under section 989, Revised Statutes (U. S. C., title 28, sec. 842), and certified to the Seventy-fourth Congress in House Document Numbered 128, under the Department of Labor, \$29,601.23.

Payments, under certain private Acts.  
Harden F. Taylor.  
Vol. 48, p. 1345.

SEC. 7. Claims under certain private Acts: To pay a claim allowed by the Comptroller General of the United States under the provisions of Private Act Numbered 121, Seventy-third Congress, approved May 7, 1934 (48 Stat. 1343), and certified to the Seventy-fourth Congress in House Document Numbered 125, under the Department of Commerce, \$500.

Alleghany Forging Company.  
Vol. 48, p. 1304.

For the payment of a claim allowed by the General Accounting Office under the provisions of Private Act Numbered 20, Seventy-third Congress, approved February 26, 1934 (48 Stat. 1304), and certified to the Seventy-fourth Congress in House Document Numbered 125, under the War Department, \$174.92.

Anna H. Jones.  
Vol. 48, p. 1368.

For the payment of a claim allowed by the General Accounting Office under the provisions of Private Act Numbered 185, Seventy-third Congress, approved June 5, 1934 (48 Stat. 1368), and certified to the Seventy-fourth Congress in House Document Numbered 125, under the Navy Department, \$1,110.

SEC. 8. Settlement of damage claims arising from construction of Petrolia-Fort Worth gas-pipe line: For the settlement of damage claims arising from the construction of the Petrolia-Fort Worth gas-pipe line, as authorized by the Act approved April 18, 1934 (48 Stat. 1323), \$7,356.75.

Petrolia-Fort Worth, Tex., gas-pipe line.  
Vol. 48, p. 1323.

SEC. 9. This Act may be cited as the "First Deficiency Appropriation Act, fiscal year 1935."

Short title.

Approved, March 21, 1935.

[CHAPTER 37.]

JOINT RESOLUTION

To continue the commission for determining the boundary line between the District of Columbia and the State of Virginia for not to exceed nine additional months, and to authorize not to exceed \$10,000 additional funds for its expenses.

March 21, 1935.  
[H. J. Res. 134.]  
[Pub. Res., No. 9.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commission to determine the boundary line between the District of Columbia and the State of Virginia created under the Act entitled "An Act to provide for the appointment of a commission to establish the boundary line between the District of Columbia and the Commonwealth of Virginia", approved March 21, 1934 (48 Stat. 453), as constituted on the date of enactment of this resolution, shall continue to function under such Act until the completion of its report, but not after December 1, 1935.

District of Columbia-Virginia Boundary Commission.  
Functions, etc., continued.  
Vol. 48, p. 453.

Time limitation.

SEC. 2. For the purpose of carrying out the provisions of such Act and the payment of salaries and compensation under such Act, the sum of \$10,000 is hereby authorized to be appropriated in addition to any sums authorized prior to the date of enactment of this resolution.

Appropriation authorized.  
*Ante*, pp. 23, 50.

Approved, March 21, 1935.

[CHAPTER 39.]

AN ACT

Making appropriations for the Departments of State and Justice and for the Judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1936, and for other purposes.

March 22, 1935.  
[H. R. 5255.]  
[Public, No. 22.]

*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 Departments of State and Justice and for the Judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1936, namely:

Appropriations for Departments of State and Justice, the Judiciary, and Departments of Commerce and Labor, fiscal year 1936.

TITLE I—DEPARTMENT OF STATE

Department of State.

OFFICE OF THE SECRETARY OF STATE

Salaries: For Secretary of State; Under Secretary of State, \$10,000; and other personal services in the District of Columbia, including temporary employees, and not to exceed \$6,500 for employees engaged on piecework at rates to be fixed by the Secretary of State; \$1,813,000, of which amount, not to exceed \$108,640, may be expended by the Secretary of State without regard to civil service laws and regulations or the Classification Act of 1923, as amended: *Provided*, That 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

Secretary, Under Secretary, and office personnel.  
*Post*, p. 1123.  
Temporary and piecework employees.

Expenditure without regard to civil service and Classification Acts.

*Provisos.*  
Salaries limited to average rates under Classification Act.

Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.  
U. S. C., p. 85.  
Exceptions.

If only one position in grade.

Advances in unusually meritorious cases.

Restriction not applicable to clerical-mechanical services.

No reduction in fixed salaries.  
Vol. 42, p. 1490;  
U. S. C., p. 86.

Higher salary rates permitted.

No reduction, if only one position in grade.

Act of 1923, as amended, with the exception of the four Assistant Secretaries of State and the legal adviser of the Department of State, the Assistant to the Attorney General, the Assistant Solicitor General, and six Assistant Attorneys General, the Assistant Secretaries of Commerce, the Assistant Secretary and the Second Assistant Secretary of Labor, 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, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, 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, or (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 a different bureau, office, or other appropriation unit, or (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.

#### CONTINGENT EXPENSES, DEPARTMENT OF STATE

Contingent expenses.  
*Post*, p. 1630.

Books, periodicals.

Motor vehicles; purchase, repair.

Refund of passport fees erroneously charged.  
Vol. 41, p. 750; Vol. 44, p. 887.  
U. S. C., p. 960.

For contingent and miscellaneous expenses, including stationery, furniture, fixtures; typewriters, adding machines, and other labor-saving devices, including their exchange, not exceeding \$6,000; repairs and materials for repairs; purchase and exchange of books, maps, and periodicals, domestic and foreign, and when authorized by the Secretary of State for dues for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members, not exceeding \$8,000; newspapers not exceeding \$1,500; not to exceed \$2,500 for the purchase, including exchange, of a motor-propelled passenger-carrying vehicle for the official use of the Secretary of State; maintenance, repair, and storage of motor-propelled vehicles, to be used only for official purposes (one for the Secretary of State and two for dispatching mail, and one motorcycle for the general use of the department); automobile mail wagons, including storage, repair, and exchange of same; street-car fare not exceeding \$100; traveling expenses; refund of fees erroneously charged and paid for the issue of passports to persons who are exempted from the payment of such fee by section 1 of the Act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, approved June 4, 1920 (U. S. C., Supp. VII, title 22, sec. 214a); the examination of estimates of appropriations in the field; and other miscellaneous items not included in the foregoing, \$73,000.

#### PRINTING AND BINDING

Printing and binding.  
*Post*, p. 1631.

For all printing and binding in the Department of State, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, \$121,000.

## PASSPORT AGENCIES

For salaries and expenses of maintenance, and traveling expenses not to exceed \$500, for not to exceed five passport agencies, \$54,000, of which \$1,500 shall be immediately available.

Passport agencies.

## COLLECTING AND EDITING OFFICIAL PAPERS OF TERRITORIES OF THE UNITED STATES

Official Papers of Territories.

For the expenses of collecting, editing, copying, and arranging for publication the official papers of the Territories of the United States, including personal services in the District of Columbia and elsewhere, printing and binding, and contingent and traveling expenses, as provided by the Act approved February 28, 1929 (U. S. C., Supp. VII, title 5, secs. 168-169), \$23,030: *Provided*, That the total number of copies of any volume to be printed and bound under this or any other appropriation for printing and binding of these papers shall not exceed one thousand two hundred and twenty-seven, which shall be distributed as provided in section 3 of such Act, except that each Senator shall receive not to exceed three copies and each Representative not to exceed one.

Collecting, etc., for publication.

Printing and binding.  
Vol. 45, p. 1412;  
U. S. C., p. 52.  
*Provido*.  
Edition; distribution.

## PROMOTION OF FOREIGN TRADE

Promotion of foreign trade.

For the purpose of carrying into effect the provisions of section 4 of the Act entitled "An Act to amend the Tariff Act of 1930", approved June 12, 1934 (48 Stat. 945), including personal services without regard to civil service laws and regulations or the Classification Act of 1923, as amended, stenographic reporting services, by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), contingent expenses, printing and binding, traveling expenses, and such other expenses as the President may deem necessary, \$40,000, together with not to exceed \$35,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1935.

Expenses, negotiating agreements.  
Vol. 48, p. 945.Personal services.  
U. S. C., pp. 81, 85.

U. S. C., p. 1803.

Sum reappropriated.  
Vol. 48, p. 1038.  
*Post*, p. 1311.

## FOREIGN INTERCOURSE

Foreign intercourse.

## AMBASSADORS AND MINISTERS

Ambassadors Extraordinary and Plenipotentiary to Argentina, Brazil, Chile, Cuba, France, Germany, Great Britain, Italy, Japan, Mexico, Peru, Poland, Spain, Turkey, and Union of Soviet Socialist Republics, at \$17,500 each;

Salaries.  
Ambassadors.

Ambassador Extraordinary and Plenipotentiary to Belgium and Envoy Extraordinary and Minister Plenipotentiary to Luxemburg, \$17,500;

Envoys Extraordinary and Ministers Plenipotentiary to China and the Netherlands, at \$12,000 each;

Ministers.  
China and Netherlands.*Post*, p. 590.  
Other countries.

Envoys Extraordinary and Ministers Plenipotentiary to Albania, Austria, Bolivia, Bulgaria, Czechoslovakia, Colombia, Costa Rica, Denmark, Dominican Republic, Dominion of Canada, Ecuador, Egypt, Finland, Greece, Guatemala, Haiti, Honduras, Hungary, Irish Free State, Liberia, Nicaragua, Norway, Panama, Paraguay, Persia, Portugal, Rumania, Salvador, Siam, Union of South Africa, Sweden, Switzerland, Uruguay, Venezuela, and Yugoslavia, at \$10,000 each; and to Estonia, Latvia, and Lithuania, \$10,000;

In all, not to exceed \$642,500;

*Provided*, That no salary herein appropriated shall be paid to any official receiving any other salary from the United States Government.

*Provido*.  
Salary restriction.

## Foreign service officers.

## SALARIES OF FOREIGN SERVICE OFFICERS

Salaries:  
Vol. 46, p. 1207.  
U. S. C., p. 942.

Instruction and transit pay.

R. S., sec. 1740, p. 309.  
U. S. C., p. 952.

Chargés d'Affaires ad interim.

For salaries of Foreign Service officers as provided in the Act approved February 23, 1931 (U. S. C., Supp. VII, title 22, secs. 3, 3a); salaries of Ambassadors, Ministers, consuls, vice consuls, and other officers of the United States for the period actually and necessarily occupied in receiving instructions and in making transits to and from their posts, and while awaiting recognition and authority to act in pursuance with the provisions of section 1740 of the Revised Statutes (U. S. C., title 22, sec. 121); and salaries of Foreign Service officers or vice consuls while acting as Chargés d'Affaires ad interim or while in charge of a consulate general or consulate during the absence of the principal officer; \$3,293,395.

## TRANSPORTATION OF FOREIGN SERVICE OFFICERS

Traveling expenses.  
Post, p. 1631.

Leaves of absence.  
Bringing home remains of officers, etc., dying abroad.

Allowances to widows, etc.  
R. S., sec. 1749, p. 311.  
U. S. C., p. 953.

Provisos.  
Subsistence expenses, temporary details.

Assignment of Army and Navy officers for courier service.

To pay the traveling expenses of Diplomatic, Consular, and Foreign Service officers, and other employees of the Foreign Service, including Foreign Service inspectors and under such regulations as the Secretary of State may prescribe, of their families and expenses of transportation of effects, in going to and returning from their posts, including not to exceed \$35,000 for expenses incurred in connection with leaves of absence, and of the preparation and transportation of the remains of those officers and said employees of the Foreign Service, who have died or may die abroad or in transit while in the discharge of their official duties, to their former homes in this country or to a place not more distant for interment and for the ordinary expenses of such interment, and also for payment under the provisions of section 1749 of the Revised Statutes (U. S. C., title 22, sec. 130) of allowances to the widows or heirs at law of Diplomatic, Consular, and Foreign Service officers of the United States dying in foreign countries in the discharge of their duties, \$427,000: *Provided*, That this appropriation shall be available also for the authorized subsistence expenses of Consular and Foreign Service officers while on temporary detail under commission: *Provided further*, That the President, in his discretion, may assign officers of the Army and the Navy for duty in the courier service of the Department of State and for the inspection of buildings owned or occupied by the United States in foreign countries under the jurisdiction of that Department, and when so assigned they may receive the same traveling expenses as are authorized for officers of the Foreign Service, payable from the applicable appropriations of the Department of State.

Rent, heat, fuel, and light allowances.

For offices and grounds.  
Vol. 46, p. 818;  
U. S. C., p. 45.  
Living quarters.

Provisos.  
Rent payment in advance.  
Leases.

Allowances for quarters limited.

Custodial, etc., services, restriction.  
Post, p. 72.

## ALLOWANCES FOR RENT, HEAT, FUEL, AND LIGHT, FOREIGN SERVICE

For rent, heat, fuel, and light for the Foreign Service for offices and grounds, and, as authorized by the Act approved June 26, 1930 (U. S. C., Supp. VII, title 5, sec. 118a), for living quarters and not to exceed \$1,140,000 for allowances for living quarters, including heat, fuel, and light, \$2,025,000: *Provided*, That payment for rent may be made in advance: *Provided further*, That the Secretary of State may enter into leases for such offices, grounds, and living quarters for periods not exceeding ten years: *Provided further*, That no part of this appropriation shall be used for allowances for living quarters, including heat, fuel, and light in an amount exceeding \$3,000 for an ambassador or a minister, and not exceeding \$1,700 for any other Foreign Service officer: *Provided further*, That under this appropriation and the appropriations herein for "Contingent expenses, Foreign Service" and "Miscellaneous<sup>1</sup> salaries and allow-

<sup>1</sup> So in original.

ances, Foreign Service", not more than \$3,000 shall be expended for custodial service, heat, fuel, and light in any Government-owned building used for residence or residence and office purposes for an ambassador or minister, and not more than \$1,700 for such purposes in the case of any other Foreign Service officer, except that at any post at which the expenditures for such purposes for the fiscal year 1933 were in excess of the limitation of \$3,000 in this last proviso in the case of an ambassador or minister there may be expended during the fiscal year 1936 an amount equal to the sum so authorized to be expended during the fiscal year 1933, but in no event to exceed \$5,000; and during the incumbency of a chargé d'affaires the limitation on such expenditures shall be the same as for the occupancy of the principal officer.

Exception.

#### COST OF LIVING ALLOWANCE, FOREIGN SERVICE OFFICERS

To carry out the provisions of the Act approved February 23, 1931 (U. S. C., Supp. VII, title 22, secs. 12, 23c), relating to allowances and additional compensation to diplomatic, consular, and Foreign Service officers and clerks when such allowances and additional compensation are necessary to enable such officers and clerks to carry on their work efficiently: *Provided*, That such allowances and additional compensation shall be granted only in the discretion of the President, and under such regulations as he may prescribe, \$200,000.

Cost of living allowance.  
Vol. 46, p. 1207.  
U. S. C., pp. 943, 945.

Additional compensation.

*Proviso.*  
Regulation of expenditure.

#### FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For financing the liability of the United States, created by the Act approved February 23, 1931 (U. S. C., Supp. VII, title 22, sec. 21), \$162,400, which amount shall be placed to the credit of the "Foreign Service retirement and disability fund."

Foreign Service retirement, etc., fund.

Federal contribution.  
Vol. 46, p. 1211.  
U. S. C., p. 944.

#### SALARIES OF CLERKS IN THE FOREIGN SERVICE

For salaries of clerks in the Foreign Service, as provided in the Act approved February 23, 1931 (U. S. C., Supp. VII, title 22, sec. 23a), including salaries during transit to and from homes in the United States upon the beginning and after termination of service, \$2,216,000.

Clerks in Foreign Service.

Salaries.  
Vol. 46, p. 1207.  
U. S. C., p. 945.

#### MISCELLANEOUS SALARIES AND ALLOWANCES, FOREIGN SERVICE

For salaries or compensation of kavasses, guards, dragomans, porters, interpreters, prison keepers, translators, archive collators, Chinese writers, messengers, couriers, telephone operators, supervisors of construction, and custodial and operating force for maintenance and operation of Government-owned and leased diplomatic and consular properties in foreign countries; compensation of agents and employees of dispatch agencies at London, New York, San Francisco, Seattle, and New Orleans, including salaries during transit to and from their homes in the United States upon the beginning and after termination of service in foreign countries; operation of motor-propelled and other passenger and non-passenger-carrying vehicles; for allowances to consular officers, who are paid in whole or in part by fees, for services necessarily rendered to American vessels and seamen, as provided in the Act of June 26, 1884 (U. S. C., title 22, sec. 89; title 46, sec. 101); and such other miscellaneous personal services as the President may deem necessary; \$580,000: *Provided*, That no part of this appropriation shall be expended for salaries or wages of persons not American

Miscellaneous salaries and allowances.  
*Post*, p. 590.

Dispatch agencies.  
Salaries during transit.

Vehicle maintenance.

Services to American seamen, etc.  
Vol. 23, p. 56.  
U. S. C., pp. 950, 1990.

*Provisos.*  
Citizenship requirements.

citizens performing clerical services (except interpreters, translators, and messengers), whether officially designated as clerks or not, in any foreign mission: *Provided further*, That the Secretary of the Navy is authorized, upon request by the Secretary of State, to assign enlisted men of the Navy and Marine Corps to serve as custodians, under the immediate supervision of the Secretary of State or the chief of mission, whichever the Secretary of State shall direct, at embassies, legations, or consulates of the United States located in foreign countries.

Naval assignments as custodians.

Contingent expenses, Foreign Service.

CONTINGENT EXPENSES, FOREIGN SERVICE

Government - owned property.

*Post*, pp. 590, 1631.

For stationery; blanks; record and other books; seals; presses; flags; signs; repairs, including minor alterations; repairs, preservation, and maintenance of Government-owned diplomatic and consular properties in foreign countries, including water, materials, supplies, tools, seeds, plants, shrubs, and similar objects; newspapers (foreign and domestic); freight; postage; telegrams; advertising; ice and drinking water for office purposes; purchase (at not to exceed \$750 for any one automobile), maintenance, and hire of motor-propelled or horse-drawn passenger-carrying vehicles, and purchase, maintenance, and hire of other passenger-carrying vehicles; funds for establishment and maintenance of commissary service; uniforms; furniture, household furniture and furnishings, except as provided by the Act of May 7, 1926, as amended, for Government-owned or rented buildings, when, in the judgment of the Secretary of State, it would be in the public interest to do so, not to exceed \$65,000; typewriters and exchange of same; maintenance and rental of launch for embassy in Turkey, not exceeding \$3,500, including personnel for operation; rent and other expenses for dispatch agencies at London, New York, San Francisco, Seattle, and New Orleans; traveling expenses, including attendance at trade and other conferences or congresses under orders of the Secretary of State as authorized by the Act approved February 23, 1931 (U. S. C., Supp. VII, title 22, sec. 16); loss by exchange; payment in advance for telephone and other similar services, expenses of vice consulates and consular agencies for any of the foregoing objects; cost, not exceeding \$350 per annum each, of the tuition of Foreign Service officers assigned for the study of the languages of Asia and eastern Europe; for relief, protection, and burial of American seamen in foreign countries, in the Panama Canal Zone, and in the Philippine Islands, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, in Puerto Rico, and in the Virgin Islands, and for expenses which may be incurred in the acknowledgement of the services of masters and crews of foreign vessels in rescuing American seamen or citizens from shipwreck or other catastrophe at sea; for expenses of maintaining in China, the former Ottoman Empire, Egypt, Ethiopia, Morocco, and Muscat institutions for incarcerating American convicts and persons declared insane by any consular court, rent of quarters for prisons, ice and drinking water for prison purposes, and for the expenses of keeping, feeding, and transportation of prisoners and persons declared insane by any consular court in China, the former Ottoman Empire, Egypt, Ethiopia, Morocco, and Muscat; for every expenditure requisite for or incident to the bringing home from foreign countries of persons charged with crime as authorized by section 5275 of the Revised Statutes (U. S. C., title 18, sec. 659); and such other miscellaneous expenses as the President may deem necessary; \$853,500.

Vehicles.

Government buildings abroad.

Vol. 44, p. 403; Vol. 45, p. 971.  
U. S. C., p. 967.

Dispatch agencies.

Attendance at trade conferences, etc.

Vol. 46, p. 1209.  
U. S. C., p. 943.

Loss by exchange.

Language study.

Relief, etc., American seamen.

Consular prisons.

Care of insane.

Bringing home persons charged with crime.

R. S., sec. 5275, p. 1022.  
U. S. C., p. 774.



## EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the Neutrality Act, to be expended pursuant to the requirement of section 291 of the Revised Statutes (U. S. C., title 31, sec. 107), \$175,000.

Emergencies; diplomatic and consular service.  
*Post*, p. 590.  
 Neutrality Act, expenses.  
 R. S., sec. 291, p. 49.  
 U. S. C., p. 1362.

## CONTRIBUTIONS, QUOTAS, AND SO FORTH

For payment of the annual contributions, quotas and expenses, including loss by exchange, in discharge of the obligations of the United States in connection with international commissions, congresses, bureaus, and other objects, in not to exceed the respective amounts, as follows: Cape Spartel and Tangier Light, Coast of Morocco, \$784; International Bureau of Weights and Measures, \$4,342.50; International Bureau for Publication of Customs Tariffs, \$1,318.77; Pan American Union, \$189,888.58, including not to exceed \$20,000 for printing and binding; International Bureau of Permanent Court of Arbitration, \$1,658.25; Bureau of Interparliamentary Union for Promotion of International Arbitration, \$7,500; International Institute of Agriculture at Rome, Italy, \$49,911, including not to exceed \$12,855 for the salary of the American member of the permanent committee (at not more than \$7,500 per annum), compensation of subordinate employees without regard to the Classification Act of 1923, as amended, expenses for the maintenance of the office at Rome, including purchase of necessary books, maps, documents, and newspapers and periodicals (foreign and domestic), printing and binding, allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U. S. C., Supp. VII, title 5, sec. 118a), for the use of the American member of the permanent committee, and traveling expenses to be expended under the direction of the Secretary of State; Pan American Sanitary Bureau, \$30,438.41; International Office of Public Health, \$3,015.62; Bureau of International Telecommunication Union, Radio Section, \$5,790; Government of Panama, \$250,000; International Hydrographic Bureau, \$4,323.20; Inter-American Trade-Mark Bureau, \$14,330.20; International Bureau for Protection of Industrial Property, \$1,277.47; Gorgas Memorial Laboratory, \$50,000; American International Institute for the Protection of Childhood, \$2,000; International Statistical Bureau at The Hague, \$2,000; International Map of the World on the Millionth Scale, \$50; International Technical Committee of Aerial Legal Experts, \$250; Convention Relating to Liquor Traffic in Africa, \$55; International Penal and Penitentiary Commission, \$4,282, including not to exceed \$750 for the necessary expenses of the commissioner to represent the United States on the commission at its annual meetings, personal services without regard to the Classification Act of 1923, as amended, traveling expenses, and such other expenses as the Secretary of State may deem necessary; Permanent Association of International Road Congresses, \$588; International Labor Organization, \$174,630; and Implementing the Narcotics Convention of 1931, \$8,037; in all \$806,470, together with such additional sums, due to increases in rates of exchange as may be necessary to pay in foreign currencies the quotas and contributions required by the several treaties, conventions, or laws establishing the amount of the obligation.

Contributions, quotas, etc.

*Post*, p. 591.  
 International Institute of Agriculture.

Printing and binding.  
 Allowances.

Vol. 46, p. 818.  
 U. S. C., p. 45.

International Penal and Penitentiary Commission.

## INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND MEXICO

International Boundary Commission, United States and Mexico.

Vol. 24, p. 1011; Vol. 26, p. 1512; Vol. 34, p. 2953.

Vol. 44, p. 1403; Vol. 46, p. 1162; Vol. 47, p. 480.

## Printing and binding.

R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.

American section, expenses.

*Anti.*, p. 24.  
*Post.*, p. 1463.

For expenses of meeting the obligations of the United States under the treaties of 1884, 1889, 1905, 1906, and 1933 between the United States and Mexico, and of compliance with public resolutions approved March 3, 1927, and February 14, 1931, and the Act making appropriations for the Department of State for the fiscal year 1933, including operation of gaging stations where necessary and their equipment; personal services and rent in the District of Columbia and elsewhere; fees for professional services at rates and in amounts to be determined by the Secretary of State; travel expenses, including transportation of effects; printing and binding; subscriptions to foreign and domestic newspapers and periodicals; purchase, exchange, maintenance, repair, and operation of motor-propelled, passenger- and freight-carrying vehicles; purchase of rubber boots and waders for official use of employees; purchase of ice; drilling and testing of dam sites, by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); equipment and such other miscellaneous expenses as the Secretary of State may deem proper, \$119,000.

For an additional amount for the International Boundary Commission, United States and Mexico, for the purposes provided in Public Resolution Numbered 4 entitled "Joint resolution to provide for defraying the expenses of the American section, International Boundary Commission, United States and Mexico", approved February 13, 1935, to be immediately available, \$60,000.

International Boundary Commission, United States and Canada.

Obligations under treaty with Great Britain.

Vol. 44, p. 2102.

Boundary lines, United States and Canada and Alaska.

## INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA AND ALASKA AND CANADA

To enable the President to perform the obligations of the United States under the treaty between the United States and Great Britain in respect of Canada, signed February 24, 1925; for salaries and expenses, including the salary of the commissioner and salaries of the necessary engineers, clerks, and other employees for duty at the seat of government and in the field; cost of office equipment and supplies; necessary traveling expenses; commutation of subsistence to employees while on field duty, not to exceed \$4 per day each, but not to exceed \$1.75 per day each when a member of a field party and subsisting in camp; for payment for timber necessarily cut in keeping the boundary line clear, not to exceed \$500; and for all other necessary and reasonable expenses incurred by the United States in maintaining an effective demarcation of the international boundary line between the United States and Canada and Alaska and Canada under the terms of the treaty aforesaid, including the completion of such remaining work as may be required under the award of the Alaskan Boundary Tribunal and existing treaties between the United States and Great Britain, to be disbursed under the direction of the Secretary of State, \$43,000.

International Joint Commission, United States and Great Britain.

Salaries, expenses, etc.

## WATERWAYS TREATY, UNITED STATES AND GREAT BRITAIN: INTERNATIONAL JOINT COMMISSION, UNITED STATES AND GREAT BRITAIN

For salaries and expenses, including salaries of commissioners and salaries of clerks and other employees appointed by the commissioners on the part of the United States, with the approval solely of the Secretary of State; for necessary traveling expenses, and for expenses incident to holding hearings and conferences at such places in Canada and the United States as shall be determined by the Commission or by the American commissioners to be necessary, including

traveling expense and compensation of necessary witnesses, making necessary transcript of testimony and proceedings; for cost of law books, books of reference and periodicals, office equipment and supplies; and for one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and for other purposes, signed January 11, 1909; \$30,600, to be disbursed under the direction of the Secretary of State: *Provided*, That the salaries of the American Commissioners shall not exceed \$5,000 each per annum: *Provided further*, That traveling expenses of the commissioners, secretary, and necessary employees shall be allowed in accordance with the provisions of the Subsistence Expense Act of 1926, as amended (U. S. C., title 5, ch. 16).

For an additional amount for necessary special or technical investigations in connection with matters which fall within the scope of the jurisdiction of the International Joint Commission, including personal services in the District of Columbia or elsewhere, traveling expenses, procurement of technical and scientific equipment, and the purchase, exchange, hire, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles, \$67,000, to be disbursed under the direction of the Secretary of State, who is authorized to transfer to any department or independent establishment of the Government, with the consent of the head thereof, any part of this amount for direct expenditure by such department or establishment for the purposes of this appropriation.

Vol. 36, p. 2448.

*Provisos.*  
Salary restriction.

Traveling expenses.  
Vol. 44, p. 688.  
U. S. C., p. 103.

Special or technical investigations.

Personal services.

#### GENERAL AND SPECIAL CLAIMS CONVENTION, UNITED STATES AND MEXICO

For the expenses of settlement and adjustment of claims of the citizens of each country against the other under a convention concluded September 8, 1923, as extended, and of citizens of the United States against Mexico under a convention concluded September 10, 1923, as extended, and the protocol and convention signed April 24, 1934, between the United States and Mexico, including the expenses which, under the terms of the above agreements, are chargeable in part to the United States, the expenses of an agency of the United States to perform all necessary services in connection with the preparation of American claims and the defense of the United States in cases presented by Mexico, and of a general claims commissioner to act as a joint appraiser in appraising the claims, and for the expenses of the joint committee in determining the proper classification of claims which have heretofore been filed as both general and special claims, as provided by the agreements of April 24, 1934, including salaries of an agent and necessary counsel and other assistants and employees and rent in the District of Columbia and elsewhere, law books and books of reference, printing and binding, contingent expenses, contract stenographic reporting services, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), the employment of special counsel, translators, and other technical experts, by contract, without regard to the provisions of any statute relative to employment, traveling expenses, the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, and such other expenses in the United States and elsewhere as the President may deem proper, \$164,000, together with the unexpected <sup>1</sup> balance of the appropriation made available for this purpose for the fiscal year 1935: *Provided*, That the salary of the American commissioners of

Mexican general and special claims convention.  
Vol. 43, pp. 1722, 1730; Vol. 43, p. 1844.  
*Post*, p. 590.

Preparation of claims and defenses.

Salaries.

Printing and binding.  
U. S. C., p. 1803.

*Provisos.*  
Commissioner's salaries.

<sup>1</sup> So in original.

Deductions. general and special claims shall not exceed \$10,000 per annum each: *Provided further*, That from any sums received from the Mexican Government in settlement of a general claim of an American citizen against it, there shall be deducted and deposited in the Treasury of the United States as miscellaneous receipts, 5 per centum thereof in reimbursement of the Government of the United States of expenses incurred by it in respect of such claim.

International Fisheries Commission.

#### INTERNATIONAL FISHERIES COMMISSION

Share of expenses.  
*Post*, p. 1321.

Vol. 47, p. 1872.

*Proviso*.  
Attendance at meetings.

For the share of the United States of the expenses of the International Fisheries Commission, under the convention between the United States and Great Britain, concluded May 9, 1930, including salaries of two members and other employees of the Commission, traveling expenses, charter of vessels, purchase of books, periodicals, furniture, and scientific instruments, contingent expenses, rent in the District of Columbia, and such other expenses in the United States and elsewhere as the Secretary of State may deem proper, to be disbursed under the direction of the Secretary of State, \$25,000, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1935: *Provided*, That not to exceed \$700 shall be expended by the Commissioner and his staff in attending meetings of the Commission.

#### CLAIMS ADJUSTMENT, UNITED STATES AND TURKEY

Claims adjustment; Turkey.  
Vol. 48, pp. 1018, 1041.

Sum available.  
*Post*, p. 1633.

Report.

Minor purchases.  
R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.

Rent restrictions.

Procuring information for corporations, etc.

Such portion as may be necessary of the appropriation "Claims adjustment, United States and Turkey", contained in the Deficiency Appropriation Act, fiscal year 1934, approved June 19, 1934, and authorized by public resolution entitled "Joint resolution authorizing appropriation for expenses of representatives of United States to meet at Istanbul, Turkey, with representatives of Turkish Republic for purpose of examining claims of either Government against the other and for expense of proceedings before an umpire, if necessary", approved June 18, 1934, fiscal year 1934, to remain available until June 30, 1935, is made available as of November 1, 1934, for services which have been or which may be rendered subsequent to that date by the said representatives of the United States, and shall continue to be available in the District of Columbia until June 30, 1936, for the expenses, including all items of expenditure specified in said resolution and personal services and rent of offices in the District of Columbia, of making an examination of the claims by the said representatives of the United States to determine their merits and of preparing, in the District of Columbia, a report to enable the Secretary of State to make a distribution in final settlement of said claims, after making the deductions provided for in said resolution, of the amount received or to be received from the Turkish Government in settlement of said claims.

Section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) shall not apply to any purchase or service rendered payable from the foregoing appropriations when the aggregate amount involved does not exceed \$100 or when the purchase or service relates to the packing of personal and household effects of Diplomatic, Consular, and Foreign Service officers and clerks for foreign shipment.

No portion of the sums appropriated in title I of this Act shall, unless expressly authorized, be expended for rent or rental allowances in the District of Columbia or elsewhere in the United States.

Hereafter, whenever the Secretary of State, in his discretion, procures information on behalf of corporations, firms, and individuals, the expense of cablegrams and telephone service involved may be

charged against the respective appropriations for the service utilized; and reimbursement therefor shall be required from those for whom the information was procured and, when made, be credited to the appropriation under which the expenditure was charged.

This title may be cited as the "Department of State Appropriation Act, 1936."

Short title.

## TITLE II—DEPARTMENT OF JUSTICE

Department of Justice.

### OFFICE OF THE ATTORNEY GENERAL

**Salaries:** For the Attorney General, Solicitor General, Assistant to the Attorney General, and other personal services in the District of Columbia, \$1,617,500.

Attorney General, Solicitor General, etc.

**Contingent expenses:** For stationery, furniture and repairs, floor coverings not exceeding \$1,000, file holders and cases; miscellaneous expenditures, including telegraphing and telephones, postage, labor, typewriters and adding machines and the exchange thereof and repairs thereto, street-car fares not exceeding \$300, newspapers, press clippings, and other necessities ordered by the Attorney General; official transportation, including the repair, maintenance, and operation of five motor-driven passenger cars (one for the Attorney General, two for general use of the Department, two for the Bureau of Investigation for investigative work), delivery truck, and motorcycle, to be used only for official purposes; purchase, including exchange, of a motor-propelled passenger-carrying automobile for the Attorney General at not to exceed \$2,500; purchase of law books, books of reference, and periodicals, including the exchange thereof; traveling and other miscellaneous and emergency expenses, authorized and approved by the Attorney General, to be expended at his discretion, \$153,000: *Provided*, That this appropriation may be reimbursed for expenditures in connection with cars herein authorized for the Bureau of Investigation from the appropriation for the expenses of said Bureau when approved in writing by the Attorney General: *Provided further*, That not to exceed \$2 per volume shall be paid for the current and future volumes of the United States Code, Annotated.

Contingent expenses. Post, p. 1624.

Vehicles.

*Provisos.* Reimbursement for car expenses.

U. S. Code, Annotated, price limitation.

**Printing and binding:** For printing and binding for the Department of Justice and the courts of the United States, including not to exceed \$6,000 for printing and binding the decisions of the District Court of the Panama Canal Zone, \$288,000.

Printing and binding.

### FEDERAL BUREAU OF INVESTIGATION

Federal Bureau of Investigation.

**Detection and prosecution of crimes:** For the detection and prosecution of crimes against the United States; for the protection of the person of the President of the United States; the acquisition, collection, classification, and preservation of identification and other records and their exchange with the duly authorized officials of the Federal Government, of States, cities, and other institutions; for investigation of the official acts, records, and accounts of marshals, attorneys, clerks of the United States courts and Territorial courts, probation officers, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Federal Bureau of Investigation at any time; and also, when requested by the presiding judge, the official acts, records, and accounts of referees

Detection and prosecution of crimes.

Protection of the President. Identification records.

Investigations.

Matters under control of Departments of Justice and State.

Vehicles.  
*Post*, p. 586.

Supplies.

Awards for apprehending fugitives.

Emergencies.

Miscellaneous.

MISCELLANEOUS OBJECTS, DEPARTMENT OF JUSTICE

Conduct of customs cases.

and trustees of such courts; for such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General; hire, purchase and exchange not to exceed \$50,000, maintenance, upkeep, and operation of motor-propelled passenger-carrying vehicles, to be used only on official business; for copying in the District of Columbia or elsewhere; reports of examiners at folio rates; firearms and ammunition; such stationery, supplies, and equipment for use at the seat of government or elsewhere as the Attorney General may direct; not to exceed \$10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General; traveling expenses, including expenses of attendance at meetings concerned with the work of such Bureau when authorized by the Attorney General; payment of awards when specifically authorized by the Attorney General for information leading to the apprehension of fugitives from justice, including not to exceed \$20,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, who shall make a certificate of the amount of such expenditure as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended; and including not to exceed \$988,000 for personal services in the District of Columbia; \$5,000,000.

Defending suits in claims against United States.

Conduct of customs cases: Assistant Attorney General, special attorneys and counselors at law in the conduct of customs cases, to be employed and their compensation fixed by the Attorney General; necessary clerical assistance and other employees at the seat of government and elsewhere, to be employed and their compensation fixed by the Attorney General, including experts at such rates of compensation as may be authorized or approved by the Attorney General; expenses of procuring evidence, supplies, Supreme Court Reports and Digests, and Federal Reporter and Digests, traveling, and other miscellaneous and incidental expenses, to be expended under the direction of the Attorney General; in all, \$140,000.

Defending suits in claims against the United States: For necessary expenses incurred in the examination of witnesses, procuring evidence, employment of experts at such rates of compensation as may be authorized or approved by the Attorney General, and such other expenses as may be necessary in defending suits in the Court of Claims, including Indian depredation claims, and contested proceedings involving inventions, to be expended under the direction of the Attorney General, \$45,000.

Taxes and Penalties Unit.  
Enforcing designated Acts, etc., under.  
*Post*, p. 1624.

Taxes and Penalties Unit: For salaries and expenses in connection with the enforcement of liability for internal-revenue taxes and penalties involving violation of the National Prohibition Act, as amended and supplemented, the determination of the remission or mitigation of forfeitures under the internal-revenue laws and of liability for internal-revenue taxes and penalties in connection with violations of the National Prohibition Act occurring prior to the repeal of the eighteenth amendment, the institution of suits upon any cause of action under the National Prohibition Act or under the internal-revenue laws involving a violation of the National Prohibition Act arising prior to, and not affected by the repeal of the

eighteenth amendment, and the compromise of any such cause of action before or after suit is brought, personal services in the District of Columbia and elsewhere, traveling expenses, and such other expenditures as may be necessary, \$200,000.

Enforcement of antitrust and kindred laws: For the enforcement of antitrust and kindred laws, including experts at such rates of compensation as may be authorized or approved by the Attorney General, including not to exceed \$100,020 for personal services in the District of Columbia, \$420,000, together with not to exceed \$15,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1935.

Enforcement of anti-trust, etc., laws.  
U. S. C., p. 509.

#### BUREAU OF PRISONS

Bureau of Prisons.

Salaries and expenses: For salaries and expenses in connection with the supervision of the maintenance and care of United States prisoners, including not to exceed \$204,500 for personal services in the District of Columbia and elsewhere, traveling expenses, and expenses of attendance at meetings concerned with the work of such bureau when authorized by the Attorney General, \$238,000.

Salaries and expenses.

#### VETERANS' INSURANCE LITIGATION

Veterans' Insurance Litigation.

Salaries and expenses: For salaries and expenses incident to the defense of suits against the United States under section 19, of the World War Veterans' Act, 1924, approved June 7, 1924, as amended, or the compromise of the same under the Independent Offices Appropriation Act, 1934, approved June 16, 1933, including traveling and office expenses, law books, supplies, equipment, stenographic reporting services by contract or otherwise, including notarial fees or like services and stenographic work in taking depositions at such rates of compensation as may be authorized or approved by the Attorney General, printing and binding, the employment of experts at such rates of compensation as may be authorized or approved by the Attorney General, and personal services in the District of Columbia and elsewhere, \$850,000.

Salaries and expenses.

Vol. 43, pp. 612, 1302;  
U. S. C., p. 1662.  
Vol. 48, p. 302.

### JUDICIAL

Judicial.

#### UNITED STATES SUPREME COURT

United States Supreme Court.

Salaries: For the Chief Justice and eight Associate Justices; Reporter of the Court; and all other officers and employees, whose compensation shall be fixed by the Court, except as otherwise provided by law, and who may be employed and assigned by the Chief Justice to any office or work of the Court; \$416,000.

Salaries, Chief Justice and Associate Justices.

Reporter and other officers and employees.

Printing and binding: For printing and binding for the Supreme Court of the United States, \$20,000, to be expended as required without allotment by quarters, and to be executed by such printer as the court may designate.

Printing and binding.

Miscellaneous expenses: For miscellaneous expenses of the Supreme Court of the United States, to be expended as the Chief Justice may direct, \$25,000.

Miscellaneous expenses.

Structural and mechanical care of the building and grounds: For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (48 Stat., 668), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances, and personal and other services, \$49,080.

Care of building and grounds.

Vol. 48, p. 668.

## Judges.

## SALARIES OF JUDGES

Salaries of.  
*Post*, p. 1625.

Retired judges.  
U. S. C., p. 1273.  
Vol. 46, p. 737; U. S.  
C., p. 892.  
*Proviso*.  
Availability.

Salaries of judges: For forty-one circuit judges; one hundred and fifty district judges (including two in the Territory of Hawaii, one in the Territory of Puerto Rico, four in the Territory of Alaska, and one in the Virgin Islands); and judges retired under section 260 of the Judicial Code, as amended, and section 518 of the Tariff Act of 1930; in all, \$2,195,000: *Provided*, That this appropriation shall be available for the salaries of all United States justices and circuit and district judges lawfully entitled thereto, whether active or retired.

## EXPENSES OF JUDGES

## Expenses of judges.

Expenses of judges: For expenses of circuit and district judges of the United States and the judges of the district courts of the United States in Alaska, Puerto Rico, and Hawaii, as provided by law, \$85,000.

## Court of Customs and Patent Appeals.

## COURT OF CUSTOMS AND PATENT APPEALS

## Salaries.

Salaries: Presiding judge and four associate judges and all other officers and employees of the court, \$100,040.

## Contingent expenses.

Contingent expenses: For books and periodicals, including their exchange; stationery, supplies, traveling expenses; drugs, chemicals, cleansers, furniture; and for such other miscellaneous expenses as may be approved by the presiding judge, \$13,500, of which \$10,000 shall be available only for the compiling, editing, and printing, by contract or otherwise, of a digest of the decisions of the United States Court of Customs and Patent Appeals, without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) and section 11 of the Act approved March 1, 1919 (U. S. C., title 44, sec. 111).

R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.  
Vol. 40, p. 1270; U. S.  
C., p. 1935.

## Printing and binding.

Printing and binding: For printing and binding, \$6,250.

## Customs Court.

## UNITED STATES CUSTOMS COURT

## Salaries.

Salaries: Presiding judge and eight judges; and all other officers and employees of the court, \$228,280.

## Contingent expenses.

Contingent expenses: For books and periodicals, including their exchange; stationery, supplies, traveling expenses; and for such other miscellaneous expenses as may be approved by the presiding judge, \$15,000.

## Printing and binding.

Printing and binding: For printing and binding, \$1,000.

## Court of Claims.

## COURT OF CLAIMS

## Salaries.

Salaries: Chief justice and four judges; chief clerk at not exceeding \$6,500; auditor at not exceeding \$5,000; and all other officers and employees of the court, \$122,160.

## Printing and binding.

Printing and binding: For printing and binding, \$25,000.

## Contingent expenses.

Contingent expenses: For stationery, court library, repairs, fuel, electric light, electric elevator, and other miscellaneous expenses, \$6,000.

## Commissioners, salaries and expenses.

Salaries and expenses of commissioners: For salaries of five regular commissioners and one temporary commissioner at \$7,500 each, and for traveling expenses, compensation of stenographers authorized by the court, and for stenographic and other fees and charges necessary in the taking of testimony and in the performance of the duties as authorized by the Act entitled "An Act amending section 2 and repealing section 3 of the Act approved February 24, 1925 (U. S. C.,

Vol. 43, p. 964; U. S.  
C., p. 1263.



title 28, secs. 269, 270), entitled 'An Act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation', and for other purposes", approved June 23, 1930 (U. S. C., Supp. VII, title 28, sec. 270), \$63,840.

Vol. 46, p. 799; U. S. C., p. 1264.

Repairs, furnishings, and so forth: For necessary repairs, furnishings, and improvements to the Court of Claims buildings, to be expended under the supervision of the Architect of the Capitol, \$15,000.

Repairs, etc., to buildings.

#### TERRITORIAL COURTS

Territorial Courts.

Hawaii: For salaries of the chief justice and two associate justices, and for judges of the circuit courts, \$88,500.

Hawaii.

#### DISTRICT COURT, PANAMA CANAL ZONE

Salaries, District Court, Panama Canal Zone: For salaries of the officials and employees of the District Court of the United States for the Panama Canal Zone, \$45,785.

District Court, Panama Canal Zone.

#### UNITED STATES COURT FOR CHINA

United States Court for China.

United States Court for China: For salaries of the judge, district attorney, and other officers and employees of the United States Court for China; court expenses, including reference and law books, printing and binding, ice and drinking water for office purposes, traveling expenses of officers and employees of the court, and under such regulations as the Attorney General may prescribe of their families and effects, in going to and returning from their posts; preparation and transportation of remains of officers and employees who may die abroad or in transit while in the discharge of their official duties, to their former homes in the United States, or to a place not more distant for interment and for the ordinary expenses of such interment; the expense of maintaining in China, American convicts and persons declared insane by the court, rent of quarters for prisoners, ice and drinking water for prison purposes, including wages of prison keepers, and the expense of keeping, feeding, and transporting prisoners and persons declared insane by the court, \$40,000.

Salaries and expenses. *Post*, pp. 586, 1625.

Bringing home remains of officers, etc., dying abroad.

#### MARSHALS AND OTHER EXPENSES OF UNITED STATES COURTS

United States Courts.

Salaries and expenses of marshals, and so forth: For salaries, fees, and expenses of United States marshals and their deputies, including services rendered in behalf of the United States or otherwise, services in Alaska in collecting evidence for the United States when so specifically directed by the Attorney General, traveling expenses, purchase, when authorized by the Attorney General, of ten motor-propelled passenger-carrying vans at not to exceed \$2,000 each, and maintenance, alteration, repair, and operation of motor-propelled passenger-carrying vehicles used in connection with the transaction of the official business of the United States marshals, \$3,270,000.

Marshals. Salaries and expenses. *Post*, p. 1625.

Services in Alaska.

Salaries and expenses of district attorneys, and so forth: For salaries, traveling, and other expenses of United States district attorneys and their regular assistants, clerks, and other employees, including the office expenses of United States district attorneys in Alaska, and for salaries of regularly appointed clerks to United States district attorneys for services rendered during vacancy in the office of the United States district attorney, \$2,913,000.

District attorneys. Salaries and expenses. *Post*, p. 1625.

Salaries and expenses of special attorneys, and so forth: For compensation and traveling expenses of special attorneys and assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases, and for

Special attorneys. Salaries and expenses. Assistants.

Foreign counsel.	payment of foreign counsel employed by the Attorney General in special cases, \$700,000: <i>Provided</i> , That the amount paid as compensation out of the funds herein appropriated to any person employed hereunder shall not exceed \$10,000: <i>Provided further</i> , That reports be submitted to the Congress on the 1st day of July and January showing the names of the persons employed hereunder, the annual rate of compensation or amount of any fee paid to each together with a description of their duties.
<i>Provisos.</i> Compensation limited. Reports to Congress.	
Clerks of courts. Salaries and expenses. <i>Post</i> , p. 1626.	Salaries and expenses, clerks of courts: For salaries of clerks of United States circuit courts of appeals and United States district courts, their deputies, and other assistant, traveling expenses pursuant to the Subsistence Expense Act of 1926, as amended (U. S. C., Supp. VII, title 5, secs. 821-833), and other expenses of conducting their respective offices, \$2,070,000.
Vol. 44, p. 688. U. S. C., p. 103.	
Commissioners, fees. R. S., sec. 1014, p. 189. U. S. C., p. 770.	Fees of commissioners: For fees of the United States commissioners and other committing magistrates acting under section 1014, Revised Statutes (U. S. C., title 18, sec. 591), \$350,000.
Conciliation commissioners. Fees; per diem, etc., allowances.	Conciliation commissioners, United States courts: 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, as amended by the Act approved June 7, 1934 (48 Stat. 911), \$30,000.
Vol. 30, p. 544; Vol. 47, p. 1467. U. S. C., p. 333. Vol. 48, p. 911.	
Jurors and witnesses. Fees, mileage, and per diem. <i>Post</i> , p. 1236.	Fees of jurors and witnesses: For mileage and per diems of jurors; for mileage and per diems of witnesses and for per diems in lieu of subsistence; and for payment of the expenses of witnesses, as provided by section 850, Revised Statutes (U. S. C., title 28, sec. 604), including the expenses, mileage, and per diems of witnesses on behalf of the Government before the United States Customs Court, such payments to be made on the certification of the attorney for the United States and to be conclusive as provided by section 846, Revised Statutes (U. S. C., title 28, sec. 577), \$2,100,000: <i>Provided</i> , That not to exceed \$10,000 of this amount shall be available for such compensation and expenses of witnesses or informants as may be authorized or approved by the Attorney General, which approval shall be conclusive: <i>Provided further</i> , That no part of the sum herein appropriated shall be used to pay any witness more than one attendance fee for any one calendar day.
R. S., sec. 850, p. 160. U. S. C., p. 1295.	
R. S., sec. 846, p. 159; U. S. C., p. 1291. <i>Provisos.</i> Pay, etc., on approval of Attorney General.	
Limitation on attendance fee.	
Bailiffs. Salaries and expenses: <i>Post</i> , p. 1626.	Salaries and expenses of bailiffs, and so forth: For bailiffs, not exceeding three bailiffs in each court, except in the southern district of New York and the northern district of Illinois; meals and lodging for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court, and meals and lodging for jurors in Alaska, as provided by section 193, title II, of the Act of June 6, 1900 (U. S. C., title 28, secs. 9, 557-570, 595, 596), and compensation for jury commissioners, \$5 per day, not exceeding three days for any one term of court, \$247,000: <i>Provided</i> , That no per diem shall be paid to any bailiff unless the court is actually in session and the judge present and presiding or present in chambers: <i>Provided further</i> , That none of this appropriation shall be used for the pay of bailiffs when deputy marshals or marshals are available for the duties ordinarily executed by bailiffs, the fact of unavailability to be determined by the certificate of the marshal.
Jury expenses.	
Alaska. Vol. 31, p. 362. U. S. C., pp. 1226, 1230, 1293.	
Jury commissioners. <i>Provisos.</i> Service restriction.	
Use limited.	
Miscellaneous expenses. <i>Post</i> , p. 1626.	Miscellaneous expenses: For such miscellaneous expenses as may be authorized or approved by the Attorney General, for the United States courts and their officers, including experts, and notarial fees or like services and stenographic work in taking depositions, at such

rates of compensation as may be authorized or approved by the Attorney General, so much as may be necessary in the discretion of the Attorney General for such expenses in the District of Alaska and in courts other than Federal courts, and traveling expenses pursuant to the Subsistence Expense Act of 1926, as amended (U. S. C., Supp., VII, title 5, ch. 16); rent of rooms for United States courts and judicial officers; supplies, including the exchange of typewriting and adding machines, for the United States courts and judicial officers, including firearms and ammunition therefor; purchase of law books, including the exchange thereof, for United States judges, district attorneys, and other judicial officers, including the libraries of the ten United States circuit courts of appeals, and the Federal Reporter and continuations thereto as issued, \$1,069,000: *Provided*, That such books shall in all cases be transmitted to their successors in office; all books purchased hereunder to be marked plainly, "The Property of the United States": *Provided further*, That not to exceed \$2 per volume shall be paid for the current and future volumes of the United States Code, Annotated: *Provided further*, That the maximum salary paid to any stenographer or law clerk to any circuit or district judge shall not exceed \$2,500 per annum: *Provided further*, That this limitation shall not operate to reduce the compensation of any stenographer now employed nor shall the salary of any stenographer drawing more than \$2,500 per annum hereafter be increased.

#### PENAL AND CORRECTIONAL INSTITUTIONS

For all services, including personal services compensated upon fee basis, supplies, materials, and equipment in connection with or incident to the subsistence and care of inmates and maintenance and upkeep of Federal penal and correctional institutions, including farm and other operations not otherwise specifically provided for in the discretion of the Attorney General; gratuities for inmates at release, provided such gratuities shall be furnished to inmates sentenced for terms of imprisonment of not less than six months, and transportation to the place of conviction or bona fide residence at the time of conviction or to such other place within the United States as may be authorized by the Attorney General; expenses of interment or transporting remains of deceased inmates to their homes in the United States; maintenance and repair of passenger-carrying vehicles; traveling expenses of institution officials and employees when traveling on official duty, including expenses of attendance at meetings concerned with the work of the several institutions when authorized by the Attorney General, and including expenses incurred in pursuing and identifying escaped inmates; traveling expenses of members of advisory boards authorized by law incurred in the discharge of their official duties; packing, crating, drayage, and transportation of household effects, not exceeding in any one case, five thousand pounds, of employees when transferred from one official station to another for permanent duty and uniforms for the guard force, when specifically authorized by the Attorney General; rewards for the capture of escaped inmates; newspapers, books, and periodicals; firearms and ammunition; tobacco for inmates; and the purchase and exchange of farm products and livestock, when authorized by the Attorney General: *Provided*, That any part of the appropriations under this heading used for payment of salaries of personnel employed in the operation of prison commissaries shall be reimbursed from commissary earnings, and such reimbursement shall be in addition to the amounts appropriated herein.

Alaska.

Travel expenses.

Vol. 44, p. 688.

U. S. C., p. 103.

Rent, supplies, etc.

Law books for judicial officers.

Federal Reporter.

*Provisos.*

Transmittal to successors.

U. S. Code, Annotated, price limitation.

Maximum salary, stenographer or law clerk.

Present stenographers not affected.

Penal and correctional institutions.

Services, supplies, etc.

*Post*, p. 1120.

*Proviso.*

Prison commissaries.

## MEDICAL AND HOSPITAL SERVICE

Medical and hospital service.

Medical and hospital service: For medical relief for, and incident to the care and maintenance of, inmates of penal and correctional institutions, including personal services in the District of Columbia and elsewhere, medical, surgical, and hospital supplies, materials, equipment, and appliances, together with appliances necessary for patients, \$487,500, which amount, in the discretion of the Attorney General, may be transferred to the Public Health Service for direct expenditure under the laws, appropriations, and regulations governing the Public Health Service: *Provided*, That of this appropriation not to exceed \$148,090 may be expended for the hospital for defective delinquents.

*Proviso.*  
Amount for hospital for defective delinquents.

Federal penitentiaries.  
Construction and repair.

Buildings and equipment: For construction and repair of buildings, including the purchase and installation of machinery and equipment, and all expenses incident thereto, to be expended so as to give the maximum amount of employment to inmates of the institutions, as follows: United States penitentiary, Leavenworth, Kansas, \$29,600; United States penitentiary, McNeil Island, Washington, \$18,110; United States Southwestern Reformatory, El Reno, Oklahoma, \$10,400; United States Hospital for Defective Delinquents, Springfield, Missouri, \$20,000; Federal jail, Milan, Michigan, \$1,890, in all, \$80,000.

Leavenworth, Kans.

United States penitentiary, Leavenworth, Kansas: For the United States penitentiary at Leavenworth, Kansas, including not to exceed \$607,840 for salaries and wages of all officers and employees, \$1,240,670.

Atlanta, Ga.

United States penitentiary, Atlanta, Georgia: For the United States penitentiary at Atlanta, Georgia, including not to exceed \$353,660 for salaries and wages of all officers and employees, \$767,660.

McNeil Island, Wash.

United States penitentiary, McNeil Island, Washington: For the United States penitentiary at McNeil Island, Washington, including not to exceed \$226,100 for salaries and wages of all officers and employees, \$444,000.

Northeastern Penitentiary.

United States Northeastern Penitentiary: For the United States penitentiary in the Northeast, including not to exceed \$342,500 for salaries and wages of all officers and employees, \$633,840.

Alcatraz Island, Calif.

United States penitentiary, Alcatraz Island, California: For the United States penitentiary at Alcatraz Island, California, including not to exceed \$154,000 for salaries and wages of all officers and employees, \$363,000.

Federal Industrial Institution for Women, Alderson, W. Va.

Federal Industrial Institution for Women, Alderson, West Virginia: For the Federal Industrial Institution for Women at Alderson, West Virginia, including not to exceed \$127,000 for salaries and wages of all officers and employees, and including also the purchase of one motor-propelled passenger-carrying vehicle, \$258,520.

Industrial Reformatory, Chillicothe, Ohio.

United States Industrial Reformatory, Chillicothe, Ohio: For the United States Industrial Reformatory at Chillicothe, Ohio, including not to exceed \$293,500 for salaries and wages of all officers and employees, \$531,000.

Southwestern Reformatory.

United States Southwestern Reformatory: For the United States Southwestern Reformatory, including not to exceed \$196,000 for salaries and wages of all officers and employees, \$390,000.

Hospital for Defective Delinquents.

United States Hospital for Defective Delinquents: For the United States Hospital for Defective Delinquents, including not to exceed \$132,000 for salaries and wages of all officers and employees, \$305,510.

Federal jails.

Federal jails: For maintenance and operation of Federal jails, including not to exceed \$300,000 for salaries and wages of all officers and employees, \$528,940.

Prison camps: For the construction and repair of buildings at prison camps, the purchase and installation of machinery and equipment, and all necessary expenses incident thereto, and for the maintenance of United States prisoners at prison camps, including the maintenance, alteration, repair, and operation of a motor-propelled passenger-carrying bus, to be expended so as to give the maximum amount of employment to prisoners, \$234,460 together with the unexpended balance of the appropriation for the Federal Correctional Camp, Eustis, Virginia, fiscal year 1935: *Provided*, That reimbursements from this appropriation made to the War or other departments for supplies or subsistence shall be at the net contract or invoice price notwithstanding the provisions of any other Act.

Prison camps, construction, etc.

Maintenance.

*Proviso.*  
Reimbursements authorized.

Federal Reformatory Camp, Petersburg, Virginia: For the Federal Reformatory Camp at Petersburg, Virginia, including not to exceed \$111,000 for salaries and wages of all officers and employees, \$246,430.

Federal Reformatory Camp, Petersburg, Va.

National Training School for Boys, Washington, District of Columbia: For the National Training School for Boys, Washington, District of Columbia, including the purchase of one motor-propelled passenger-carrying vehicle, and expenses of a suitable attendant to accompany the remains of deceased inmates to their homes for burial; and including not to exceed \$109,000 for salaries and wages of all officers and employees, \$203,000.

National Training School for Boys, D. C. *Post*, p. 1626.

Probation system, United States courts: For salaries and expenses of probation officers, as authorized by the Act entitled "An Act to amend the Act of March 4, 1925, chapter 521, and for other purposes," approved June 6, 1930 (U. S. C., Supp. VII, title 18, sec. 726), \$631,035: *Provided*, That not to exceed \$120,000 of this appropriation may be expended for traveling expenses: *Provided further*, That no part of the appropriation herein made shall be used to pay any probation officer a salary in excess of \$2,600 per annum: *Provided further*, That no part of any appropriation in this Act shall be used to defray the salary or expenses of any probation officer who does not comply with the official orders, regulations, and probation standards promulgated by the Attorney General.

Probation system, United States courts. Vol. 43, p. 1259; Vol. 46, p. 503; U. S. C., p. 781.

*Provisos.*  
Travel expenses.

Salary restriction.

Conditions imposed.

Support of prisoners: For support of United States prisoners, in non-Federal institutions and in the Territory of Alaska, including necessary clothing and medical aid, discharge gratuities provided by law and transportation to place of conviction or place of bona fide residence in the United States, or such other place within the United States as may be authorized by the Attorney General; and including rent, repair, alteration, and maintenance of buildings and the maintenance of prisoners therein, occupied under authority of sections 4 and 5 of the Act of May 14, 1930 (U. S. C., Supp. VII, title 18, sec. 696); support of prisoners becoming insane during imprisonment, and who continue insane after expiration of sentence, who have no friends to whom they can be sent; shipping remains of deceased prisoners to their friends or relatives in the United States, and interment of deceased prisoners whose remains are unclaimed; expenses incurred in identifying, pursuing, and returning escaped prisoners and for rewards for their recapture; and for repairs, betterments, and improvements of United States jails, including sidewalks, \$1,950,000: *Provided*, That a report be submitted to Congress on the 1st day of the next regular session showing the names of the persons employed hereunder, the annual rate of compensation paid to each together with a description of their duties.

Support of prisoners.

Vol. 46, p. 326.  
U. S. C., p. 785.

*Proviso.*  
Report to Congress.

This title may be cited as the "Department of Justice Appropriation Act, 1936."

Short title.

Department of Commerce.

Secretary's office.

Salaries.

Salaries: Secretary of Commerce, two Assistant Secretaries, and other personal services in the District of Columbia, including the chief clerk and superintendent, who shall be chief executive officer of the Department and who may be designated by the Secretary of Commerce to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretaries, of the Department, \$350,000.

Contingent and miscellaneous expenses.

Contingent expenses: For contingent and miscellaneous expenses of the offices and bureaus of the Department, except the Patent Office, including those for which appropriations for contingent and miscellaneous expenses are specifically made, including professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding \$1,500); purchase of atlases or maps; stationery; furniture and repairs to same; carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges; fuel, lighting, and heating; purchase and exchange of motor trucks and bicycles and not to exceed \$2,500 for purchase, including exchange, of one motor-propelled, passenger-carrying vehicle for the official use of the Secretary of Commerce; maintenance, repair, and operation of three motor-propelled passenger-carrying vehicles (one for the Secretary of Commerce and two for the general use of the Department), and motor trucks and bicycles, to be used only for official purposes; freight and express charges; postage to foreign countries; telegraph and telephone service; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; first-aid outfits for use in the buildings occupied by employees of this Department; street-car fares, not exceeding \$500; and all other miscellaneous items and necessary expenses not included in the foregoing, \$125,000, which sum shall constitute the appropriation for contingent expenses of the Department, except the Patent Office, and shall also be available for the purchase of necessary supplies and equipment for field services of bureaus and offices of the Department for which contingent and miscellaneous appropriations are specifically made in order to facilitate the purchase through the central purchasing office (Division of Purchases and Sales), as provided by law.

Printing and binding.  
Post, p. 582.

Printing and binding: For all printing and binding for the Department of Commerce, including all of its bureaus, offices, institutions, and services in the District of Columbia and elsewhere, except the Patent Office, \$425,000: *Provided*, That an amount not to exceed \$2,000 of this appropriation may be expended for salaries of persons detailed from the Government Printing Office for service as copy editors.

Bureau of Air Commerce.

#### BUREAU OF AIR COMMERCE

Air navigation facilities.

Establishment, etc., of aids, mail routes, etc.

Post, p. 1618.

Air-navigation facilities: For the establishment and maintenance of aids to air navigation, including the equipment of additional air-mail routes for day and night flying; the construction of necessary lighting, radio, and other signaling and communicating structures and apparatus; repairs, alterations, and all expenses of maintenance and operation; investigation, research, and experimentation to develop and improve aids to air navigation, aircraft, aircraft power plants, and accessories; for personal services in the District of Columbia (not to exceed \$123,071) and elsewhere; purchase, maintenance, operation, and repair of motor-propelled passenger-carry-

Services in the District.

ing vehicles for official use in field work, including their exchange; replacement, including exchange, of not to exceed two airplanes for service use and two for experimental purposes, maintenance, operation, and repair of airplanes, including accessories and spare parts and special clothing, wearing apparel, and suitable equipment for aviation purposes; and for the acquisition of the necessary sites by lease or grant, \$5,175,000: *Provided*, That no part of this appropriation shall be used for any purpose not authorized by the Air Commerce Act of 1926 as amended.

Aircraft in commerce: To carry out the provisions of the Act approved May 20, 1926, entitled "An Act to encourage and regulate the use of aircraft in commerce, and for other purposes" (U. S. C., title 49, secs. 171-184), as amended by the Act approved February 28, 1929 (U. S. C., Supp. VII, title 49, sec. 173d), and Acts approved June 19 and 20, 1934 (48 Stat. 1113, 1116), including personal services in the District of Columbia (not to exceed \$235,956), and elsewhere; rent in the District of Columbia and elsewhere; traveling expenses; contract stenographic reporting services; fees and mileage of witnesses; purchase of furniture and equipment; stationery and supplies, including medical supplies, typewriting, adding, and computing machines, accessories, and repairs; purchase, including exchange (not to exceed \$2,000), maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use in field work; purchase and replacement, including exchange, of airplanes (not to exceed \$16,500); purchase of airplane motors, airplane and motor accessories and spare parts; maintenance, operation, and repair of airplanes and airplane motors; purchase of special clothing, wearing apparel, and similar equipment for aviation purposes; purchase of books of reference and periodicals; newspapers, reports, documents, plans, specifications, maps, manuscripts, and all other publications; and all other necessary expenses not included in the foregoing; in all, \$734,800.

Appropriations herein made for aircraft in commerce and air-navigational facilities shall be available in an amount not to exceed \$2,000 for expenses of attendance at meetings concerned with the promotion of civil aeronautics, and also expenses of illustrating the work of the Bureau of Air Commerce by showing of maps, charts, and graphs at such meetings, when incurred on the written authority of the Secretary of Commerce.

#### BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Salaries: For the director and other personal services in the District of Columbia, \$321,400.

For carrying out the provisions of the Act approved March 3, 1927 (U. S. C., Supp. VII, title 15, secs. 197-197f), to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a Foreign Commerce Service of the United States, including personal services in the District of Columbia and elsewhere, the compensation of a clerk or clerks for each commercial attaché at the rate of not to exceed \$3,000 per annum for each person so employed, rent outside the District of Columbia, telephone service, purchase of furniture and equipment, stationery and supplies, typewriting, adding, duplicating, and computing machines, accessories and repairs, law books, books of reference and periodicals, uniforms, maps, reports, documents, plans, specifications, manuscripts, newspapers (foreign and domestic, not exceeding \$2,000), and all other publications, traveling expenses of officers and employees, ice and drinking water for office purposes, and all other incidental expenses

*Proviso.*  
Use restricted.  
Vol. 44, p. 568; Vol. 45,  
p. 1404.  
U. S. C., p. 2249.

Aircraft in commerce.  
Services and ex-  
penses.  
Vol. 44, p. 568; Vol.  
45, p. 1404; Vol. 48, pp.  
1113, 1116.  
U. S. C., p. 2250.

Purchase, etc., of air-  
planes, accessories, etc.

Attendance at meet-  
ings, etc.

Bureau of Foreign  
and Domestic Com-  
merce.

Salaries.

Foreign Commerce  
Service.  
Vol. 44, p. 1394.  
U. S. C., p. 553.

Personal services.

Rent, etc.

not included in the foregoing, to be expended under the direction of the Secretary of Commerce, and under the following heads:

Promoting commerce in Europe. *Post*, p. 532.

Promoting commerce in Europe and other areas: Investigations in Europe and other areas for the promotion and development of the foreign commerce of the United States, \$363,400.

In Latin America.

Promoting commerce in Latin America: Investigations in Latin America for the promotion and development of the foreign commerce of the United States, \$182,400.

In the Far East.

Promoting commerce in the Far East: Investigations in the Far East for the promotion and development of the foreign commerce of the United States, \$98,000.

In Africa.

Promoting commerce in Africa: Investigations in Africa for the promotion and development of the foreign commerce of the United States, \$29,200.

District and cooperative office service.

District and cooperative office service: For all expenses necessary to operate and maintain district and cooperative offices, including personal services, rent outside of the District of Columbia, traveling expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, purchase of maps, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, not exceeding \$300 for newspapers, both foreign and domestic, and all other publications necessary for the promotion of the commercial interests of the United States, and all other incidental expenses not included in the foregoing, \$328,000: *Provided*, That the Secretary of Commerce shall require as a condition for the opening of a new office or the continuation of an existing office, except in cases where space is available in Federal buildings or in Federal buildings for the construction of which contracts have been let, that commercial organizations in the district affected provide suitable quarters without cost to the Government on and after September 1, 1932.

*Proviso.*  
New offices.

China Trade Act. Enforcement expenses. Vol. 42, p. 849; Vol. 43, p. 995. U. S. C., p. 546.

Enforcement of China Trade Act: To carry out the provisions of the Act entitled "China Trade Act, 1922" (U. S. C., title 15, secs. 141-162), including personal services, traveling expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, purchase of books of reference and periodicals, reports, documents, plans, specifications, maps, manuscripts, and all other publications, rent outside the District of Columbia, ice and drinking water for office purposes; and all necessary expenses not included in the foregoing, \$9,000, of which amount not to exceed \$3,200 may be expended for personal services in the District of Columbia: *Provided*, That payment in advance for telephone and other similar services under this appropriation is hereby authorized.

*Proviso.*  
Advance payments.

Export industries. Investigations and reports. *Post*, pp. 205, 1118.

Export industries: To enable the Bureau of Foreign and Domestic Commerce to investigate and report on domestic as well as foreign problems relating to the production, distribution, and marketing, insofar as they relate to the important export industries of the United States, including personal services, traveling expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, and all other publications, rent outside of the District of Columbia, ice and drinking water for office purposes, and all other incidental expenses connected therewith, \$527,000, of which amount not to exceed \$520,522 may be expended for personal services in the District of Columbia.



Domestic commerce and raw materials investigations: For personal services and traveling expenses of officers and employees to enable the Bureau of Foreign and Domestic Commerce to collect and compile information regarding the disposition and handling of raw materials and manufactures within the United States; and to investigate the conditions of production and marketing of foreign raw materials essential for American industries, \$224,800, of which amount not to exceed \$217,700 may be expended for personal services in the District of Columbia.

Investigating domestic commerce and raw materials.

Foreign raw materials.

Customs statistics: For all expenses necessary for the operation of the section of customs statistics transferred to the Department of Commerce from the Treasury Department by the Act approved January 5, 1923 (U. S. C., title 15, sec. 194), including personal services; rent of or purchase of tabulating, punching, sorting, and other mechanical labor-saving machinery or devices, including adding, typewriting, billing, computing, mimeographing, multigraphing, photostat, and other duplicating machines and devices, including their exchange and repair; telegraph and telephone service; traveling expenses of officers and employees while traveling on official business; freight, express, drayage; tabulating cards, stationery, and miscellaneous office supplies; books of reference and periodicals; furniture and equipment; ice, water, heat, light, and power; street-car fare; and all other necessary and incidental expenses not included in the foregoing, \$312,300, of which amount not to exceed \$77,230 may be expended for personal services in the District of Columbia.

Customs statistics. Expenses of collecting, etc. Vol. 42, p. 1109. U. S. C., p. 552.

Lists of foreign buyers: For all necessary expenses, including personal services, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, lists of foreign buyers, books of reference, periodicals, reports, documents, plans, specifications, rent outside of the District of Columbia, traveling expenses of officers and employees, and all other incidental expenses not included in the foregoing, to enable the Bureau of Foreign and Domestic Commerce to collect and compile lists of foreign buyers, \$45,000, of which amount not to exceed \$34,200 may be expended for permanent personal services and not to exceed \$10,080 for temporary personal services in the District of Columbia: *Provided*, That the Secretary of Commerce may make such charges as he deems reasonable for lists of foreign buyers, special statistical services, special commodity news bulletins, and World Trade Directory Reports, and the amounts collected therefrom shall be deposited in the Treasury as "Miscellaneous receipts".

Lists of foreign buyers. Expenses of compiling.

*Proviso.* Charge for service authorized.

Investigation of foreign trade restrictions: For all necessary expenses, including personal services, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, and all other publications, rent outside of the District of Columbia, traveling expenses of officers and employees, and all other incidental expenses not included in the foregoing, to enable the Bureau of Foreign and Domestic Commerce to collect and compile information regarding the restrictions and regulations of trade imposed by foreign countries, \$96,200, of which amount not to exceed \$95,310 may be expended for personal services in the District of Columbia.

Investigation of foreign trade restrictions.

Transportation of families and effects of officers and employees: To pay the traveling expenses and expenses of transportation, under such regulations as the Secretary of Commerce may prescribe, of families and effects of officers and employees of the Bureau of Foreign and Domestic Commerce in going to and returning from their posts, or when traveling under the order of the Secretary of

Transportation of families and effects of officers, employees. Post, p. 583.

Bringing home re-  
mains of officers, etc.,  
dying abroad.

Commerce, and also for defraying the expenses of preparing and transporting the remains of officers and employees of the Bureau of Foreign and Domestic Commerce who may die abroad or in transit, while in the discharge of their official duties, to their former homes in this country, or to a place not more distant, for interment, and for the ordinary expenses of such interment; \$35,000.

Allowance for living  
quarters, heat, and  
light.

Vol. 44, p. 1394; Vol.  
46, p. 163.  
U. S. C., p. 554.  
*Post*, p. 583.

R. S., sec. 1765, p.  
314.  
U. S. C., p. 40.

*Proviso.*  
Maximum allow-  
ance.

Operation, etc., for-  
eign-trade zones.

Vol. 48, p. 998.  
U. S. C., p. 799.

Allowances for living quarters: To enable the Secretary of Commerce, under such regulations as he may prescribe, in accordance with the provisions of the Act entitled "An Act to amend the Act entitled 'An Act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce, a Foreign Commerce Service of the United States, and for other purposes', approved March 3, 1927", approved April 12, 1930 (U. S. C., Supp. VII, title 15, sec. 197f), to furnish the officers in the Foreign Commerce Service of the Bureau of Foreign and Domestic Commerce stationed in a foreign country, without cost to them and within the limits of this appropriation, allowances for living quarters, heat and light, notwithstanding the provisions of section 1765 of the Revised Statutes (U. S. C., title 5, sec. 70), \$103,400: *Provided*, That the maximum allowance to any officer shall not exceed \$1,700.

Operation, and so forth, of foreign-trade zones: To enable the Secretary of Commerce to comply with the provisions of the Act entitled "An Act to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", approved June 18, 1934 (48 Stat., p. 998), including personal services in the District of Columbia and elsewhere, traveling expenses, contract stenographic reporting services, supplies and equipment, books of reference and periodicals, newspapers and other publications, fees and mileage of witnesses, and all other necessary expenses, \$30,000.

Attendance at meet-  
ings.

Appropriations herein made for the Bureau of Foreign and Domestic Commerce shall be available in an amount not to exceed \$2,500 for expenses of attendance at meetings concerned with the promotion of foreign and domestic commerce, or either, and also expenses of illustrating the work of the Bureau by showing of maps, charts, and graphs at such meetings, when incurred on the written authority of the Secretary of Commerce.

Minor purchases in  
foreign countries.

R. S., sec. 3709, p.  
733.  
U. S. C., p. 1803.

The purchase of supplies and equipment or the procurement of services for the Bureau of Foreign and Domestic Commerce, in foreign countries, may be made in open market without compliance with section 3709 of the Revised Statutes of the United States (U. S. C., title 41, sec. 5), in the manner common among business men, when the aggregate amount of the purchase or the service does not exceed \$100 in any instance.

## Census Bureau.

## BUREAU OF THE CENSUS

Services and ex-  
penses.

For expenses for securing information for and compiling the census reports provided for by law, including personal services in the District of Columbia and elsewhere; compensation and expenses of enumerators, special agents, supervisors, supervisor's clerks, and interpreters in the District of Columbia and elsewhere; traveling expenses; the cost of transcribing State, municipal, and other records; temporary rental of quarters outside the District of Columbia; not to exceed \$2,500 for the employment by contract of personal services for the preparation of monographs on census subjects; not to exceed \$54,000 for constructing tabulating machines and repairs to such machinery and other mechanical appliances, including technical, mechanical, and other personal services in connection therewith

Temporary, etc.,  
services.

in the District of Columbia and elsewhere, and the purchase of necessary machinery and supplies; and not to exceed \$1,000 for expenses of attendance at meetings concerned with the collection of statistics when incurred on the written authority of the Secretary of Commerce; \$1,934,000, of which amount not to exceed \$1,425,000 may be expended for personal services in the District of Columbia, including not to exceed \$51,000 for temporary employees who may be appointed by the Director of the Census under civil-service rules, at per diem rates to be fixed by him without regard to the provisions of the Classification Act of 1923, as amended, for the purpose of assisting in periodical inquiries.

Census of Agriculture: For salaries and necessary expenses for preparing for, taking, compiling, and publishing the Census of Agriculture of the United States for 1935, as provided by law (U. S. C., Supp. VII, title 13, p. 1216), including rent for quarters in and outside the District of Columbia; salaries of employees in the District of Columbia and elsewhere, including temporary employees in the District of Columbia who may be appointed by the Director of the Census under civil-service rules for any period not extending beyond December 31, 1936, at rates of pay to be fixed by the Director of the Census without regard to the provisions of the Classification Act as amended: *Provided*, That such temporary employees in the District of Columbia may be allowed leave of absence with pay at the rate of one and one-fourth days per month; for the employment by contract of personal services for the preparation of monographs in connection with the Census of Agriculture; for the compensation of supervisors, supervisors' clerks, special agents, enumerators, and interpreters, and for the necessary traveling expenses of such field employees and of detailed employees of the Bureau; the purchase of supplies and equipment, including books of reference, periodicals, maps, manuscripts, street-car fares, punch cards, and materials; the purchase, rental, repair, and exchange of typewriters, calculating machines, punching, tabulating, and sorting machines, and other office appliances; the construction of punching, tabulating, and sorting machines, including technical, mechanical, and other services in connection therewith, whether in the District of Columbia or elsewhere; purchase and exchange of motor trucks, first-aid outfits, and all other miscellaneous items and necessary expenses not included in the foregoing; printing and binding at the Government Printing Office; \$1,500,000, to continue available until December 31, 1936, of which sum \$500,000 shall be immediately available.

#### BUREAU OF NAVIGATION AND STEAMBOAT INSPECTION

Departmental salaries: For the director and other personal services in the District of Columbia, \$123,169.

Salaries and general expenses: For salaries of shipping commissioners, steamboat inspectors, and other personal services; to enable the Secretary of Commerce to provide and operate such motor boats and employ such persons (including temporary employees) as may be necessary for the enforcement, under his direction, of laws relating to navigation and inspection of vessels, boarding of vessels, counting of passengers on excursion boats, and to prevent overcrowding of passenger and excursion boats; to enable the Secretary of Commerce to carry out the provisions of the Act entitled "An Act to establish load lines for American vessels, and for other purposes", approved March 2, 1929 (U. S. C., Supp. VII, title 46, secs. 85-85g), and to secure uniformity in the admeasurement of vessels, including personal services; fees to witnesses; traveling expenses of the personnel of the Bureau and field offices; materials, supplies, equipment, and

Census of agriculture.  
Salaries and expenses.  
*Post*, p. 1337.  
Vol. 46, p. 25.  
U. S. C., p. 492.

*Proviso.*  
Leave of absence to  
temporary employees.

Personal services.

Bureau of Navigation  
and Steamboat In-  
spection.  
Departmental sala-  
ries.

General expenses.  
*Post*, p. 1118.

Enforcement of in-  
spection, etc., laws.

Load lines for Ameri-  
can vessels.  
Vol. 45, p. 1492.  
U. S. C., p. 1987.

<sup>1</sup> So in original.

services, including rent and janitor service; purchase, exchange, and repair of instruments; plans and specifications; insignia, braid, and chin straps; coats, caps, and aprons for stewards' departments on vessels; and other incidental expenses of field offices, including contract stenographic reporting services; \$1,474,831.

Bureau of Standards.

NATIONAL BUREAU OF STANDARDS

Salaries and expenses. Salaries and expenses: For carrying out the provisions of the Act establishing the National Bureau of Standards, approved March 3, 1901 (U. S. C., title 5, secs. 591, 597; title 15, secs. 271-278), and of Acts supplementary thereto affecting the functions of the Bureau, and specifically including the functions as set forth under the Bureau of Standards in the "Department of Commerce Appropriation Act, 1935", approved April 7, 1934, and for all necessary expenses, purchases, and personnel connected with administration and operation, testing, inspection and technical information service, research and development, and standards for commerce, including rental of laboratories in the field, communication service, transportation service; travel, street-car fares not exceeding \$100, expenses of the visiting committee, attendance of American member at the meeting of the International Committee of Weights and Measures, attendance at meetings concerned with standardization and research, or either, when incurred on the written authority of the Secretary of Commerce not to exceed \$4,500; compensation and expenses of medical officers of the Public Health Service detailed to the National Bureau of Standards for the purpose of maintaining a first-aid station and making clinical observations; compiling and disseminating scientific and technical data; demonstrating the results of the Bureau's work by exhibits or otherwise as may be deemed most effective; purchases of supplies, materials, stationery, electric power, fuel for heat, light, and power, and accessories of all kinds needed in the work of the Bureau, including supplies for office, laboratory, shop, and plant, and cleaning and toilet supplies, gloves, goggles, rubber boots, and aprons; contingencies of all kinds; supplies for operation, maintenance and repair of motor trucks and a passenger automobile for official use, including their exchange; purchases of equipment of all kinds, including its repair and exchange, including apparatus, machines, and tools, furniture, typewriters, adding machines, and other labor-saving devices, books, periodicals, and reference books, including their exchange when not needed for permanent use; translation of technical articles when required; salary of the director and other personal services in the District of Columbia and in the field, in accordance with the Classification Act of 1923, as amended:

Operation, etc. Operation and administration: For the general operation and administration of the Bureau; improvement and care of the grounds; plant equipment; necessary repairs and alterations to buildings; \$263,000.

Testing, inspection, and information. Testing, inspection, and information service: For calibrating and certifying measuring instruments, apparatus, and standards in terms of the national standards; the preparation and distribution of standard materials; the broadcasting of radio signals of standard frequency; the testing of equipment, materials, and supplies in connection with Government purchases; the improvement of methods of testing; advisory services to governmental agencies on scientific and technical matters; and supplying available information to the public, upon request, in the field of physics, chemistry, and engineering; \$758,000.

Vol. 81, p. 1449.  
U. S. C., pp. 78, 560.

Vol. 48, p. 552.

Attendance at meeting of International Committee of Weights and Measures.

Detailed Public Health Service officers.

Supplies.

Equipment.

Research and development: For the maintenance and development of national standards of measurement; the development of improved methods of measurement; the determination of physical constants and the properties of materials; the investigation of mechanisms and structures, including their economy, efficiency, and safety; the study of fluid resistance and the flow of fluids and heat; the investigation of radiation, radioactive substances, and X-rays; the study of conditions affecting radio transmission; the development of methods of chemical analysis and synthesis, and the investigation of the properties of rare substances; investigations relating to the utilization of materials, including lubricants and liquid fuels; the study of new processes and methods of fabrication; and the solutions of problems arising in connection with standards; \$671,500.

Research and development.

Standards for commerce: For cooperation with Government purchasing agencies, industries, and national organizations in developing specifications and facilitating their use; for encouraging the application of the latest developments in the utilization and standardization of building materials; for the development of engineering and safety codes, simplified practice recommendations, and commercial standards of quality and performance, \$110,000.

Standards for commerce.

During the fiscal year 1936 the head of any department or independent establishment of the Government having funds available for scientific investigations and requiring cooperative work by the National Bureau of Standards on scientific investigations within the scope of the functions of that Bureau, and which the National Bureau of Standards is unable to perform within the limits of its appropriations, may, with the approval of the Secretary of Commerce, transfer to the National Bureau of Standards such sums as may be necessary to carry on such investigations. The Secretary of the Treasury shall transfer on the books of the Treasury Department any sums which may be authorized hereunder, and such amounts shall be placed to the credit of the National Bureau of Standards for performance of work for the department or establishment from which the transfer is made, including, where necessary, compensation for personal services in the District of Columbia and in the field.

Cooperative work with departments, etc., on scientific investigations.

Transfer of funds authorized.

Total, National Bureau of Standards, \$1,802,500, of which amount not to exceed \$1,600,000 may be expended for personal services in the District of Columbia.

Total. Services in the District.

BUREAU OF LIGHTHOUSES

Bureau of Lighthouses.

Salaries: For the Commissioner and other personal services in the District of Columbia, \$113,800.

Salaries.

General expenses: For supplies, including replacement of and necessary additions to existing equipment, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks, and purchase of land for same; establishment of post lights, buoys, submarine signals, and fog signals; establishment of oil or carbide houses, not to exceed \$10,000: *Provided*, That any oil or carbide house erected hereunder shall not exceed \$1,000 in cost; construction of necessary outbuildings at a cost not exceeding \$1,000 at any one light station in any fiscal year; improvement of grounds and buildings connected with light stations and depots; restoring light stations and depots and buildings connected therewith; *Provided*

General expenses. *Post*, p. 582.

Aids to navigation.

*Provisos*. Limit on construction cost.

Restoring stations, etc.

Limited to original purpose.	<i>further</i> , That such restoration shall be limited to the original purpose of the structures; wages of persons attending post lights; temporary employees and field force while engaged on works of general repair and maintenance, and laborers and mechanics at lighthouse depots; rations and provisions or commutation thereof for working parties in the field, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service
Personal services.	on duty on board of such tenders or vessels, and money accruing from commutation for rations and provisions for the above-named persons on board of tenders and light vessels or in working parties in the field may be paid on proper vouchers to the person having charge of the mess of such vessel or party; not exceeding \$2,000
Transferring effects.	for packing, crating, and transporting personal household effects of employees when transferred from one official station to another for permanent duty; purchase of rubber boots, oilskins, rubber gloves, and coats, caps, and aprons for stewards' departments on vessels; reimbursement under rules prescribed by the Secretary of Commerce of keepers of light stations and masters of light vessels and of light-house tenders for rations and provisions and clothing furnished ship-
Rations, clothing, etc.	wrecked persons who may be temporarily provided for by them, not exceeding in all \$2,000 in any fiscal year; fuel, light, and rent of quarters where necessary for keepers of lighthouses; purchase of land sites for fog signals; rent of necessary ground for all such lights and beacons as are for temporary use or to mark changeable channels and which in consequence cannot be made permanent; rent of offices, depots, and wharves; traveling expenses, including travel for the examinations authorized by the Act entitled "An Act to provide for retirement for disability in the Lighthouse Service", approved March 4, 1925 (U. S. C., title 33, sec. 765); mileage; library books for light stations and vessels, and technical books and periodicals not exceeding \$200; traveling expenses of teachers while actually employed by States or private persons to instruct the children of keepers of lighthouses; all other contingent expenses of district offices and depots, including the purchase of provisions for sale to lighthouse keepers at isolated stations, and the appropriation reimbursed, purchase not to exceed \$3,600, exchange, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use in field work, payment of rewards for the apprehension and conviction, or for information helpful to the apprehension and conviction of persons found interfering with aids to navigation maintained by the Lighthouse Service, in violation of section 6 of the Act of May 14, 1908 (U. S. C., title 33, sec. 761); \$4,025,000.
Travel expenses. Vol. 43, p. 1261. U. S. C., p. 1496.	Keepers of lighthouses: For salaries of not exceeding one thousand four hundred lighthouse and fog-signal keepers and persons attending lights, exclusive of post lights, \$1,850,300.
Paying rewards. Vol. 35, p. 162. U. S. C., p. 1496.	Lighthouse vessels: For salaries and wages of officers and crews of light vessels and lighthouse tenders, including temporary employment when necessary, \$2,189,000.
Keepers.	Superintendents, clerks, and so forth: For salaries of eighteen superintendents of lighthouses, and of assistant superintendents, clerks, draftsmen, and other authorized permanent employees in the district offices and depots of the Lighthouse Service, exclusive of those regularly employed in the office of the Bureau of Lighthouses, District of Columbia, \$682,900.
Lighthouse vessels.	Retired pay: For retired pay of officers and employees engaged in the field service or on vessels of the Lighthouse Service, except persons continuously employed in district offices and shops, \$570,000.
Superintendents, clerks, etc.	
Retired pay. Post, p. 1618.	

## COAST AND GEODETIC SURVEY

Coast and Geodetic Survey.

For every expenditure requisite for and incident to the work of the Coast and Geodetic Survey, including maintenance, repair, exchange, and operation of motor-propelled or horse-drawn vehicles for official use in field work, purchase of motorcycles with side cars, including their exchange, not to exceed \$500, surveying instruments, including their exchange, rubber boots, canvas and rubber gloves, goggles, and caps, coats, and aprons for stewards' departments on vessels, extra compensation at not to exceed \$1 per day for each station to employees of the Lighthouse Service and the Weather Bureau while observing tides or currents, services of one tide observer in the District of Columbia at not to exceed \$1 per day, and compensation, not otherwise appropriated for, of persons employed in the field work, for travel and other expenses incident to the execution of field work upon approval by the head of the Bureau, and for expenses (in an amount not to exceed \$150) of attendance at meetings concerned with the work of the Coast and Geodetic Survey when incurred on the written authority of the Secretary of Commerce, to be expended in accordance with the regulations relating to the Coast and Geodetic Survey subscribed by the Secretary of Commerce, and under the following heads:

Expenses.

Attendance at meetings.

Field expenses, Atlantic and Gulf coast: For surveys and necessary resurveys of the Atlantic and Gulf coasts of the United States, including the coasts of outlying islands under the jurisdiction of the United States, and including the employment in the field and office of one physicist to develop survey methods based on transmission of sound through sea water, \$98,500: *Provided*, That not more than \$35,000 of this amount shall be expended on the coasts of said outlying islands and the Atlantic entrance to the Panama Canal.

Field expenses.  
Atlantic, etc., coasts.*Proviso.*  
Outlying islands.

Pacific coast: For surveys and necessary resurveys of coasts on the Pacific Ocean under the jurisdiction of the United States, and including the employment in the field and office of one physicist to develop survey methods based on transmission of sound through sea water, \$146,000.

Pacific Coast.

Tides, currents, and so forth: For continuing researches in physical hydrography, relating to harbors and bars, and for tidal and current observations on the coasts of the United States, or other coasts under the jurisdiction of the United States, \$14,000.

Physical hydrography.

Coast Pilot: For compilation of the Coast Pilot, including the employment of such pilots and nautical experts, and stenographic help in the field and office as may be necessary for the same, \$5,200.

Coast Pilot.

Magnetic and seismological work: For continuing magnetic and seismological observations and to establish meridian lines in connection therewith in all parts of the United States; making magnetic and seismological observations in other regions under the jurisdiction of the United States; purchase of additional magnetic and seismological instruments; lease of sites where necessary and the erection of temporary magnetic and seismological buildings; and including the employment in the field and office of such magnetic and seismological observers and stenographic services as may be necessary, \$58,500.

Magnetic and seismological work.

Federal, boundary, and State surveys: For continuing lines of exact levels between the Atlantic, Pacific, and Gulf coasts; determining geographic positions by triangulation and traverse for the control of Federal, State, boundary, county, city, and other surveys and engineering works in all parts of the United States; including special geodetic surveys of first-order triangulation and leveling in regions subject to earthquakes, not exceeding \$10,000; determining

Federal, boundary, and State surveys.

Ukiah and Gaithersburg observatories.	field astronomic positions and the variation of latitude, including the maintenance and operation of the latitude observatories at Ukiah, California, and Gaithersburg, Maryland, not exceeding \$2,500 each; establishing lines of exact levels, determining geographic positions by triangulation and traverse, and making astronomic observations in Alaska; and continuing gravity observations in the United States and for making such observations in regions under the jurisdiction of the United States and also on islands and coasts adjacent thereto, \$121,700, of which amount not to exceed \$31,300, may be expended for personal services in the District of Columbia.
Alaska.	
Miscellaneous.	For objects not hereinbefore named that may be deemed urgent, including the preparation or purchase of plans and specifications of vessels and the employment of such hull draftsmen in the field and office as may be necessary for the same; the reimbursement, under rules prescribed by the Secretary of Commerce, of officers of the Coast and Geodetic Survey for food, clothing, medicines, and other supplies furnished for the temporary relief of distressed persons in remote localities and to shipwrecked persons temporarily provided for by them, not to exceed a total of \$500; actual necessary expenses of officers of the field force temporarily ordered to the office in the District of Columbia for consultation with the director, and not exceeding \$750 for the expenses of the attendance of representatives of the Coast and Geodetic Survey who may be designated as delegates from the United States at the meetings of the International Hydrographic Bureau, and not exceeding \$3,000 for special surveys that may be required by the Bureau of Lighthouses or other proper authority, \$4,100.
Relief of distressed persons.	
Attendance at meetings.	
Vessels, repair, etc.	Vessels: For repairs of vessels, including traveling expenses of persons inspecting the repairs, and exclusive of engineer's supplies and other ship chandlery, \$65,000.
Officers and men on vessels, pay.	Pay of officers and men on vessels: For all necessary employees to man and equip the vessels, including professional seamen serving as mates on vessels of the Survey, to execute the work of the Survey herein provided for and authorized by law, \$484,400.
Pay and allowances, commissioned officers.	Pay, commissioned officers: For pay and allowances prescribed by law for commissioned officers on sea duty and other duty, holding relative rank with officers of the Navy, including one director with relative rank of captain, six hydrographic and geodetic engineers with relative rank of captain, ten hydrographic and geodetic engineers with relative rank of commander, seventeen hydrographic and geodetic engineers with relative rank of lieutenant commander, forty-seven hydrographic and geodetic engineers with relative rank of lieutenant, sixty-one junior hydrographic and geodetic engineers with relative rank of lieutenant (junior grade), twenty-nine aides with relative rank of ensign, and including officers retired in accordance with existing law, \$760,000: <i>Provided</i> , That the Secretary of Commerce may designate one of the hydrographic and geodetic engineers to act as assistant director.
<i>Proviso.</i> Assistant director.	
Office force.	Office force: For personal services, \$548,500.
Office expenses.	Office expenses: For purchase of new instruments (except surveying instruments), including their exchange, materials, equipment, and supplies required in the instrument shop, carpenter shop, and chart division; books, scientific and technical books, journals, books of reference, maps, charts, and subscriptions; copper plates, chart paper, printer's ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, rubber gloves, and electrotyping supplies; photolithographing and printing charts for immediate use; stationery for office and field parties; transportation of instruments and supplies when not charged to



party expenses; telegrams; washing; office furniture, repairs; traveling expenses of officers and others employed in the office sent on special duty in the service of the office; miscellaneous expenses, contingencies of all kinds, not exceeding \$90 for street-car fares, \$55,000.

Appropriations herein made for the Coast and Geodetic Survey shall not be available for allowance to civilian or other officers for subsistence while on duty at Washington (except as hereinbefore provided for officers of the field force ordered to Washington for short periods for consultation with the director), except as now provided by law.

Subsistence restrictions.

Appropriations herein made for the field expenses of the Coast and Geodetic Survey shall be available for expenditures in the application of the airplane to the field work of the Coast and Geodetic Survey, and not to exceed a total of \$25,000 of said appropriations shall be available for the purchase or construction of cameras and other photographic apparatus, for equipment, except airplanes, and for employment of personnel in the field and office in connection with such work.

Application of airplane to field work.

#### BUREAU OF FISHERIES

Bureau of Fisheries.

Commissioner's office: For the commissioner and other personal services in the District of Columbia, \$154,800.

Commissioner and office personnel.

Propagation of food fishes: For maintenance, repair, alteration, improvement, equipment, and operation of fish-cultural stations, general propagation of food fishes and their distribution, including movement, maintenance, and repairs of cars, purchase of equipment (including rubber boots and oilskins) and apparatus, contingent expenses, pay of permanent employees not to exceed \$387,030, temporary labor, and not to exceed \$10,000 for propagation and distribution of fresh-water mussels and the necessary expenses connected therewith, and not to exceed \$10,000 for the purchase, collection, and transportation of specimens and other expenses incidental to the maintenance and operation of aquarium, of which not to exceed \$5,000 may be expended for personal services in the District of Columbia, \$632,500.

Propagation of food fishes.

Maintenance of vessels: For maintenance and operation of vessels and launches, including purchase and repair of boats, apparatus, machinery, and other facilities required for use with the same, hire of vessels, temporary employees, and all other necessary expenses in connection therewith, including not to exceed \$750 for the purchase of plans and specifications for vessels or for contract personal services for the preparation thereof, and money accruing from commutation of rations and provisions on board vessels may be paid on proper vouchers to the persons having charge of the mess of such vessels, \$145,100, of which not to exceed \$4,980 may be expended for pay of officers and employees of vessels of the Atlantic coast and not to exceed \$75,000 for pay of officers and crews of vessels for the Alaska Fisheries Service.

Maintenance of vessels.

Commutation of rations (not to exceed \$1 per day) may be paid to officers and crews of vessels of the Bureau of Fisheries during the fiscal year 1936 under regulations prescribed by the Secretary of Commerce.

Allotment for Atlantic coast and Alaska.

Commutation of rations.

Inquiry respecting food fishes: For inquiry into the cause of the decrease of food fishes in the waters of the United States, and for investigation and experiments in respect to the aquatic animals, plants, and waters, and screening of irrigation ditches in fishways, in the interests of fish culture and the fishery industries, including pay of permanent employees not to exceed \$115,880, temporary

Food fishes inquiry.

employees, maintenance, repair, improvement, equipment, and operation of biological stations, expenses of travel and preparation of reports, \$164,700.

Fishery industries.  
Statistical studies.

**Fishery industries:** For collection and compilation of statistics of the fisheries and the study of their methods and relations, and the methods of preservation and utilization of fishery products, including pay of permanent employees not to exceed \$25,160, compensation of temporary employees, travel and preparation of reports, including temporary employees in the District of Columbia not to exceed \$1,800, and all other necessary expenses in connection therewith, including the purchase (not to exceed \$500), exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in the field work of the Bureau of Fisheries, \$60,800.

Alaska, general service.  
Seal fisheries.

**Alaska, general service:** For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska; not exceeding \$20,000 for construction, improvement, repair, and alteration of buildings and roads, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on said islands, hire and maintenance of vessels, purchase of sea otters, and for all expenses necessary to carry out the provisions of the Act entitled "An Act to protect the seal fisheries of Alaska, and for other purposes", approved April 21, 1910 (U. S. C., title 16, secs. 631-658), and for the protection of the fisheries of Alaska, including pay of permanent employees not to exceed \$69,900, contract stenographic reporting service, travel of employees while on duty in Alaska, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, \$263,300, of which \$100,000 shall be immediately available.

Vol. 36, p. 326.  
U. S. C., p. 677.

Black bass law, enforcement.  
Vol. 44, p. 576; Vol. 46, p. 845.  
U. S. C., p. 708.

**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. VII, title 16, secs. 851-856), approved July 2, 1930 (46 Stat., pp. 845-847), \$15,000, of which not to exceed \$1,800 may be expended for personal services in the District of Columbia.

Mississippi Wild Life and Fish Refuge.  
Construction, maintenance, etc., expenses.  
Vol. 43, p. 650.  
U. S. C., p. 690.

**Mississippi Wild Life and Fish Refuge:** For construction of buildings, boats, and ponds, for purchase of equipment, including boats, for maintenance, operation, repair, and improvements, including expenditures for personal services at the seat of government and elsewhere as may be necessary, as authorized in the Act approved June 7, 1924 (U. S. C., title 16, secs. 721-731), \$15,500.

Fisheries Cooperative Marketing Act.  
Expenses, enforcing, etc.  
Vol. 43, p. 1213.  
U. S. C., p. 571.

**Fisheries Cooperative Marketing Act:** To enable the Secretary of Commerce to execute the functions imposed upon him by the Act entitled "An Act authorizing associations of producers of aquatic products", approved June 25, 1934 (48 Stat., p. 1213), including traveling expenses and contract stenographic reporting services, \$12,500, of which not to exceed \$9,500 may be expended for personal services in the District of Columbia.

Shellfish investigation.

**Shellfish investigation:** To provide for the investigation, control, and eradication of marine organisms injurious to shellfish in the Atlantic and Gulf States, including purchase of equipment and supplies, including boats and floating equipment and the maintenance and operation thereof; hire and charter of vessels and boats; pay of officers and crews and other personal services, including temporary employees (not exceeding \$4,000 in the District of Columbia) as may be necessary; printing and binding; and all other necessary expenses connected therewith; \$100,000, of which \$50,000 shall be immediately available.

Printing and binding.

Not to exceed \$750 of the appropriations herein made for the Bureau of Fisheries shall be available for expenses of attendance at meetings concerned with the work of said Bureau when incurred on the written authority of the Secretary of Commerce, and not to exceed \$500 shall be available for the rental of suitable quarters in the District of Columbia for laboratory and storage purposes.

Attendance at meetings.

PATENT OFFICE

Patent Office.

Salaries: For the Commissioner of Patents and other personal services in the District of Columbia, \$3,420,000: *Provided*, That of the amount herein appropriated not to exceed \$25,000 may be used for special and temporary services of typists certified by the Civil Service Commission, who may be employed in such numbers, at \$4 per diem, as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing manuscript copies of records.

Salaries, Commissioner and office personnel.  
*Proviso.*  
Temporary typists.

Photolithographing: For producing copies of weekly issue of drawings of patents and designs; reproduction of copies of drawings and specifications of exhausted patents, designs, trade marks, and other papers, such other papers when reproduced for sale to be sold at not less than cost plus 10 per centum; reproduction of foreign patent drawings; photo prints of pending application drawings; and photostat and photographic supplies and dry mounts, \$250,000.

Photolithographing, etc.

The headings of the drawings for patented cases may be multigraphed in the Patent Office for the purpose of photolithography.

Multigraphed headings.

Miscellaneous expenses: For purchase and exchange of law, professional, and other reference books and publications and scientific books; expenses of transporting publications of patents issued by the Patent Office to foreign governments; directories, furniture and filing cases; for investigating the question of public use or sale of inventions for two years or more prior to filing applications for patents, and such other questions arising in connection with applications for patents and the prior art as may be deemed necessary by the Commissioner of Patents; for expense attending defense of suits instituted against the Commissioner of Patents; for expenses (in an amount not to exceed \$500) of attendance at meetings concerned with the work of the Patent Office when incurred on the written authority of the Secretary of Commerce, and for other contingent and miscellaneous expenses of the Patent Office; \$50,000.

Miscellaneous expenses.

Attendance at meetings.

Printing and binding: For printing the weekly issue of patents, designs, trade marks, prints, and labels, exclusive of illustrations; and for printing, engraving illustrations, and binding the Official Gazette, including weekly and annual indices, \$940,000; for miscellaneous printing and binding, \$55,000; in all, \$995,000.

Printing and binding.

UNITED STATES SHIPPING BOARD BUREAU

United States Shipping Board Bureau.

Salaries and expenses: To carry out the provisions of the Shipping Act, 1916, as amended, and the Merchant Marine Acts of 1920 and 1928, as amended (U. S. C., title 46, secs. 804, 805, 861-889; Supp. VII, title 46, secs. 891-891x), the Act of April 7, 1934 (48 Stat. 566-568), and Executive Order Numbered 6166 (June 10, 1933), including the compensation of attorneys, officers, naval architects, special experts, examiners, and clerks, one technical expert in connection with construction loan fund, and other employees in the District of Columbia and elsewhere; and for other expenses of the Bureau, including the rental of quarters outside the District of Columbia, traveling expenses of employees of the Bureau, while

Salaries and expenses.  
Vol. 39, p. 723; Vol. 41, p. 938; Vol. 45, p. 689.  
U. S. C., pp. 2055, 2062, 2068.  
Vol. 48, p. 566.

upon official business away from their designated posts of duty, including not to exceed \$300 for attendance at meetings or conventions of members of any society or association the purpose of which is of interest to the development and maintenance of an American merchant marine, when incurred on the written authority of the Secretary of Commerce, and for the employment by contract of expert stenographic reporters for its official reporting work, \$211,000, of which amount not to exceed \$204,000 may be expended for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be used to pay any salary at a rate in excess of \$8,000 per annum: *Provided*, That the annual estimates of the Shipping Board Bureau for the fiscal year 1937 shall be accompanied by a statement showing the number and compensation of employees of the Fleet Corporation assigned to that Bureau: *Provided further*, That employees of the Merchant Fleet Corporation assigned to and serving with the Shipping Board Bureau 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 1936 to the pay roll of the Bureau.

Shipping fund: For expenses of the United States Shipping Board Merchant Fleet Corporation during the fiscal year ending June 30, 1936, for administrative purposes, including the salaries of employees (not to exceed \$178,400) of the Fleet Corporation assigned to the Shipping Board Bureau, miscellaneous adjustments, losses due to the maintenance and operation of ships, including operation through an agreement to pay a lump-sum compensation, 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, 1935; (b) all amounts received during the fiscal year ending June 30, 1936, other than the proceeds of sales of ships and surplus property; (c) so much of the total proceeds of sales of ships and surplus property received during the fiscal year 1936, but not exceeding \$2,000,000, of which sum not to exceed \$1,000,000 shall be available to meet the expenses of liquidation, including the cost 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, and not to exceed \$1,000,000 shall be available upon the written approval of the Secretary of Commerce for use for reconditioning and operating ships for carrying coal, cotton, grain, lumber, and other basic commodities to foreign ports; and (d) so much of the total proceeds of sales of ships and surplus property received during the fiscal year 1936 as is necessary for the protection of the interests of the United States in any vessel or property on which the United States holds a mortgage: *Provided*, That no part of these sums, (a), (b), (c), and (d) shall be used for the payment of claims arising out of the construction and requisitioning of vessels.

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, 1935, shall continue available until June 30, 1936, for the same purposes and under the same conditions.

*Provisos.*  
Salary restriction.  
Personnel statement  
to accompany estimates.

Salary status, Merchant Fleet Corporation transfers.

Shipping fund.  
Expenses of Merchant Fleet Corporation.

Merchant Marine Act, 1920.  
Vol. 41, p. 988; Vol. 48, p. 596.  
U. S. C., p. 2062.

*Proviso.*  
Use restricted.

Payment of claims.  
Vol. 42, pp. 647, 1242.

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.

Operation of ships.

Vol. 44, p. 318.

*Proviso.*  
Approval of President.

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 Bureau 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.

Attorneys.  
Approval of contract of employment.

No part of the funds of the United States Shipping Board Merchant Fleet Corporation shall be available to pay any salary at a rate in excess of \$8,000 per annum.

Salary restriction.

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 1936 if suitable space is provided for said corporation by the Office of National Parks, Buildings, and Reservations of the Department of the Interior.

Rent.

Vol. 48, p. 389.

No part of the funds of the United States Shipping Board Merchant Fleet Corporation shall be available during the fiscal year 1936 for the purchase of any kind of fuel oil of 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.

Fuel oil of foreign production.  
Purchase, use, etc., restricted.

Of the sums herein made available under the United States Shipping Board Bureau, 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.

Compensation of attorneys.

This title may be cited as the "Department of Commerce Appropriation Act, 1936."

Short title.

## TITLE IV—DEPARTMENT OF LABOR

### OFFICE OF THE SECRETARY

Salaries: Secretary of Labor, Assistant Secretary, Second Assistant Secretary, and other personal services in the District of Columbia, \$257,000.

Department of Labor.

Office of the Secretary.

Salaries.

Promotion of health, safety, employment, and so forth: For salaries and expenses in connection with the promotion of health, safety, employment stabilization, and amicable industrial relations for labor and industry, \$125,000, of which amount not to exceed \$70,000 may be expended for personal services in the District of Columbia.

Promotion of health, safety, employment, etc.

Contingent expenses: For contingent and miscellaneous expenses of the offices and bureaus of the Department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of stationery, furniture, and repairs to the same, carpets, matting, oilcloths, file cases, towels, ice, brooms, soap, sponges, laundry, street-car fares not exceeding \$200; purchase, exchange, maintenance, and repair of motorcycles and motor trucks; purchase and exchange (not exceeding \$2,500), maintenance, operation, and repair of a motor-propelled passenger-carrying

Contingent expenses.

vehicle, to be used only for official purposes; freight and express charges; newspaper clippings not to exceed \$1,200, postage to foreign countries, telegraph and telephone service, typewriters, adding machines, and other labor-saving devices; purchase of law books, books of reference, newspapers and periodicals, not exceeding \$4,500; contract stenographic services; all other necessary miscellaneous items and expenses not included in the foregoing; and not to exceed \$25,000 for purchase of certain supplies for the Immigration and Naturalization Service; in all, \$95,000, of which \$2,500 shall be immediately available: *Provided*, That section 3709 of the Revised Statutes of the United States (U. S. C., title 41, sec. 5) shall not be construed to apply to any purchase or service rendered for the Department of Labor when the aggregate amount involved does not exceed the sum of \$100.

*Proviso.*

Minor purchases.  
R. S., sec. 3709, p.  
733.  
U. S. C., p. 1803.

Printing and binding.  
*Post*, p. 1626.

Printing and binding: For printing and binding for the Department of Labor, including all its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, \$230,000.

Commissioners of  
conciliation.  
Vol. 37, p. 738.  
U. S. C., p. 81.

Commissioners of conciliation: To enable the Secretary of Labor to exercise the authority vested in him by section 8 of the Act creating the Department of Labor (U. S. C., title 5, sec. 611) and to appoint commissioners of conciliation, traveling expenses, telegraph and telephone service, and not to exceed \$17,260 for personal services in the District of Columbia, \$207,300.

Bureau of Labor Sta-  
tistics.

#### BUREAU OF LABOR STATISTICS

Salaries and expenses.

Salaries and expenses: For personal services, including temporary statistical clerks, stenographers and typewriters in the District of Columbia, and including also experts and temporary assistants for field service outside of the District of Columbia; traveling expenses, including expenses of attendance at meetings concerned with the work of the Bureau of Labor Statistics when incurred on the written authority of the Secretary of Labor; purchase of periodicals, documents, envelopes, price quotations, and reports and materials for reports and bulletins of said Bureau, \$884,600, of which amount not to exceed \$640,000 may be expended for the salary of the commissioner and other personal services in the District of Columbia.

Investigating cost of  
living.

Investigation of cost of living in the United States: For personal services, including temporary statistical clerks, stenographers and typewriters in the District of Columbia and elsewhere; traveling expenses; supplies and equipment; telegraph and telephone service; rent of tabulating machines; and any other necessary expense in connection with the conduct of the study and printing the report, \$200,000.

Immigration and  
Naturalization Service.

#### IMMIGRATION AND NATURALIZATION SERVICE

Salaries and expenses.  
*Post*, pp. 1121, 1626.

Salaries and expenses: For enforcement of the laws regulating the immigration to, the residence in, and the exclusion and deportation from the United States of aliens and persons subject to the Chinese exclusion laws; for enforcement of the laws authorizing a uniform rule for the naturalization of aliens; salaries, transportation, traveling, and other expenses of officers, clerks, and other employees appointed to enforce said laws; care, detention, maintenance, transportation, and traveling expenses incident to the deportation and exclusion of aliens and persons subject to the Chinese exclusion laws, as authorized by law, in the United States and to, through, or in foreign countries; purchase of supplies and equipment, including alterations

Deportation, etc., of  
aliens.

and repairs; purchase, exchange, operation, maintenance, and repair of motor-propelled vehicles, including passenger-carrying vehicles for official use in field work; arms, ammunition and accessories; cost of reports of decisions of the Federal courts and digests thereof for official use; verifications of legal papers; refunding of head tax, maintenance bills, immigration fines, upon presentation of evidence showing conclusively that collection and deposit was made through error; mileage and fees to witnesses subpoenaed on behalf of the United States, and for all other expenses necessary to enforce said laws; \$9,495,000, all to be expended under the direction of the Secretary of Labor; of which amount not to exceed \$540,000 may be expended for the salary of the Commissioner of Immigration and Naturalization and other personal services in the District of Columbia, including services of persons authorized by law to be detailed there for duty: *Provided*, That not to exceed \$45,000 of the sum herein appropriated shall be available for the purchase, including exchange, of motor-propelled passenger-carrying vehicles: *Provided further*, That the Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, may contract with officers and employees stationed outside of the District of Columbia whose salaries are payable from this appropriation, for the use, on official business outside of the District of Columbia, of privately owned horses, and the consideration agreed upon shall be payable from the funds herein appropriated: *Provided further*, That not to exceed \$36,000 of the total amount herein appropriated shall be available for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U. S. C., Supp. VII, title 5, sec. 118a), not to exceed \$1,700 for any person: *Provided further*, That \$60,000 of the amount herein appropriated shall be available only for the payment of extra compensation for overtime services of inspectors and employees of the Immigration and Naturalization Service for which the United States receives reimbursement in accordance with the provisions of the Act of March 2, 1931 (U. S. C., Supp. VII, title 8, secs. 109a and 109b): *Provided further*, That not to exceed \$400 of the sum herein appropriated may be expended for attendance at meetings concerned with the naturalization of aliens when incurred on the written authority of the Secretary of Labor: *Provided further*, That no part of this appropriation shall be available for the compensation of assistants to clerks of United States courts: *Provided further*, That not to exceed \$10,000 of the sum herein appropriated may be expended for payment of rewards, when specifically authorized by the Secretary of Labor, for information leading to the detection, arrest, or conviction of persons violating the immigration or naturalization laws.

Immigration stations: For remodeling, repairing (including repairs to the ferryboat, Ellis Island), renovating buildings, and purchase of equipment, \$100,000.

#### CHILDREN'S BUREAU

Salaries and expenses: For expenses of investigating and reporting upon matters pertaining to the welfare of children and child life, and especially to investigate the questions of infant mortality; personal services, including experts and temporary assistants; traveling expenses, including not to exceed \$3,000 for expenses of attendance at meetings for the promotion of child welfare when incurred on the written authority of the Secretary of Labor; purchase of reports and material for the publications of the Children's Bureau and for reprints from State, city, and private publications for distribution

Witness fees, etc.

Personal services in District.

*Provisos.*  
Vehicles.

Privately owned horses.

Allowances for living quarters, etc.

Vol. 46, p. 818.  
U. S. C., p. 45.

Overtime services of inspectors, etc.  
*Post*, p. 1627.

Vol. 46, p. 1467.  
U. S. C., p. 134.

*Provisos.*  
Attendance at meetings.

Pay of assistants to clerks of courts forbidden.

Payment of rewards.

Immigration stations.

Children's Bureau.

Salaries and expenses.  
Investigations.

when said reprints can be procured more cheaply than they can be printed by the Government, and other necessary expenses, \$403,300, of which amount not to exceed \$313,500 may be expended for personal services in the District of Columbia.

## Women's Bureau.

## WOMEN'S BUREAU

Salaries and expenses.  
Vol. 41, p. 987.  
U. S. C., p. 1320.

Salaries and expenses: For carrying out the provisions of the Act entitled "An Act to establish in the Department of Labor a bureau to be known as the Women's Bureau", approved June 5, 1920 (U. S. C., title 29, secs. 11-16; U. S. C., Supp. VII, title 29, secs. 12-14), including personal services in the District of Columbia, not to exceed \$134,500; purchase of material for reports and educational exhibits, and traveling expenses, \$153,500, of which sum not to exceed \$3,000 shall be available for expenses of attendance at meetings concerned with the work of said bureau when incurred on the written authority of the Secretary of Labor.

## Employment Service.

## UNITED STATES EMPLOYMENT SERVICE

Providing for promotion of employment.  
Vol. 48, 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; 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, \$3,200,000, of which amount not to exceed \$775,000 shall be available for all administrative purposes including not to exceed \$175,000 for personal services in the Department in the District of Columbia: *Provided*, That apportionments under the provisions of such Act for the fiscal year 1936 shall be on the basis of a total apportionment to all States of \$3,000,000 and in order to supply the Government's apportionments to States qualifying under such Act for the first time, which are not capable of being supplied under the foregoing appropriation, there is hereby appropriated so much as may be necessary to supply such apportionments.

Attendance at meetings.

Books, etc.

*Proviso.*  
Basis of apportionment.

## United States Housing Corporation.

## UNITED STATES HOUSING CORPORATION

Salaries and expenses.

Salaries and expenses: For officers, clerks, and other employees, and for contingent and miscellaneous expenses, in the District of Columbia and elsewhere, including blank books, maps, stationery, file cases, towels, ice, brooms, soap, freight and express charges, communication service, traveling expense, printing and binding not to exceed \$100, and all other miscellaneous items and expenses not included in the foregoing and necessary to collect and account for the receipts from the sale of properties and the receipts from the operation of unsold properties of the United States Housing Corporation, the Bureau of Industrial Housing and Transportation, property commandeered by the United States through the Secretary of Labor, and to collect the amounts advanced to transportation facilities and others; for payment of special assessments and other utility, municipal, State, and county charges or assessments unpaid by purchasers, and which have been assessed against property in which the United States Housing Corporation has an interest, and to defray expenses incident to foreclosing mortgages, conducting

Printing and binding.



sales under deeds of trusts, or reacquiring title or possession of real property under default proceeding, including attorney fees, witness fees, court costs, charges, and other miscellaneous expenses; for the maintenance and repair of houses, buildings, and improvements which are unsold; in all, \$9,300: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding \$4,000 per annum, and only one person may be employed at that rate: *Provided further*, That no part of the appropriations heretofore made and available for expenditure by the United States Housing Corporation shall be expended for the purposes for which appropriations are made herein.

SEC. 2. That no part of the money appropriated under this Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve of the nomination of said person.

SEC. 3. Section 323 of part II of the Legislative Appropriation Act, approved June 30, 1932, except so much thereof as suspends the per diem for expenses of subsistence for witnesses, is hereby continued in full force and effect during the fiscal year ending June 30, 1936; and for the purpose of making such section applicable to such fiscal year the figures "1933" shall be read as, "1936."

SEC. 4. This title may be cited as the "Department of Labor Appropriation Act, 1936."

Approved, March 22, 1935.

*Provisos.*  
Salary restriction.

Expenditures restricted.

Restriction on expenditure of appropriation.

Jurors and witnesses.  
Per diem fees reduced.  
Subsistence excepted.  
Vol. 47, p. 413.

Short title.

[CHAPTER 40.]

AN ACT

To authorize the Secretary of War and the Secretary of the Navy to lend Army and Navy equipment for use at the national jamboree of the Boy Scouts of America.

April 1, 1935.

[S. 935.]

[Public, No. 23.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War and the Secretary of the Navy are hereby authorized, at their discretion, under such rules and regulations as they may respectively prescribe, to lend to the Boy Scouts of America, a corporation chartered by Act of Congress approved June 15, 1916, for use at the national jamboree of the Boy Scouts to be held at Washington, District of Columbia, during the summer of 1935, such tents, cots, blankets, and other articles of camp equipage as may be desired by said Boy Scouts of America and available for its approximately thirty-five thousand Scouts and officials, and also furnish a camp site on the Fort Myer Military Reservation, Fort Myer, Virginia: *Provided*, That the Secretary of War or Secretary of the Navy before delivering such property shall take from such corporation a good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

Boy Scouts of America.  
Loan of camp equipment authorized.  
Vol. 39, p. 227.  
*Post*, pp. 443, 653.

Camp site to be furnished.

*Proviso.*  
Bond required.

Approved, April 1, 1935.

[CHAPTER 41.]

AN ACT

To amend the Act of Congress approved March 1, 1899, entitled "An Act to authorize the Commissioners of the District of Columbia to remove dangerous and unsafe buildings and parts thereof, and for other purposes", and to further amend said Act by adding at the end thereof new sections numbered 5 and 6.

April 5, 1935.

[S. 403.]

[Public, No. 24.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Act of March 1, 1899, is hereby amended to read as follows:

District of Columbia.  
Vol. 30, p. 923,  
amended.

"That if in the District of Columbia any building or part of a building, staging, or other structure, or anything attached to or

Removal or repair of unsafe buildings.

Excavation.	connected with any building or other structure or excavation, shall, from any cause, be reported unsafe, the inspector of buildings shall examine such structure or excavation, and if, in his opinion, the same be unsafe, he shall immediately notify the owner, agent, or other persons having an interest in said structure or excavation, to cause the same to be made safe and secure, or that the same be removed, as may be necessary. The person or persons so notified shall be allowed until 12 o'clock noon of the day following the service of such notice in which to commence the securing or removal of the same; and he or they shall employ sufficient labor to remove or secure the said building or excavation as expeditiously as can be done: <i>Provided, however,</i> That in a case where the public safety requires immediate action the inspector of buildings may enter upon the premises, with such workmen and assistants as may be necessary, and cause the said unsafe structure or excavation to be shored up, taken down, or otherwise secured without delay, and a proper fence or boarding to be put up for the protection of passersby.
Notice to owner.	
Time allowed to repair, etc.	
<i>Proviso.</i> Emergency action.	
Failure to comply with notice to repair.	"SEC. 2. That when the public safety does not, in the judgment of the inspector of buildings, demand immediate action, if the owner, agent, or other party interested in said unsafe structure or excavation, having been notified, shall refuse or neglect to comply with the requirements of said notice within the time specified, then a careful survey of the premises shall be made by three disinterested persons, one to be appointed by the Commissioners of the District of Columbia, one by the owner or other person interested, and the third to be chosen by these two, and the report of said survey shall be reduced to writing, and a copy served upon the owner or other interested party; and if said owner or other interested party refuse or neglect to appoint a member of said board of survey within the time specified in said notice, then the survey shall be made by the inspector of buildings and the person chosen by the Commissioners, and in case of disagreement they shall choose a third person, and the determination of a majority of the three so chosen shall be final.
Board of survey to be appointed.	
Report of.	
Service of copy.	
Refusal to comply with board's report.	"SEC. 3. That whenever the report of any such survey shall declare the structure or excavation to be unsafe, or shall state that structural repairs should be made in order to place the said structure or excavation in a fit condition for further occupancy or use, and the owner or other interested person shall for ten days neglect or refuse to cause such structure or excavation to be taken down or otherwise to be made safe, the inspector of buildings shall proceed to make such structure or excavation safe or remove the same. After the expiration of the ten days in which the owner or other interested person is given to make the structure or excavation safe, or to be taken down or removed, the owner or other interested person, having failed to comply with the provision of the report of the board of survey, shall not enter, or cause to be entered, the premises for the purpose of making the repairs ordered, or razing the building, as the case may be; or in any other way to interfere with the authorized agents of the District of Columbia in making the said structure or excavation safe, or in removing same, without first having obtained the written consent of the Commissioners of the District of Columbia or their duly authorized representatives. The inspector of buildings shall report the cost and expense of said work to the Commissioners of the said District, who shall assess the amount thereof upon the lot or ground whereon such structure or excavation stands, or stood, or was dug, and unless the said assessment is paid within ninety days from the service of notice thereof on the agent or owner of such property, the same shall bear interest
Inspector of buildings to perform work.	
Interference by owner.	
Assessment of cost.	

at the rate of 10 per centum per annum from the date of such assessment until paid, and shall be collected as general taxes are collected in said District; but said assessment shall be without prejudice to the right which the owner may have to recover from any lessee or other person liable for repairs.

"SEC. 4. That the existence on any lot or parcel of land, in the District of Columbia, of any uncovered well, cistern, dangerous hole, excavation, or of any abandoned vehicles of any description or parts thereof, miscellaneous materials or debris of any kind, including substances that have accumulated as the result of repairs to yards or any building operations, insofar as they affect the public health, comfort, safety, and welfare is hereby declared a nuisance dangerous to life and limb, and any person, corporation, partnership, syndicate, or company, owning a lot or parcel of land in said District on which such a nuisance exists who shall neglect or refuse to abate the same to the satisfaction of the Commissioners of the District of Columbia, after five days' notice from them to do so, shall, on conviction in the police court be punished by a fine of not exceeding \$50 for each and every day said person, corporation, partnership, or syndicate, fails to comply with such notice. In case the owner of, or agent or other party interested in, any lot or parcel of land in the District of Columbia, on which there exists an open well, cistern, dangerous hole or excavation, or any abandoned or unused vehicles or parts thereof, or miscellaneous accumulation of material or debris which affects public safety, health, comfort, and welfare, shall fail, after notice aforesaid, to abate said nuisance within one week after the expiration of such notice, the said Commissioners may cause the lot or parcel of land on which the nuisance exists to be secured by fences or otherwise enclosed, and the removal of any abandoned vehicles, parts thereof or miscellaneous accumulation of material or debris adversely affecting the public safety, health, comfort, and welfare, and the cost and expense thereof shall be assessed by said Commissioners as a tax against the property on which such nuisance exists, and the tax so assessed shall bear interest at the rate of 10 per centum per annum until paid, and be carried on the regular tax rolls of the District of Columbia and shall be collected in the manner provided for the collection of general taxes.

"SEC. 5. That for the purposes of this Act any notice required by law or by any regulation aforesaid to be served shall be deemed to have been served (a) if delivered to the person to be notified, or if left at the usual residence or place of business of the person to be notified, with a person of suitable age and discretion then resident therein; or (b) if no such residence or place of business can be found in said District by reasonable search, if left with any person of suitable age and discretion employed therein at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said notice relates; or (c) if no such office can be found in said District by reasonable search, if forwarded by registered mail to the last known address of the person to be notified and not returned by the post-office authorities; or (d) if no address be known or can be ascertained by reasonable diligence be ascertained, or if any notice forwarded as authorized by the preceding clause of this section be returned by the post-office authorities, if published on three consecutive days in a daily newspaper published in the District of Columbia; or (e) if by reason of an outstanding, unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, if served on the owner of record in the manner hereinbefore in this section

Uncovered well, excavation, etc., declared nuisance.

Abandoned vehicle, debris, etc.

Penalty for failure to abate.

Remedial action by Commissioners.

Assessment of costs.

Interest rate.

Notice; service of.

Nonresident owners. provided; or (f) in case any owner be a nonresident of the District of Columbia, then after public notice by said Commissioners given at least twice a week for one week in one newspaper published in the District of Columbia, by advertisement, describing the property, specifying the nuisance to be abated. Any notice required by law or by any regulation aforesaid to be served on a corporation shall for the purposes of this Act be deemed to have been served on any such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right; and, if required to be served on any foreign corporation, if served on any agent of such corporation personally, or if left with any person of suitable age and discretion residing at the usual residence or employed at the place of business of such agent in the District of Columbia. Every notice aforesaid shall be in writing or printing, or partly in writing and partly in printing; shall be addressed by name to the person to be notified; shall describe with certainty the character and location of the unlawful condition to be corrected, and shall allow a reasonable time to be specified in said notice, within which the person notified may correct such unlawful condition or show cause why he should not be required to do so.

Form of notice.

Inconsistent Acts, etc., repealed. "SEC. 6. That all Acts and parts of Acts inconsistent with this Act, be, and the same are hereby, repealed."

Approved, April 5, 1935.

## [CHAPTER 42.]

## AN ACT

April 5, 1935.

[S. 406.]

[Public, No. 25.]

To amend an Act approved May 1, 1906, entitled "An Act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes."

District of Columbia Code, amendment.  
Vol. 34, pp. 158, 160, 161.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 7, 14, and 15 of the Act approved May 1, 1906, entitled "An Act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes", are hereby amended to read as follows:*

Condemned buildings.  
Removal conditioned on repair costs.

"SEC. 7. That the owner or owners of any building or buildings condemned under the provisions of this Act, which cannot be so changed or repaired as to remedy the condition which led to the condemnation thereof, where the repairs and/or alterations necessary to remedy the conditions which led to the condemnation thereof cannot be made at a cost not greater than 50 per centum of the present reproduction cost of said building as may be agreed upon by a majority of said Board, shall demolish and remove such building or part of building within the time to be specified by said board in the order of condemnation. And if any owner or part owner shall fail or refuse to demolish and remove said building or part of building within the time so specified he shall be deemed guilty of a misdemeanor and liable to the penalties provided by section 13 of this Act, and such building or part of building shall be demolished and removed under the direction of the Board for the condemnation of insanitary buildings in the District of Columbia, and the cost of such demolition and removal, less the amount, if any, received from the sale of the old material, but including the cost of making good such damage to adjoining premises as may have resulted from carelessness or willful recklessness in the demolition of such building and the cost of publication, if any, herein provided for, shall be

Failure to remove; penalty.

Vol. 34, p. 160.

Assessment of costs.

assessed by the Commissioners of the District of Columbia as a tax against the premises on which such building or part of building was situated, such tax to be collected in the same manner as general taxes are collected in the District of Columbia.

"SEC. 14. That the owner or owners of any building or part of building condemned under the provisions of this Act may, within the time specified in the order of condemnation, institute proceedings in the Supreme Court of the District of Columbia, sitting as a district court, for the modification or vacation of the order of condemnation aforesaid, and the court shall give precedence to any such case, and is authorized to issue such orders and decrees as may be necessary to carry into effect the said order of condemnation as made by the Board or as modified by the court in accordance with the verdict returned as hereinafter directed. The court shall appoint a jury consisting of three disinterested persons, one of whom shall be an architect, the second, a physician or a health-officer, and the third, either a structural engineer or a competent builder, each of whom shall have the qualifications of jurors in the District of Columbia, and who, after taking the oath required of jurors in the trial of civil causes, shall proceed under the direction of the court to inspect the premises and to hear and receive evidence respecting the sanitary condition, state of repair, and state of depreciation of such building or part of building aforesaid, the present reproduction value thereof, the fitness and suitability of such building or part of building for occupancy, and the cost to place said building or part of building in a proper and lawful condition for occupancy. In such proceedings the owner or owners of the building or part of building condemned shall be considered the plaintiff and the Board shall be considered the defendant. After inspecting the premises and hearing and considering all of the testimony as hereinbefore provided, the said jury shall return to the court its verdict on a prepared form which shall contain the following questions to be answered by them:

"1. Condition of the building or part of buildings:

"(a) As to sanitation; and

"(b) As to state of repair.

"2. Can the building or part of building condemned be repaired and placed in a proper and lawful condition for occupancy and made to comply with all laws and regulations in force in the District of Columbia relating to buildings without exceeding 50 per centum of the present reproduction cost of such building or part of building?

"3. Is the building or part of building subject to condemnation?

"1. If the jury shall find that the building or part of building sought to be condemned should not be condemned or ordered to be repaired they shall so report to the court, who shall enter a decree directing the vacation of the order of the Board.

"2. If the jury shall find that the building or part of building is subject to condemnation and cannot be repaired and put in a safe, sanitary, and usable condition and made to comply with all laws and regulations in force and effect in the District of Columbia relating to buildings therein, they shall so report to the court who shall enter a decree directing compliance by the plaintiff with the order of the Board.

"3. If the jury shall find that the building or part of building can be repaired and put in a safe, sanitary, and usable condition, and made to comply with all laws and regulations in force and effect in the District of Columbia relating to buildings they shall so report to the court, who shall enter an order directing the plaintiff within a reasonable time to cause the said building or part of

Proceedings to vacate  
condemnation order.

Jury; appointment,  
qualifications.

Duties.

Verdict; form, con-  
tents.

Decrees of court.

Removal of building on failure to comply with order of court.

building to be put in a safe, sanitary, and usable condition and made to comply with all the laws and regulations relative to buildings in the District of Columbia, and in the event of the failure or neglect of the plaintiff to cause the repairs or alterations necessary to be made to comply with the order of the court and the provisions of this Act, the Board shall inform the court of such fact and the court shall thereupon enter an order requiring the removal of the said building or part of building. Unless cause be shown to the court within ten days from the filing of said verdict of removal why the same should not be confirmed, the court shall ratify and confirm the same and cause judgment thereon to be entered accordingly, all the costs of the proceeding to follow the judgment. The Commissioners of the District of Columbia, or their duly authorized agents, shall proceed with the removal of the building or parts of building, as ordered by the court, and the cost of removing the building or part of building, including the cost of making good such damage to adjoining premises as may have resulted in such removal, and the cost of publication, if any may be necessary, authorized by section 10 of this Act, shall be assessed against the real estate upon which said building or part of building stood, should the owner at his expense fail to remove the same within such time as may be fixed by the court in the order confirming the verdict of said jury.

Assessment of costs.

Jury fees.

"Each member of the jury appointed by the court as aforesaid shall receive for each day's attendance the sum of \$8 to be included as part of the cost of the proceedings.

Payment of expenses.

"SEC. 15. Except as herein otherwise authorized all expenses incident to the enforcement of this Act shall be paid from appropriations made from time to time for that purpose in like manner as other appropriations for the expenses of the District of Columbia."

Approved, April 5, 1935.

[CHAPTER 43.]

AN ACT

To change the designation of Leffler Place to Second Place.

April 5, 1935.

[H. R. 4538.]

[Public, No. 26.]

District of Columbia.  
Name of Leffler  
Place changed to Sec-  
ond Place.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the street designated as Leffler Place Northwest, running north from Oglethorpe Street to Peabody Street Northwest, be, and the same is hereby, changed to Second Place, thereby conforming to the general practice in the naming of short streets of this character in the District of Columbia.

Approved, April 5, 1935.

[CHAPTER 44.]

JOINT RESOLUTION

To authorize the acceptance on behalf of the United States of the bequest of the late Charlotte Taylor of the city of Saint Petersburg, State of Florida, for the benefit of Walter Reed General Hospital.

April 5, 1935.

[S. J. Res. 24.]

[Pub. Res., No. 10.]

Charlotte Taylor.  
Acceptance of be-  
quest of, for benefit of  
Walter Reed Hospital  
authorized.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commanding officer Walter Reed General Hospital be, and is hereby, authorized to accept the bequest of the late Charlotte Taylor, of the city of Saint Petersburg, State of Florida, as contained in her last will and testament and such interest as may have accrued on the funds covered by such bequest, and to receipt therefor on behalf of the United States, and to deposit the funds so received in the Treasury of the United States as a special fund dedicated to the

purchase of radio equipment or similar means of entertainment for bedridden soldiers or other patients in said hospital, said fund to be subject to disbursement for such purposes upon vouchers submitted by the commanding officer Walter Reed General Hospital under authority of the Secretary of War and to be available until expended.

Approved, April 5, 1935.

[CHAPTER 46.]

AN ACT

To provide for the conservation and settlement of estates of absentees and absconders in the District of Columbia, and for other purposes.

April 8, 1935.  
[H. R. 83.]  
[Public, No. 27.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if a person entitled to or having an interest in property in the District of Columbia has disappeared or absconded from the District of Columbia, and it is not known where he is, or if such person, having a wife or minor child, dependent to any extent upon him for support, has disappeared or absconded without making sufficient provision for such support, and it is not known where he is, or if his whereabouts is known and he has been without the District of Columbia continuously for two years or longer, anyone who would under the law of the District of Columbia be entitled to administer upon the estate of such absentee if he were deceased, or if no one is known to be so entitled, any suitable person, or such wife, or someone in her or such minor's behalf, may file a petition under oath in the Supreme Court of the District of Columbia, sitting in equity, stating the name, age, occupation, and last known residence or address of such absentee, the date and circumstances of the disappearance or absconding, and the names and residence of other persons, whether members of such absentee's family or otherwise, of whom inquiry may be made, and containing a schedule of his property, real and personal, so far as known, within the District of Columbia, and praying that such property may be taken possession of and a receiver thereof appointed under the provisions of this Act. The United States attorney in and for the District of Columbia shall be made a party to every such petition and shall be given due notice of all subsequent proceedings under this law.

District of Columbia.  
Settlement of estates  
of absentees and ab-  
sconders.  
Petition; filing.

Contents.

Schedule of property.

Notice to United  
States attorney for Dis-  
trict.

Warrant; issue of.

Return of.

Posting and record-  
ing.

Fees of marshal.

Costs.

Notice to interested  
parties.

SEC. 2. The court may thereupon issue a warrant directed to the United States marshal in and for the District of Columbia, commanding him to take possession of the property named in said schedule and hold it subject to the order of the court and make return of said warrant as soon as may be, with a statement of his actions thereon and a schedule of the property so taken. The marshal shall post a copy of the warrant upon each parcel of land named in the schedule and cause so much of the warrant as relates to land to be recorded with the recorder of deeds of the District of Columbia. He shall receive such fees for serving the warrant as the court allows, but not more than those established by law for similar service upon a writ of attachment. If the petition is dismissed, said fees and the cost of publishing and serving the notice hereinafter provided shall be paid by the petitioner; but if a receiver is appointed, they shall be paid by the receiver and allowed in his account.

SEC. 3. Upon the return of such warrant, the court may issue a notice reciting the substance of the petition, the warrant, and the marshal's return, which shall be addressed to such absentee and to all persons who claim of record an interest in said property, or who are known to petitioner to claim an interest in said property, and to all

whom it may concern, citing them to appear at a time and place named and show cause why a receiver of the property named in the marshal's schedule should not be appointed and said property held and disposed of under the provisions of this Act.

Return day of notice.	SEC. 4. The return day of said notice shall be not less than thirty nor more than sixty days after its date unless otherwise ordered by the court. The court shall order said notice to be published not less than once in each of three successive weeks in one or more newspapers within the District of Columbia, and a copy to be posted in a conspicuous place and upon each parcel of land named in the marshal's schedule, and a copy to be mailed to the last known address of such absentee. The court may order other and further notice to be given within or without the District of Columbia.
Publication of.	
Court action if absentee appears.	SEC. 5. The absentee or any person who claims an interest in any of the property may appear and show cause why the prayer of the petition should not be granted. The court may after hearing dismiss the petition and order the property in possession of the marshal to be returned to the person entitled thereto, or it may appoint a receiver of the property which is in the possession of the marshal and named in his schedule. If a receiver is appointed, the court shall find and record the date of the disappearance or absconding of the absentee; and such receiver shall give bond to said court in such sum and with such condition as the court orders, with a corporate surety thereon approved by the court.
If receiver appointed.	
Bond.	
Transfer of property to receiver.	SEC. 6. After the approval of such bond the court may order the marshal to transfer and deliver to such receiver the possession of the property under the aforesaid warrant, and the receiver shall file in said court a schedule of the property received by him.
Additional property of absentee.	SEC. 7. Such receiver upon petition filed by him may be authorized and directed by the court to take possession of any additional property within the District of Columbia which belongs to such absentee and to demand and collect all debts due such absentee from any person within the District of Columbia, and hold the same as if it had been transferred and delivered to him by the marshal.
Debts due absentee.	SEC. 8. If such absentee has left no corporeal property within the District of Columbia, but there are debts and obligations due or owing to him from persons within the District of Columbia, a petition may be filed as provided in section 1, stating the nature and amount of such debts and obligations, so far as known, and praying that a receiver thereof may be appointed. The court may thereupon issue a notice as above provided, without issuing a warrant, and may, upon the return of said notice and after a summary hearing, dismiss the petition or appoint a receiver and authorize and direct him to demand and collect the debts and obligations specified in said petition. The receiver shall give bond as provided in section 5, and shall hold the proceeds of such debts and obligations and all property received by him, and distribute the same as hereinafter provided. The court may confer upon the receiver such further authority as may be conferred under section 7.
Petition may be filed.	
Receiver; appointment.	
Collection of debts by.	
Bond.	
Authority of receiver.	
Conservation of property.	SEC. 9. The court may make orders for the care, custody, leasing, and investing of all property and its proceeds in the possession of the receiver. After the appointment of a receiver, upon his petition and after notice, the court may order all or part of said property, including the rights of the absentee in land, to be mortgaged, or sold at public or private sale, to supply money for payments authorized by this Act or for reinvestment approved by the court.
Use of property or proceeds.	SEC. 10. The court may order said property or its proceeds acquired by mortgage, lease, or sale to be applied in payment of charges incurred or that may be incurred in the support and maintenance of



the absentee's wife and minor children, and to the discharge of such debts and claims for alimony as may be proved against said absentee.

SEC. 11. The court may authorize the receiver to adjust by arbitration or compromise any demand in favor of or against the estate of such absentee.

SEC. 12. The receiver shall be allowed such compensation and disbursements as the court orders, to be paid out of said property or proceeds. If within fourteen years after the date of the disappearance and absconding as found and recorded by the court, such absentee appears, or an administrator, executor, assignee in insolvency, or trustee in bankruptcy of such absentee is appointed, such receiver shall account for, deliver, and pay over to him the remainder of said property. If such absentee does not appear and claim said property within such fourteen years, all his right, title, and interest in said property, real or personal, or the proceeds thereof shall cease, and no action shall be brought by him on account thereof.

SEC. 13. If at the expiration of such fourteen years said property has not been accounted for, delivered, or paid over under the provisions of the preceding section, the court shall order the distribution of the remainder to the persons to whom, and in the shares and proportions in which, it would have been distributed if such absentee had died intestate within the District of Columbia on the day fourteen years after the date of the disappearance or absconding as found and recorded by the court.

SEC. 14. If such receiver is not appointed within thirteen years after the date found by the court under section 5, the time limited for accounting for, or fixed for distributing, said property or its proceeds, or for barring actions relative thereto, shall be one year after the date of the appointment of the receiver instead of the fourteen years provided in the two preceding sections; except that the time limited for accounting for, or fixed for distributing, any additional property or its proceeds within the District of Columbia coming into the possession of such receiver during such one-year period, or for barring actions relative thereto, shall be one year after the date possession is taken by such receiver.

SEC. 15. Nothing in this Act contained shall be construed as repealing or modifying sections 252 or 253 of the Act of Congress entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901, as amended.

Approved, April 8, 1935.

[CHAPTER 47.]

AN ACT

Relating to the incorporation of Trinity College of Washington, District of Columbia, organized under and by virtue of a certificate of incorporation pursuant to the incorporation laws of the District of Columbia, as provided in subchapter 1 of chapter 18 of the Code of Laws of the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the incorporation of Trinity College of Washington, District of Columbia, under chapter 18 of the Code of Laws of the District of Columbia, be, and the same is hereby, approved and confirmed, except as herein specifically altered.

SEC. 2. That the trustees constituting and managing the said corporation shall number not less than eight nor more than fifteen, each of whom, except the Archbishop of the Roman Catholic Archdiocese of Baltimore, shall be a member of the religious congregation of the Sisters of Notre Dame of Namur; that Julia Schumacher, Mary

Adjustment of claims.

Compensation of receiver.

Accounting; when.

When rights of absentee deemed divested.

Distribution of remainder.

Provisions where receiver not appointed within 13 years.

Existing law not affected.  
Vol. 31, p. 1230.

April 8, 1935.  
[H. R. 3477.]  
[Public, No. 23.]

Trinity College, Washington, D. C. Incorporation approved.

Trustees.

Qualifications.

Original board; chairman, etc. Funke, Alma Hummel, Rose Larkin, Margaret Sweeney, Edith Stowell, Julia Chisholm, Angela Keenan, known in the above-named religious order under and by the names respectively of Sister Berchmans Julia, Sister Odilia, Sister Marie Louis, Sister Julitta, Sister Margaret of the Trinity, Sister Mary Agnes of the Infant Jesus, Sister Julie, and Sister Angela Elizabeth, shall constitute the original board of trustees under this Act; that the person holding the office and title of Archbishop of the Roman Catholic Archdiocese of Baltimore shall be ex officio a member of the board of trustees and chairman thereof, and the person holding the office of Provincial Superior of the congregation of the Sisters of Notre Dame of Namur of the Baltimore Province shall be ex officio a member of the board and vice chairman thereof; that the successors to the trustees other than the aforesaid ex officio members shall be elected at suitable intervals by the members of the congregation of the Sisters of Notre Dame of Namur from among their number in accordance with the rules and practices of the said religious congregation now or hereafter established and obtaining; that a majority of the board of trustees shall constitute a quorum for the transaction of business and for all purposes; that at the first meeting of the board of trustees, held subsequent to this Act, the board shall elect from among themselves one member to be president, one member to be vice president, one member to be treasurer, one member to be secretary; the board of trustees shall fix the term for which the officers shall serve, their duties and authority, and shall elect their successors at such regular intervals thereafter as they may determine; and the board may elect, appoint, or employ such further minor or assistant officers and agents as they may deem necessary and expedient for the purposes of the corporation, it not being necessary that such officers or agents be members of the board.

Election of successors. **SEC. 3.** The board of trustees shall have the power to establish bylaws and ordinances for the conduct of the business of the corporation and to alter, repeal, or amend the same; to frame laws and regulations for the government of the faculty and students; to offer and prescribe courses in undergraduate and in graduate work; to confer the customary undergraduate and graduate degrees; to determine the subjects and branches of learning to be taught and to establish chairs, professorships, courses, schools, and departments therein. The board of trustees may create and establish a board of regents, an endowment board and such other auxiliary boards of an academic or advisory nature as may be deemed necessary and proper; and they shall have all the powers and authority heretofore granted to or invested in the trustees of the said Trinity College by chapter 18 of the Revised Statutes of the United States relating to the District of Columbia.

Quorum. **SEC. 4.** The said Trinity College may enter into affiliated agreements with any institutions of learning within or outside of the District of Columbia, for the purpose of giving students of such institutions the educational facilities of said college upon such terms as are mutually agreed upon.

Officers. **SEC. 5.** The said Trinity College may receive, invest, and administer endowments and gifts of money and property absolute or subject to payments by way of annuities during the life of the donor, for the maintenance of the educational work of the institution and of any departments, school, or chair thereof, now established or which may hereafter be created or established.

Powers and authority of trustees. **SEC. 6.** The said Trinity College shall adopt a common seal, under and by which all deeds, diplomas, and acts of the said corporation

Affiliation with other institutions of learning.

Acceptance and investment of gifts, etc.

Seal to be adopted.

shall pass and be authenticated, the same seal at their pleasure to break, alter, or devise a new one.

SEC. 7. No institution of learning hereafter incorporated in the District of Columbia shall use in or as its title, in whole or in part the words "Trinity College."

SEC. 8. Nothing in this Act contained shall be so construed as to prevent Congress from altering, amending, or repealing the same.

Approved, April 8, 1935.

[CHAPTER 48.]

JOINT RESOLUTION

Making appropriations for relief purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to provide relief, work relief and to increase employment by providing for useful projects, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used in the discretion and under the direction of the President, to be immediately available and to remain available until June 30, 1937, the sum of \$4,000,000,000, together with the separate funds established for particular areas by proclamation of the President pursuant to section 15 (f) of the Agricultural Adjustment Act (but any amounts thereof shall be available for use only for the area for which the fund was established); not exceeding \$500,000,000 in the aggregate of any savings or unexpended balances in funds of the Reconstruction Finance Corporation; and not exceeding a total of \$380,000,000 of such unexpended balances as the President may determine are not required for the purposes for which authorized, of the following appropriations, namely: The appropriation of \$3,300,000,000 for national industrial recovery contained in the Fourth Deficiency Act, fiscal year 1933, approved June 16, 1933 (48 Stat. 274); the appropriation of \$950,000,000 for emergency relief and civil works contained in the Act approved February 15, 1934 (48 Stat. 351); the appropriation of \$899,675,000 for emergency relief and public works, and the appropriation of \$525,000,000 to meet the emergency and necessity for relief in stricken agricultural areas, contained in the Emergency Appropriation Act, fiscal year 1935, approved June 19, 1934 (48 Stat. 1055); and any remainder of the unobligated moneys referred to in section 4 of the Act approved March 31, 1933 (48 Stat. 22): *Provided*, That except as to such part of the appropriation made herein as the President may deem necessary for continuing relief as authorized under the Federal Emergency Relief Act of 1933, as amended, or for restoring to the Federal Emergency Relief Administration of Public Works any sums which after December 28, 1934, were, by order of the President impounded or transferred to the Federal Emergency Relief Administration from appropriations heretofore made available to such Federal Emergency Administration of Public Works (which restoration is hereby authorized), this appropriation shall be available for the following classes of projects, and the amounts to be used for each class shall not, except as hereinafter provided, exceed the respective amounts stated, namely: (a) Highways, roads, streets, and grade-crossing elimination, \$800,000,000; (b) rural rehabilitation and relief in stricken agricultural areas, and water conservation, trans-mountain water diversion and irrigation and reclamation, \$500,000,000; (c) rural electrification, \$100,000,000; (d) housing, \$450,000,000; (e) assistance for educational, professional and clerical persons, \$300,000,000; (f) Civilian Conservation Corps, \$600,000,000; (g) loans or grants,

Exclusive right to name.

Rights reserved.

April 8, 1935.  
[H. J. Res. 117.]  
[Pub. Res., No. 11.]

Emergency Relief  
Appropriation Act of  
1935.  
Post, p. 1134.  
Purpose.  
Use and availability.

Amount.

Vol. 48, p. 675.

Funds specified.

Vol. 48, p. 275.

Vol. 48, p. 351.

Vol. 48, p. 1056.

Vol. 48, p. 23.

*Provisos.*  
Allocation of appropriation.

Projects designated.  
Limitation on  
amount for each class.

Post, p. 596.

or both, for projects of States, Territories, Possessions, including subdivisions and agencies thereof, municipalities, and the District of Columbia, and self-liquidating projects of public bodies thereof, where, in the determination of the President, not less than twenty-five per centum of the loan or the grant, or the aggregate thereof, is to be expended for work under each particular project, \$900,000,000; (h) sanitation, prevention of soil erosion, prevention of stream pollution, sea coast erosion, reforestation, forestation, flood control, rivers and harbors and miscellaneous projects, \$350,000,000: *Provided further*, That not to exceed 20 per centum of the amount herein appropriated may be used by the President to increase any one or more of the foregoing limitations if he finds it necessary to do so in order to effectuate the purpose of this joint resolution: *Provided further*, That no part of the appropriation made by this joint resolution shall be expended for munitions, warships, or military or naval matériel; but this proviso shall not be construed to prevent the use of such appropriation for new buildings, reconstruction of buildings and other improvements in military or naval reservations, posts, forts, camps, cemeteries, or fortified areas, or for projects for nonmilitary or nonnaval purposes in such places.

Increased amount authorized.

Expenditure for munitions, warships, etc., prohibited.

Public highways and related projects. Apportionment of allocations.

Vol. 48, p. 203.

Expenditure by State highway departments. Vol. 42, p. 212; Vol. 48, p. 993. U. S. C., p. 969.

Provisos. Amounts for grade crossing elimination.

Apportionment provisions. Post, p. 1134.

Expenditure. Vol. 42, p. 212; Vol. 48, p. 993. U. S. C., p. 969. Matching funds not required.

Alaska, Puerto Rico, Virgin Islands.

Allotments for highways.

Rules and regulations.

Preference in labor employment.

Except as hereinafter provided, all sums allocated from the appropriation made herein for the construction of public highways and other related projects (except within or adjacent to national forests, national parks, national parkways, or other Federal reservations) shall be apportioned by the Secretary of Agriculture in the manner provided by section 204 (b) of the National Industrial Recovery Act for expenditure by the State highway departments under the provisions of the Federal Highway Act of November 9, 1921, as amended and supplemented, and subject to the provisions of section 1 of the Act of June 18, 1934 (48 Stat. 993): *Provided*, That any amounts allocated from the appropriation made herein for the elimination of existing hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, shall be apportioned by the Secretary of Agriculture to the several States (including the Territory of Hawaii and the District of Columbia), one-half on population as shown by the latest decennial census, one-fourth on the mileage of the Federal-aid highway system as determined by the Secretary of Agriculture, and one-fourth on the railroad mileage as determined by the Interstate Commerce Commission, to be expended by the State highway departments under the provisions of the Federal Highway Act of November 9, 1921, as amended and supplemented, and subject to the provisions of section 1 of such Act of June 18, 1934 (48 Stat. 993); but no part of the funds apportioned to any State or Territory under this joint resolution for public highways and grade crossings need be matched by the State or Territory: *And provided further*, That the President may also allot funds made available by this joint resolution for the construction, repair, and improvement of public highways in Alaska, Puerto Rico, and the Virgin Islands, and money allocated under this joint resolution to relief agencies may be expended by such agencies for the construction and improvement of roads and streets: *Provided, however*, That the expenditure of funds from the appropriation made herein for the construction of public highways and other related projects shall be subject to such rules and regulations as the President may prescribe for carrying out this paragraph and preference in the employment of labor shall be given (except in executive, administrative, supervisory, and highly skilled positions)

to persons receiving relief, where they are qualified, and the President is hereby authorized to predetermine for each State the hours of work and the rates of wages to be paid to skilled, intermediate, and unskilled labor engaged in such construction therein: *Provided further*, That rivers and harbors projects, reclamation projects (except the drilling of wells, development of springs and subsurface waters), and public buildings projects undertaken pursuant to the provisions of this joint resolution shall be carried out under the direction of the respective permanent Government departments or agencies now having jurisdiction of similar projects.

Hours of work; rates of wages.

Government direction of certain public works.

Funds made available by this joint resolution may be used, in the discretion of the President, for the purpose of making loans to finance, in whole or in part, the purchase of farm lands and necessary equipment by farmers, farm tenants, croppers, or farm laborers. Such loans shall be made on such terms as the President shall prescribe and shall be repaid in equal annual installments, or in such other manner as the President may determine.

Loans to finance purchase of farms, equipment.

Terms; repayment.

Funds made available by this joint resolution may be used, in the discretion of the President for the administration of the Agricultural Adjustment Act, as amended, during the period of twelve months after the effective date of this joint resolution.

Agricultural Adjustment Act.  
Funds available for administration of.

SEC. 2. The appropriation made herein shall be available for use only in the United States and its Territories and possessions. The provisions of the Act of February 15, 1934 (48 Stat. 351), relating to disability or death compensation and benefits shall apply to those persons receiving from the appropriation made herein, for services rendered as employees of the United States, security payments in accordance with schedules established by the President: *Provided*, That so much of the sum herein appropriated as the United States Employees' Compensation Commission, with the approval of the President, estimates and certifies to the Secretary of the Treasury will be necessary for the payment of such compensation and administrative expenses shall be set aside in a special fund to be administered by the Commission for such purposes; and after June 30, 1936, such special fund shall be available for these purposes annually in such amounts as may be specified therefor in the annual appropriation Acts. The provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) shall not apply to any purchase made or service procured in carrying out the provisions of this joint resolution when the aggregate amount involved is less than \$300.

Availability limited.  
Disability or death compensation.  
Vol. 48, p. 351.  
Benefits of, extended.  
Post, p. 1601.

*Proviso*.  
Special fund created.

Administration.

Availability.

Purchases without advertising.  
R. S., sec. 3709, p. 733;  
U. S. C., p. 1803.

Contingent expenses.

SEC. 3. In carrying out the provisions of this joint resolution the President may (a) authorize expenditures for contract stenographic reporting services; supplies and equipment; purchase and exchange of law books, books of reference, directories, periodicals, newspapers and press clippings; travel expenses, including the expense of attendance at meetings when specifically authorized; rental at the seat of government and elsewhere; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles; printing and binding; and such other expenses as he may determine necessary to the accomplishment of the objectives of this joint resolution; and (b) accept and utilize such voluntary and uncompensated services, appoint, without regard to the provisions of the civil-service laws, such officers and employees, and utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees, as may be necessary, prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, fix the compensation of any officers and employees so appointed.

Rent.

Printing and binding.

Personal services.

Classification Act not to apply.

Administrator, officers.  
Appointment.

Any Administrator or other officer, or the members of any central board, or other agency, named to have general supervision at the seat of Government over the program and work contemplated under the appropriation made in section 1 of this joint resolution and receiving a salary of \$5,000 or more per annum from such appropriation, and any State or regional administrator receiving a salary of \$5,000 or more per annum from such appropriation (except persons now serving as such under other law), shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the provisions of section 1761 of the Revised Statutes shall not apply to any such appointee and the salary of any person so appointed shall not be increased for a period of six months after confirmation.

*Proviso.*  
Salary restriction.  
R. S., sec. 1761, p. 313.  
U. S. C., p. 28.  
President to prescribe duties, etc., of necessary agencies.

SEC. 4. In carrying out the provisions of this joint resolution the President is authorized to establish and prescribe the duties and functions of necessary agencies within the Government.

Real property; right to acquire, etc.

SEC. 5. In carrying out the provisions of this joint resolution the President is authorized (within the limits of the appropriation made in section 1) to acquire, by purchase or by the power of eminent domain, any real property or any interest therein, and improve, develop, grant, sell, lease (with or without the privilege of purchasing), or otherwise dispose of any such property or interest therein.

Rules, etc., to be prescribed.

SEC. 6. The President is authorized to prescribe such rules and regulations as may be necessary to carry out this joint resolution, and any willful violation of any such rule or regulation shall be punishable by fine of not to exceed \$1,000.

Punishment for violation.

Rates of pay.

SEC. 7. The President shall require to be paid such rates of pay for all persons engaged upon any project financed in whole or in part, through loans or otherwise, by funds appropriated by this joint resolution, as will in the discretion of the President accomplish the purposes of this joint resolution, and not affect adversely or otherwise tend to decrease the going rates of wages paid for work of a similar nature.

*Proviso.*  
Government building construction.

The President may fix different rates of wages for various types of work on any project, which rates need not be uniform throughout the United States: *Provided, however*, That whenever permanent buildings for the use of any department of the Government of the United States, or the District of Columbia, are to be constructed by funds appropriated by this joint resolution, the provisions of the Act of March 3, 1931 (U. S. C., Supp. VII, title 40, sec. 276a), shall apply but the rates of wages shall be determined in advance of any bidding thereon.

Vol. 46, p. 1494; U. S. C., p. 1788.

Private enterprise facilities.

SEC. 8. Wherever practicable in the carrying out of the provisions of this joint resolution, full advantage shall be taken of the facilities of private enterprise.

Fraud, etc.  
Punishment for.

SEC. 9. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any project, employment, or relief aid under the provisions of this joint resolution, or diverts, or attempts to divert, or assists in diverting for the benefit of any person or persons not entitled thereto, any moneys appropriated by this joint resolution, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, deprives any person of any of the benefits to which he may be entitled under the provisions of this joint resolution, or attempts so to do, or assists in so doing, shall be deemed guilty of a misdemeanor and shall be fined not more than \$2,000 or imprisoned not more than one year, or both.

SEC. 10. Until June 30, 1936, or such earlier date as the President by proclamation may fix, the Federal Emergency Relief Act of 1933, as amended, is continued in full force and effect.

Federal Emergency Relief Act of 1933. Vol. 48, p. 55.

SEC. 11. No part of the funds herein appropriated shall be expended for the administrative expenses of any department, bureau, board, commission, or independent agency of the Government if such administrative expenses are ordinarily financed from annual appropriations, unless additional work is imposed thereupon by reason of this joint resolution.

Administrative expenses, restriction.

SEC. 12. The Federal Emergency Administration of Public Works established under title II of the National Industrial Recovery Act is hereby continued until June 30, 1937, and is authorized to perform such of its functions under said Act and such functions under this joint resolution as may be authorized by the President. All sums appropriated to carry out the purposes of said Act shall be available until June 30, 1937. The President is authorized to sell any securities acquired under said Act or under this joint resolution and all moneys realized from such sales shall be available to the President, in addition to the sums heretofore appropriated under this joint resolution, for the making of further loans under said Act or under this joint resolution.

Public Works Administration. Continuance, functions, etc. Vol. 48, p. 200.

Availability of sums appropriated.

Sale of securities.

Proceeds.

SEC. 13. (a) The acquisition of articles, materials, and supplies for the public use, with funds appropriated by this joint resolution, shall be subject to the provisions of section 2 of title III of the Treasury and Post Office Appropriation Act, fiscal year 1934; and all contracts let pursuant to the provisions of this joint resolution shall be subject to the provisions of section 3 of title III of such Act.

Articles, etc., of American manufacture.

Contracts, etc., subject to existing provisions.

Vol. 47, p. 1520.

(b) Any allocation, grant, or other distribution of funds for any project, Federal or non-Federal, from the appropriation made by this joint resolution, shall contain stipulations which will provide for the application of title III of such Act to the acquisition of articles, materials and supplies for use in carrying out such project.

SEC. 14. The authority of the President under 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, as amended, is hereby continued to and including March 31, 1937.

Unemployment Relief Act; continuance.

Vol. 48, p. 22, amended.

SEC. 15. A report of the operations under this joint resolution shall be submitted to Congress before the 10th day of January in each of the next three regular sessions of Congress, which report shall include a statement of the expenditures made and obligations incurred, by classes and amounts.

Annual reports to Congress.

SEC. 16. This joint resolution may be cited as the "Emergency Relief Appropriation Act of 1935."

Short title.

Approved, April 8, 1935, 4 p. m.

#### [CHAPTER 49.]

#### JOINT RESOLUTION

To permit articles imported from foreign countries for the purpose of exhibition at the California Pacific International Exposition, San Diego, California, to be admitted without payment of tariff, and for other purposes.

April 8, 1935.

[H. J. Res. 174.]

[Pub. Res., No. 12.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all articles which shall be imported from foreign countries for the purpose of exhibition at the international exposition to be held at San Diego, California, beginning in May 1935, by the California Pacific International Exposition Company, or for use in constructing, installing, or maintaining foreign buildings or exhibits at the said exhibition,*

California Pacific International Exposition, San Diego, Calif.

Dutiable articles imported for exhibition, etc., purposes, admitted free, under regulations.

*Ante*, pp. 40, 50.

upon which articles there shall be a tariff or customs duty shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said exposition, to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles, which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles, which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond, and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the California Pacific International Exposition Company shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the California Pacific International Exposition Company to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930.

Approved, April 8, 1935.

[CHAPTER 54.]

AN ACT

Making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1936, and for other purposes.

*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 military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1936, and for other purposes, namely:

Sales permitted.

*Provisos.*  
Paying duty on  
articles withdrawn.

Deterioration allow-  
ances.

Marking require-  
ments.

Articles abandoned.

Transfer privileges.

Exposition Company  
deemed sole consignee  
of merchandise.

Incurred Federal ex-  
penses reimbursable.

Deposit of, as re-  
ceipts.  
Vol. 46, p. 741.  
U. S. C., p. 894.

April 9, 1935.  
[H. R. 5913.]

[Public, No. 29.]

War Department ap-  
propriations, fiscal year  
1936.



TITLE I—MILITARY ACTIVITIES AND OTHER  
EXPENSES OF THE WAR DEPARTMENT INCIDENT  
THERETO

SALARIES, WAR DEPARTMENT

For compensation for personal services in the District of Columbia, as follows:

Office of Secretary of War: Secretary of War, Assistant Secretary of War, and other personal services, \$264,490: *Provided*, That no field-service appropriation shall be available for personal services in the War Department except as may be expressly authorized herein.

Office of Chief of Staff, \$217,200.

Adjutant General's office, \$1,336,147.

For personal services in and without the District of Columbia, to be employed exclusively in assembling, classifying, and indexing the military personnel records of the World War, and for the purchase of necessary supplies and materials used in such work, \$104,595.

Office of the Inspector General, \$27,220.

Office of the Judge Advocate General, \$107,280.

Office of the Chief of Finance, \$361,200.

Office of the Quartermaster General, \$771,387.

Office of the Chief Signal Officer, \$109,493.

Office of the Chief of Air Corps, \$217,044.

Office of the Surgeon General, \$195,953.

Office of Chief of Bureau of Insular Affairs, \$66,300.

Office of Chief of Engineers, \$119,592: *Provided*, That the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary may be employed only in the office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, surveys, and preparation for and the consideration of river and harbor estimates and bills, to be paid from such appropriations: *Provided further*, That the expenditures on this account for the fiscal year 1936 shall not exceed \$222,280; the Secretary of War shall each year, in the Budget, report to Congress the number of persons so employed, their duties, and the amount paid to each.

Office of Chief of Ordnance, \$412,405.

Office of Chief of Chemical Warfare Service, \$50,337.

Office of Chief of Coast Artillery, \$25,680.

National Guard Bureau, War Department, \$143,543.

In all, salaries, War Department, \$4,529,866: *Provided*, That the number of enlisted men on duty in the offices of the Chiefs of Ordnance, Engineers, Coast Artillery, Field Artillery, Cavalry, and Infantry on March 5, 1934, shall not be increased, and in lieu of enlisted men whose services in such offices shall be terminated for any cause prior to July 1, 1936, their places may be filled by civilians, for the pay of whom, in accordance with the Classification Act of 1923, as amended, subject to such reduction as may be required by other law, the appropriation "Pay, and so forth, of the Army", shall be available.

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, with the exception of the Assistant Secretary of War 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, and in grades in which only one position is allocated the salary of such position shall not

Military activities.

Department salaries.

Personal services.

Secretary, Assistant, and other personal services.

*Proviso.*  
Use of field service funds restricted.  
Designated offices.

*Provisos.*  
Draftsmen, etc., payable from other appropriations.

Maximum expenditure, 1936.

Report to Congress.

*Proviso.*  
Detail of enlisted men not to be increased.

Civilians to fill vacancies.

Fund available.

Restriction on exceeding average salaries.  
Vol. 42, p. 1438; Vol. 45, p. 776; Vol. 46, p. 1003.  
U. S. C., p. 85.

*Proviso.*  
Restriction not applicable to clerical-mechanical service.  
No reduction in fixed salaries.  
Vol. 42, p. 1490; U. S. C., p. 86.  
Transfer to another position without reduction.

Higher salary rates allowed.

If only one position in a grade.

exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, 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 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.

#### CONTINGENT EXPENSES, WAR DEPARTMENT

Department contingent expenses.

For stationery; purchase of professional and scientific books, law books, including their exchange; books of reference, pamphlets, periodicals, newspapers, maps; typewriting and adding machines, and other labor-saving devices, including their repair and exchange; furniture and repairs to same; carpets, linoleum, filing equipment, photo supplies, towels, ice, brooms, soap, sponges; maintenance, repair, and operation of motor trucks and one motor-propelled passenger-carrying vehicle, to be used only for official purposes; freight and express charges; street-car fares, not exceeding \$750; postage to Postal Union countries; and other absolutely necessary expenses, \$200,000, and it shall not be lawful to expend, unless otherwise specifically provided herein, for any bureau, office, or branch of the War Department or of the Army having or maintaining an office in the War Department proper, at Washington, District of Columbia, any sum out of appropriations contained in this Act (or accruing thereto) made for the Military Establishment for any of the purposes mentioned or authorized in this paragraph: *Provided*, That hereafter section 3709, Revised Statutes (U. S. C., title 41, sec. 5), shall not apply to any procurement under this appropriation which does not exceed \$25 in amount.

*Proviso.*  
Minor purchases.  
R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.

Surgeon General's office.

Library expenses.

#### LIBRARY, SURGEON GENERAL'S OFFICE

For the library of the Surgeon General's Office, including the pay of employees and the purchase of the necessary books of reference and periodicals, \$70,000.

#### PRINTING AND BINDING, WAR DEPARTMENT

Printing and binding.

For printing and binding for the War Department, its bureaus and offices, and for all printing and binding for the field activities under the War Department, except such as may be authorized in accordance with existing law to be done elsewhere than at the Government Printing Office, \$435,888: *Provided*, That the sum of \$3,000, or so much thereof as may be necessary, may be used for the publication, from time to time, of bulletins prepared under the direction of the Surgeon General of the Army, for the instruction of medical officers, when approved by the Secretary of War, \$37,000 shall be available exclusively for printing the Index Catalog of the Army Medical Library, and not exceeding \$68,050 shall be available for printing and binding under the direction of the Chief of Engineers.

*Proviso.*  
Medical bulletins.

## MILITARY ACTIVITIES

Military activities.

## CONTINGENCIES OF THE ARMY

For all emergencies and extraordinary expenses, including the employment of translators, and exclusive of all other personal services in the War Department or any of its subordinate bureaus or offices in the District of Columbia, or in the Army at large, but impossible to be anticipated or classified, to be expended on the approval or authority of the Secretary of War, and for such purposes as he may deem proper, and for examination of estimates of appropriations and of military activities in the field, \$11,650.

Army contingencies.

## GENERAL STAFF CORPS

General Staff Corps.

## CONTINGENCIES, MILITARY INTELLIGENCE DIVISION

Military Intelligence Division.

For contingent expenses of the Military Intelligence Division, General Staff Corps, and of the military attachés at the United States embassies and legations abroad, including the purchase of law books, professional books of reference, and subscriptions to newspapers and periodicals; for the hire of interpreters, special agents, and guides, and for such other purposes as the Secretary of War may deem proper, including \$5,000 for the actual and necessary expenses of officers of the Army on duty abroad for the purpose of observing operations of armies of foreign states at war, to be paid upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information, \$87,000, to be expended under the direction of the Secretary of War: *Provided*, That section 3648, Revised Statutes (U. S. C., title 31, sec. 529), shall not apply to payments made from appropriations contained in this Act in compliance with the laws of foreign countries or their ministerial regulations under which the military attachés are required to operate.

Contingent expenses.

Observing operations of foreign armies.

*Proviso.*  
Conditions waived.  
R. S., sec. 3648, p. 718.  
U. S. C., p. 1395.

## ARMY WAR COLLEGE

Army War College.

For expenses of the Army War College, being for the purchase of the necessary special stationery; textbooks, books of reference, scientific and professional papers, newspapers, and periodicals; maps; police utensils; employment of temporary, technical, or special services, and expenses of special lecturers; for the pay of employees; and for all other absolutely necessary expenses, \$63,861, and, in addition, not to exceed \$35,000 may be transferred to this appropriation from other appropriations contained in this Act, to be used exclusively for or on account of preserving Government-owned moving-picture films having historical value.

Instruction expenses.

Employees.

## ADJUTANT GENERAL'S DEPARTMENT

Adjutant General's Department.

## COMMAND AND GENERAL STAFF SCHOOL, FORT LEAVENWORTH, KANSAS

For the purchase of textbooks, books of reference, scientific and professional papers, instruments, and material for instruction; employment of temporary technical, special, and clerical services; and for other necessary expenses of instruction, at the Command and General Staff School, Fort Leavenworth, Kansas, \$34,027.

Command and General Staff School, Fort Leavenworth, Kans.

## FIELD EXERCISES

For all expenses required for the conduct of special field exercises, including participation therein by the National Guard and the Organized Reserves, comprising allowances for enlisted men for

Field exercises.  
*Post*, p. 1640.

quarters and rations, movement of matériel, maintenance, and operation of structures and utilities, and any other requisite supplies and services, \$446,774.

Welfare of enlisted men.

WELFARE OF ENLISTED MEN

Equipment, etc., post exchanges.

For the equipment and conduct of school, reading, lunch, and amusement rooms, service clubs, chapels, gymnasiums, and libraries, including periodicals and other publications and subscriptions for newspapers, salaries of civilians employed in the hostess and library services, transportation of books and equipment for these services, rental of films, purchase of slides for and making repairs to moving-picture outfits, and for similar and other recreational purposes at training and mobilization camps now established or which may be hereafter established, \$34,940.

Finance Department.

FINANCE DEPARTMENT

Pay, etc., of the Army.

PAY, AND SO FORTH, OF THE ARMY

Officers.  
Limitation.

For pay of not to exceed an average of twelve thousand commissioned officers, \$33,307,100, no part of which sum shall be available after September 30, 1935, for the pay of more than eleven thousand seven hundred and fifty commissioned officers whose original commissions are dated prior to June 1, 1935; pay of officers, National Guard, \$100; pay of warrant officers, \$1,479,568; aviation increase to commissioned and warrant officers of the Army, including not to exceed five medical officers, \$2,033,029, none of which shall be available for increased pay for making aerial flights by nonflying officers at a rate in excess of \$1,440 per annum, which shall be the legal maximum rate as to such nonflying officers; additional pay to officers for length of service, \$9,257,465; pay of enlisted men of the line and staff, not including the Philippine Scouts, \$51,069,333, together with such additional sums as may be necessary, not exceeding \$20,000,000, to defray the cost of increasing the enlisted strength of the Regular Army from an average of one hundred and eighteen thousand seven hundred and fifty to an average of one hundred and sixty-five thousand enlisted men, such additional sums to be available for the objects embraced by and in addition to other appropriations contained in this Act; pay of enlisted men of National Guard, \$100; aviation increase to enlisted men of the Army, \$503,732; pay of enlisted men of the Philippine Scouts, \$1,050,447; additional pay for length of service to enlisted men, \$4,480,400; pay of the officers on the retired list, \$11,538,900; increased pay to not to exceed seven retired officers on active duty, \$9,600; pay of retired enlisted men, \$13,201,160; pay not to exceed sixty civil-service messengers at not to exceed \$1,200 each at headquarters of the several Territorial departments, corps areas, Army and corps headquarters, Territorial districts, tactical divisions and brigades, service schools, camps, and ports of embarkation and debarkation, \$72,000; pay and allowances of contract surgeons, \$51,576; pay of nurses, \$893,560; pay of hospital matrons, \$600; rental allowances, including allowances for quarters for enlisted men on duty where public quarters are not available, \$6,238,656: *Provided*, That during the fiscal year ending June 30, 1936, no rental allowance shall accrue to any officer of the Government in consequence of the provisions found in section 10, title 37, United States Code, while occupying quarters at his permanent station not under the jurisdiction of the service in which serving but which belong to the Government of the United States, or to a corporation the majority of the stock of which is owned by the

National Guard.  
Aviation increase.

Flights for nonflying officers.

Longevity.  
Enlisted men.  
*Post*, p. 1282.

Aviation increase.

Retired officers, etc.

Civil-service messengers at headquarters.

Contract surgeons, nurses, etc.  
Rental allowances.

*Proviso*.  
No allowance if occupying quarters at permanent station.  
U. S. C., p. 1619.

United States, in excess of the rental rate charged for such quarters on March 5, 1934; subsistence allowances, \$5,841,118: *Provided further*, That, effective from and after July 1, 1935, the value of one subsistence allowance, as that term is used in section 5 of the Pay Readjustment Act of June 10, 1922 (42 Stat. 628), as amended, shall be and remain fixed at 60 cents per day; and the rate for one room for the purpose of computing the money allowance for rental of quarters authorized in section 6 of said Act shall be and remain fixed at \$20 per month; interest on soldiers' deposits, \$30,000; payment of exchange by officers serving in foreign countries, and when specially authorized by the Secretary of War, by officers disbursing funds pertaining to the War Department, when serving in Alaska, and all foreign money received shall be charged to and paid out by disbursing officers of the Army at the legal valuation fixed by the Secretary of the Treasury, \$100; in all, \$161,063,594, less \$285,000 to be supplied by the Secretary of War for this purpose from funds received during the fiscal year 1936 from the purchase by enlisted men of the Army of their discharges, \$160,778,594; and the money herein appropriated for "Pay, and so forth, of the Army" shall be accounted for as one fund: *Provided*, That no part of this appropriation shall be available to pay any officer detailed as a military aide to any civil officer of the United States outside of the War Department except the President: *Provided further*, That no appropriation contained in this Act shall be available for or on account of the maintenance of more than thirty-two military attachés: *Provided further*, That no appropriation contained in this Act shall be available for or on account of the maintenance of more than eighty-three bands: *Provided further*, That during the fiscal year ending June 30, 1936, no officer of the Army shall be entitled to receive an addition to his pay in consequence of the provisions of the Act approved May 11, 1908 (U. S. C., title 10, sec. 803), or of section 1261 of the Revised Statutes (U. S. C., title 10, sec. 692).

None of the money appropriated in this Act shall be used to pay any officer on the retired list of the Army who for himself or for others engages in the selling, contracting for the sale of, negotiating for the sale of, or furnishing to the Army or the War Department any supplies, materials, equipment, lands, buildings, plants, vessels, or munitions. None of the money appropriated in this Act shall be paid to any officer on the retired list of the Army who, having been retired before reaching the age of sixty-four, is employed in the United States or its possessions by any individual, partnership, corporation, or association regularly or frequently engaged in making direct sales of any merchandise or material to the War Department or the Army.

No appropriation for the pay of the Army shall be available for the pay of any officer or enlisted man on the active list of the Army who is engaged in any manner with any publication which is or may be issued by or for any branch or organization of the Army or military association in which officers or enlisted men have membership and which carries paid advertising of firms doing business with the War Department: *Provided, however*, That nothing herein contained shall be construed to prohibit officers from writing or disseminating articles in accordance with regulations issued by the Secretary of War.

#### TRAVEL OF THE ARMY

For travel allowances and travel in kind, as authorized by law, for persons traveling in connection with the military and nonmilitary activities of the War Department, including mileage, transpor-

Value of a subsistence allowance.

Vol. 42, p. 628.  
U. S. C., p. 1619.

Rate for one room.

Loss by exchange.

Accounted for as one fund.

*Provisos.*  
Detail as military aide restricted.

Number of military attachés limited.

Maximum number of bands.

No additional pay for furnishing mounts or service as aide.  
Vol. 35, p. 108.  
R. S., sec. 1261, p. 220; U. S. C., pp. 264, 267.

Pay forbidden to a retired officer selling supplies to Army.

To officer retired before 64, employed by parties making sales to Department.

Engaged in issuing certain service publications.

*Proviso.*  
Exemption.

Travel allowances, etc.

tation, reimbursement of actual expenses, or per diem allowances, to officers and contract surgeons; transportation of troops; transportation, or reimbursement therefor, of nurses, enlisted men, recruits, recruiting parties, applicants for enlistment between recruiting stations and recruiting depots, rejected applicants for enlistment, general prisoners, cadets and accepted cadets from their homes to the Military Academy, discharged cadets, civilian employees, civilian witnesses before courts martial, dependents of military personnel, and attendants accompanying remains of military personnel and civilian employees; travel pay to discharged military personnel; transportation of discharged prisoners and persons discharged from Saint Elizabeths Hospital after transfer thereto from the military service, to their homes, or elsewhere as they may elect, the cost in each case not to be greater than to the place of last enlistment; hot coffee for troops traveling when supplied with cooked or travel rations; commutation of quarters and rations to enlisted men traveling on detached duty when it is impracticable to carry rations, and to applicants for enlistment and general prisoners traveling under orders; per diem allowances or actual cost of subsistence while in a travel status, to nurses, civilian employees, civilian witnesses before courts martial, and attendants accompanying remains of military personnel and civilian employees, \$2,999,321, which may be increased, subject to the approval of the Director of the Bureau of the Budget, by transfers from other appropriations contained in this Act of such amounts as may be required in addition to those herein provided for travel in connection with development, procurement, production, maintenance, or construction activities; and, with such exception, no other appropriation in this Act shall be available for any expense for or incident to travel of personnel of the Regular Army or civilian employees under the War Department, except the appropriation "Contingencies of the Army" and the appropriations for the National Guard, the Organized Reserves, the Reserve Officers' Training Corps, citizens' military training camps, the National Board for the Promotion of Rifle Practice, the nonmilitary activities of the Corps of Engineers, and the Panama Canal, and except as may be provided for in the appropriation "Air Corps, Army": *Provided*, That the expert accountant, Inspector General's Department, shall be entitled to the same travel allowances as other employees of the War Department: *Provided further*, That, in addition to the authority contained in section 67, National Defense Act of June 3, 1916, as amended, a total of not to exceed \$1,000 of the appropriations available to the War Department chargeable with expenses of travel shall be available for expenses incident to attendance at meetings of technical, professional, scientific, and other similar organizations, when, in the judgment of the Secretary of War, such attendance would be of benefit in the conduct of the work of the War Department.

#### EXPENSES OF COURTS MARTIAL

Courts martial expenses. For expenses of courts martial, courts of inquiry, military commissions, retiring boards, and compensation of reporters and witnesses attending same, contract stenographic reporting services, and expenses of taking depositions and securing other evidence for use before the same, \$50,000.

Deserters, etc.

#### APPREHENSION OF DESERTERS, AND SO FORTH

Apprehension of.

For the apprehension, securing, and delivering of soldiers absent without leave and of deserters, including escaped military prisoners,

and the expenses incident to their pursuit; and no greater sum than \$25 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of \$10 to prisoner discharged otherwise than honorably upon his release from confinement under court-martial sentence involving dishonorable discharge, \$20,000.

## FINANCE SERVICE

Finance Service.

For compensation of clerks and other employees of the Finance Department, including not to exceed \$450 for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U. S. C., Supp. VII, title 5, sec. 118a), \$1,068,960.

Pay of clerks, etc.  
Vol. 46, p. 818.  
U. S. C., p. 45.

## CLAIMS FOR DAMAGES TO AND LOSS OF PRIVATE PROPERTY

Private property damages.

For payment of claims not exceeding \$500 each in amount for damages to or loss of private property incident to the training, practice, operation, or maintenance of the Army that have accrued, or may hereafter accrue, from time to time, \$10,000: *Provided*, That settlement of such claims shall be made by the General Accounting Office, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such damages.

Payment of claims.

*Proviso.*  
Settlement by General Accounting Office.

## CLAIMS OF OFFICERS, ENLISTED MEN, AND NURSES OF THE ARMY FOR DESTRUCTION OF PRIVATE PROPERTY

Destruction of private property of officers, etc.

For the payment of claims of officers, enlisted men, and nurses of the Army for private property lost, destroyed, captured, abandoned, or damaged in the military service of the United States, under the provisions of an Act approved March 4, 1921 (U. S. C., title 31, secs. 218-222), \$15,000.

Payment of claims.  
Vol. 41, p. 1436.  
U. S. C., p. 1369.

## QUARTERMASTER CORPS

Quartermaster Corps.

Subsistence of the Army: Purchase of subsistence supplies: For issue as rations to troops, including retired enlisted men when ordered to active duty, civil employees when entitled thereto, hospital matrons, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners but for whose subsistence appropriation is not otherwise made), Indians employed by the Army as guides and scouts, and general prisoners at posts; ice for issue to organizations of enlisted men and officers at such places as the Secretary of War may determine, and for preservation of stores; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army Transport<sup>1</sup> Service; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers, including members of the Officers' Reserve Corps while on active duty, and enlisted men of the Army. For payments: Of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, and to enlisted men when stationed at places where rations in kind cannot be economically issued, including retired enlisted men when ordered to active duty. For payment of the regulation allowance of commutation in lieu of rations for enlisted men, applicants for enlistment while held under observation, civilian employees who are entitled to subsistence at public expense, and general prisoners while sick in hospitals, to be paid to the surgeon in charge; advertising; for providing

Subsistence of Army.  
Purchase of supplies,  
for issue as rations.  
*Post*, p. 1640.

Ice.

Sales to officers.

Payments.  
Commutation allow-  
ances.

<sup>1</sup> So in original.

prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed \$900 per annum; and for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; in all, \$18,601,297: *Provided*, That none of the money appropriated in this Act shall be used for the purchase of oleomargarine or butter substitutes for other than cooking purposes, except to supply an expressed preference therefor or for use where climatic or other conditions render the use of butter impracticable.

Subsistence supplies. *Proviso.* Oleomargarine restriction.

Regular supplies of the Army.

Field cooking equipment, etc.

Furniture, school supplies, etc.

Periodicals; technical books.

Forage, etc.

Seeds and implements; irrigation costs.

Bedding, stationery, etc.

Clothing and equipment. Purchase, manufacture, etc.

Laundries, etc.

Repair shops.

Toilet kits, etc.

Regular supplies of the Quartermaster Corps, including their care and protection; field ranges, field stoves for cooking food, coffee roasters, field bakery equipment, and appliances for cooking and serving food at posts (except fixed installations in buildings), in the field and when traveling, and repair and maintenance of such equipment; authorized issues of candles and matches; authorized issues of soap, toilet paper, and towels; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries, and for schools for noncommissioned officers; for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts; for purchase of commercial newspapers, periodicals, market reports, technical books, and so forth; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; for forage, salt, and vinegar for the horses, mules, oxen, and other draft and riding animals of the Quartermaster Corps at the several posts and stations and with the armies in the field, for the horses of the several regiments of Cavalry and batteries of Artillery and such companies of Infantry and Scouts as may be mounted, and for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian, Philippine, and Panama Canal Departments, and for labor and expenses incident thereto, including, when specifically authorized by the Secretary of War, the cost of irrigation; for the purchase of implements and hire of labor for harvesting hay on military reservations; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blank books and blank forms for the Army, certificates for discharged soldiers, and for printing department orders and reports, \$2,673,848.

Clothing and equipage: For cloth, woolens, materials, and for the purchase and manufacture of clothing for the Army, including retired enlisted men when ordered to active duty, for issue and for sale; for payment of commutation of clothing due to warrant officers of the mine planter service and to enlisted men; for altering and fitting clothing and washing and cleaning when necessary; for operation of laundries, existing or now under construction, including purchase and repair of laundry machinery therefor; for the authorized issues of laundry materials for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation; for equipment and repair of equipment of existing dry-cleaning plants, salvage and sorting storehouses, hat repairing shops, shoe repair shops, clothing repair shops, and garbage reduction works; for equipage, including authorized issues of toilet articles, barbers' and tailors' material, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistment while held under obser-



vation; issue of toilet kits to recruits upon their first enlistment, and issue of housewives to the Army; for expenses of packing and handling and similar necessaries; for a suit of citizen's outer clothing and when necessary an overcoat, the cost of all not to exceed \$30, to be issued each soldier discharged otherwise than honorably, to each enlisted man convicted by civil court for an offense resulting in confinement in a penitentiary or other civil prison, and to each enlisted man ordered interned by reason of the fact that he is an alien enemy, or, for the same reason, discharged without internment; for indemnity to officers and men of the Army for clothing and bedding, and so forth, destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, \$4,450,221, of which amount not exceeding \$60,000 shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1936: *Provided*, That laundry charges, other than for service now rendered without charge, shall be so adjusted that earnings in conjunction with the value placed upon service rendered without charge shall aggregate an amount at least equal to the cost of maintaining and operating laundries and dry-cleaning plants.

Incidental expenses of the Army: Postage; hire of laborers in the Quartermaster Corps, including the care of officers' mounts when the same are furnished by the Government; compensation of clerks and other employees of the Quartermaster Corps, including not to exceed \$9,325 in the aggregate or \$450 for any one person for allowances for living quarters, including heat, fuel, and light, as authorized by the Act of June 26, 1930 (U. S. C., Supp. VII, title 5, sec. 118a), and clerks, foremen, watchmen, and organist for the United States Disciplinary Barracks, and incidental expenses of recruiting; for the operation of coffee-roasting plants; for tests and experimental and development work and scientific research to be performed by the Bureau of Standards for the Quartermaster Corps; for inspection service and instruction furnished by the Department of Agriculture which may be transferred in advance; for such additional expenditures as are necessary and authorized by law in the movements and operation of the Army and at military posts, and not expressly assigned to any other departments, \$3,539,188: *Provided*, That no appropriation contained in this Act shall be available for any expense incident to the employment of an average number of officers, enlisted men, or civilian employees greater than the largest number employed during the fiscal year ended June 30, 1929, in connection with work incident to the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to war-time needs.

Army transportation: For transportation of Army supplies; of authorized baggage, including packing and crating; of horse equipment; and of funds for the Army; for the purchase or construction, not to exceed \$10,000, alteration, operation, and repair of boats and other vessels; for wharfage, tolls, and ferriage; for drayage and cartage; for the purchase, manufacture (including both material and labor), maintenance, hire, and repair of pack saddles and harness; for the purchase, hire, operation, maintenance, and repair of wagons, carts, drays, other vehicles, and horse-drawn and motor-propelled passenger-carrying vehicles required for the transportation of troops and supplies and for official military and garrison purposes; for hire of draft and pack animals; for travel allowances to officers of National Guard on discharge from Federal service as prescribed in the Act of March 2, 1901 (U. S. C., title 10, sec. 751), and to enlisted men of National Guard on discharge from Federal service, as prescribed in amendatory Act of September 22, 1922

Citizen's outer clothing.

Indemnity for destroyed clothing, etc.

Fuel.

*Proviso.*  
Laundry charges.

Incidental expenses.  
Postage; laborers.

Civilian personnel.

Living quarters.  
Vol. 46, p. 818.  
U. S. C., p. 45.

Recruiting.  
Tests, etc.

Inspection service.

Operation expenses.

*Proviso.*  
Average number employed.

Transportation of supplies.  
*Post*, p. 1640.

Drayage; pack saddles.

Vehicles.

Travel allowance, National Guard.  
Vol. 31, p. 902; Vol. 42, p. 1021.  
U. S. C., p. 266.

Vol. 42, p. 1021.  
U. S. C., p. 266.

Fuel.  
Provisos.  
Motor vehicles, etc.

Ambulances.  
Not available except for salvaging, etc.

Exceptions.  
Transporting private cars at public expense restricted.

Transportation costs charged to appropriation from which supplies procured.

(U. S. C., title 10, sec. 752), and to members of the National Guard who have been mustered into Federal service and discharged on account of physical disability; in all, \$9,191,981, of which amount not exceeding \$250,000 shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1936: *Provided*, That not to exceed \$1,000,000 of this appropriation shall be available for the purchase or exchange of motor-propelled passenger-carrying vehicles and trucks, of which amount not to exceed \$40,000 may be expended for the purchase of light and medium passenger-carrying automobiles at a unit cost of not to exceed \$750 for light automobiles and \$1,200 for medium automobiles, including the value of any vehicles exchanged, and not to exceed \$75,000 may be expended for the purchase or exchange of motor-propelled ambulances and motorcycles: *Provided further*, That no appropriation contained in this Act shall be available for any expense of any character, other than as may be incident to salvaging or scrapping, on account of any motor-propelled vehicle procured prior to January 1, 1920, except tractors, ambulances, fire trucks, three hundred and ninety modernized Class B trucks, and vehicles in use by Reserve Officers' Training Corps units on February 19, 1935: *Provided further*, That no appropriation contained in this Act shall be available for any expense for or incident to the transportation of privately owned automobiles except on account of the return to the United States of such privately owned automobiles as may have been transported to points outside of the continental limits of the United States at public expense prior to July 14, 1932: *Provided further*, That during the fiscal year 1936 the cost of transportation from point of origin to the first point of storage or consumption of supplies, equipment, and material in connection with the manufacturing and purchasing activities of the Quartermaster Corps may be charged to the appropriations from which such supplies, equipment, and material are procured.

Horses, draft and pack animals.

#### HORSES, DRAFT AND PACK ANIMALS

Purchase.

For the purchase of draft and pack animals and horses within limits as to age, sex, and size to be prescribed by the Secretary of War for remounts for officers entitled to public mounts, for the United States Military Academy, and for such organizations and members of the military service as may be required to be mounted, and for all expenses incident to such purchases (including \$72,155 for encouragement of the breeding of riding horses suitable for the Army, in cooperation with the Bureau of Animal Industry, Department of Agriculture, including the purchase of animals for breeding purposes and their maintenance), \$297,155.

Encouraging breeding of riding horses.

Barracks, quarters, etc.

#### BARRACKS AND QUARTERS AND OTHER BUILDINGS AND UTILITIES

Construction, maintenance, etc.

For all expenses incident to the construction, installation, operation, and maintenance of buildings, utilities, appurtenances, and accessories necessary for the shelter, protection, and accommodation of the Army and its personnel and property, where not specifically provided for in other appropriations, including personal services, purchase and repair of furniture for quarters for officers, warrant officers, and noncommissioned officers, and officers' messes and wall lockers and refrigerators for Government-owned buildings as may be approved by the Secretary of War, care and improvement of grounds, flooring and framing for tents, rental of buildings, including not to exceed \$900 in the District of Columbia, provided space is not available in Government-owned buildings, and grounds for

Rentals.

military purposes and lodgings for recruits and applicants for enlistments, water supply, sewer and fire-alarm systems, fire apparatus, roads, walks, wharves, drainage, dredging channels, purchase of water, disposal of sewage, shooting galleries, ranges for small-arms target practice, field, mobile, and railway artillery practice, including flour for paste for marking targets, such ranges and galleries to be open as far as practicable to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War; warehouse and fuel handling equipment; stoves required for use of the Army for heating offices, hospitals, barracks, quarters, recruiting stations, and United States disciplinary barracks, also ranges and stoves for cooking food at posts, for post bakery and bake-oven equipment and apparatus and appliances for cooking and serving food when constituting fixed installations in buildings, including maintenance and repair of such heating and cooking appliances; for furnishing heat and light for the authorized allowance of quarters for officers, enlisted men, and warrant officers, including retired enlisted men when ordered to active duty, contract surgeons when stationed at and occupying public quarters at military posts, officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the Act approved May 31, 1902 (U. S. C., title 10, sec. 1346), and buildings for a similar purpose on military reservations authorized by War Department regulations; for sale of fuel to officers; fuel and engine supplies required in the operation of modern batteries at established posts, \$10,549,104, and \$2,500,000 of this appropriation shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1936: *Provided*, That not more than \$16,000 of the appropriations contained in this Act shall be available for rent of offices outside the District of Columbia in connection with work incident to the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to war-time needs: *Provided further*, That this appropriation shall be available for the rental of offices, garages, and stables for military attachés: *Provided further*, That no part of the funds herein appropriated shall be available for construction of a permanent nature of an additional building or an extension or addition to an existing building, the cost of which in any case exceeds \$20,000: *Provided further*, That the monthly rental rate to be paid out of this appropriation for stabling any animal shall not exceed \$10.

## SEWERAGE SYSTEM, FORT MONROE, VIRGINIA

For repair and maintenance of wharf and apron of wharf, including all necessary labor and material therefor, fuel for waiting rooms; water, brooms, and shovels, \$20,280; for one-third of said sum, to be supplied by the United States, \$6,760.

For rakes, shovels, and brooms; repairs to roadway, pavements, macadam, and asphalt block; repairs to street crossings; repairs to street drains, and labor for cleaning roads, \$8,469; for two-thirds of said sum, to be supplied by the United States, \$5,646.

For waste, oil, motor and pump repairs, sewer pipe, cement, brick, stone, supplies, and personal services, \$6,690; for two-thirds of said sum, to be supplied by the United States, \$4,460.

## CONSTRUCTION AND REPAIR OF HOSPITALS

For construction and repair of hospitals at military posts already established and occupied, including all expenditures for construction

Water, roads, etc.

Target practice, etc.

Warehouse and fuel handling equipment. Stoves and cooking appliances.

Heat, light, etc.

Recreation buildings. Vol. 32, p. 282. U. S. C., p. 293.

Fuel.

*Provisos.* Rent outside District.

Rentals for military attachés.

Additional construction limited.

Stabling rental.

Fort Monroe, Va.

Wharf, etc.

Roads, etc.

Sewers, supplies, etc.

Hospitals.

Construction, repair, etc.

and repairs required at the Army and Navy Hospital at Hot Springs, Arkansas, and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, and for temporary hospitals in standing camps and cantonments; for the alteration of permanent buildings at posts for use as hospitals, construction and repair of temporary hospital buildings at permanent posts, construction and repair of temporary general hospitals, rental or purchase of grounds, and rental and alteration of buildings for use for hospital purposes in the District of Columbia and elsewhere, including necessary temporary quarters for hospital personnel, outbuildings, heating and laundry apparatus, plumbing, water and sewers, and electric work, cooking apparatus, and roads and walks for the same, \$452,909.

Temporary camp hospitals, etc.

Signal Corps.

### SIGNAL CORPS

Signal Service.

### SIGNAL SERVICE OF THE ARMY

Telegraph and telephone systems.  
Purchase, operation, etc.

Telegraph and telephone systems: Purchase, equipment, operation, and repair of military telegraph, telephone, radio, cable, and signaling systems; signal equipment and stores, heliographs, signal lanterns, flags, and other necessary instruments; wind vanes, barometers, anemometers, thermometers, and other meteorological instruments; photographic and cinematographic work performed for the Army by the Signal Corps; motorcycles, motor-driven and other vehicles for technical and official purposes in connection with the construction, operation, and maintenance of communication or signaling systems, and supplies for their operation and maintenance; professional and scientific books of reference, pamphlets, periodicals, newspapers, and maps for use of the Signal Corps and in the office of the Chief Signal Officer; telephone apparatus, including rental and payment for commercial, exchange, message, trunk-line, long-distance, and leased-line telephone service at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, excepting the local telephone service for the various bureaus of the War Department in the District of Columbia, and toll messages pertaining to the office of the Secretary of War; electric time service; the rental of commercial telegraph lines and equipment, and their operation at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, including payment for official individual telegraph messages transmitted over commercial lines; electrical installations and maintenance thereof at military posts, cantonments, camps, and stations of the Army, fire control, and direction apparatus, and material for Field Artillery; salaries of civilian employees, including those necessary as instructors at vocational schools; supplies, general repairs, reserve supplies, and other expenses connected with the collecting and transmitting of information for the Army by telegraph or otherwise; experimental investigation, research, purchase, and development, or improvements in apparatus, and maintenance of signaling and accessories thereto, including patent rights and other rights thereto, including machines, instruments, and other equipment for laboratory and repair purposes; lease, alteration, and repair of such buildings required for storing or guarding Signal Corps supplies, equipment, and personnel when not otherwise provided for, including the land therefor, the introduction of water, electric light and power, sewerage, grading, roads and walks, and other equipment required, \$4,827,917.

Exceptions.

Electrical installations.

Civilian employees.

Experimental research, etc.

## AIR CORPS

Air Corps.

## AIR CORPS, ARMY

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instruments, and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, materials, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith and the establishment of landing and take-off runways; for purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light and power, gas, and sewerage, including maintenance, operation, and repair of such utilities at such plants; for the procurement of helium gas; for travel of officers of the Air Corps by air in connection with the administration of this appropriation, including the transportation of new aircraft from factory to first destination; salaries and wages of civilian employees as may be necessary; transportation of materials in connection with consolidation of Air Corps activities; experimental investigations and purchase and development of new types of airplanes, autogiros, and balloons, accessories thereto, and aviation engines, including plans, drawings, and specifications thereof, and the purchase of letters patent, applications for letters patent, licenses under letters patent and applications for letters patent; for the purchase, manufacture, and construction of airplanes and balloons, including instruments and appliances of every sort and description necessary for the operation, construction (airplanes and balloons), or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; for the marking of military airways where the purchase of land is not involved; for the purchase, manufacture, and issue of special clothing, wearing apparel, and similar equipment for aviation purposes; for all necessary expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings, and other facilities for the handling or storage of such equipment; for the services of not more than four consulting engineers at experimental stations of the Air Corps as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed \$50 a day for not exceeding fifty days each and necessary traveling expenses; purchase of special apparatus and appliances, repairs, and replacements of same used in connection with special scientific medical research in the Air Corps; for maintenance and operation of such Air Corps printing plants outside of the District of Columbia as may be authorized in accordance with law; for publications, station libraries, special furniture, supplies and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked aircraft; for settlement of claims (not exceeding \$250 each) for damage to persons and private property resulting from the operation of aircraft at home and abroad when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved

Designated purposes.

Operation, etc.

Landing, etc., runways.

Helium gas.

Civilian employees.

Purchase, development, etc., of aircraft.

Special clothing, etc.

Consulting engineers.

Printing plants, etc.

Settlement of claims.

by the Chief of Air Corps and the Secretary of War, \$45,383,400: *Provided*, That from the amount herein appropriated \$2,500,000 shall be available immediately for the procurement of spare engines and spare parts for airplanes and engines; \$10,000 shall be transferred to and made available to the Bureau of Mines on July 1, 1935, for supplying helium; and not less than \$19,138,000 (including \$3,000,000 for the payment of obligations incurred under the contract authorization for these purposes carried in the War Department Appropriation Act for the fiscal year 1935), to be available immediately, shall be expended for the production or purchase of new airplanes and their equipment and accessories, of which \$13,666,000 shall be available exclusively for combat airplanes, their equipment and accessories: *Provided further*, That "thirty-two" shall be substituted for "seventy-six" and "\$65,000" shall be substituted for "\$155,582" in the proviso in the appropriation "Air Corps, Army, 1935", requiring the transfer from the Regular Army to the National Guard of airplanes of the observation type and money for their maintenance and operation: *Provided further*, That in addition to the amounts herein provided for the procurement of new airplanes and for the procurement of equipment, spare parts, and accessories for airplanes, the Chief of the Air Corps when authorized by the Secretary of War, may enter into contracts prior to July 1, 1936, for the procurement of new airplanes and for the procurement of equipment, spare parts, and accessories for airplanes to an amount not in excess of \$7,686,753, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof: *Provided further*, That no available appropriation shall be used upon lighter-than-air craft, other than balloons, not in condition for safe operation on February 19, 1935, or that may become in such condition prior to July 1, 1936: *Provided further*, That the sum of \$406,275 of the appropriation for Air Corps, Army, fiscal year 1933, and the sum of \$1,170,000 of the appropriation for Air Corps, Army, fiscal year 1935 shall remain available until June 30, 1936, the former, however, only for the payment of obligations incurred under contracts executed prior to July 1, 1933.

*Provisos.*  
Procurement of airplane parts.

Helium; amount, availability.  
*Post*, p. 204.

New airplanes, etc.  
*Post*, p. 1291.

Provisions for certain National Guard funds transfer modified.  
Vol. 48, p. 627.

Contracts authorized for purchase of airplanes, etc.

Unsafe lighter-than-air craft, restriction.

Sums for incurred obligations.

Medical Department.

## MEDICAL DEPARTMENT

### ARMY

#### MEDICAL AND HOSPITAL DEPARTMENT

Supplies.

For the manufacture and purchase of medical and hospital supplies, including disinfectants, for military posts, camps, hospitals, hospital ships and transports, for laundry work for enlisted men and Army nurses while patients in a hospital, and supplies required for mosquito destruction in and about military posts in the Canal Zone; for the purchase of veterinary supplies and hire of veterinary surgeons; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reason-

Private treatment.

*Proviso.*  
Not applicable, if on furlough.

Contagious, etc., diseases expenses.

able damages not otherwise provided for for bedding and clothing injured or destroyed in such prevention; for the care of insane Filipino soldiers in conformity with the Act of Congress approved May 11, 1908 (U. S. C., title 24, sec. 198); for the pay of male and female nurses, not including the Army Nurse Corps, and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignments, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the enlisted force of the Medical Department; for the supply of Army and Navy Hospital at Hot Springs, Arkansas; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, \$1,218,843.

Insane Filipino soldiers.  
Vol. 35, p. 122; Vol. 39, p. 309.  
U. S. C., p. 988.  
Nurses.

Civilian physicians.

Transporting supplies, etc.

Hot Springs, Ark., hospital.

#### HOSPITAL CARE, CANAL ZONE GARRISONS

Canal Zone garrisons.

For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War for caring in its hospitals for officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon the request of proper military authority, \$40,000: *Provided*, That the subsistence of the said patients, except commissioned officers, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals.

Care of troops.

*Proviso*.  
Subsistence payments.

#### ARMY MEDICAL MUSEUM

Army Medical Museum.

For Army Medical Museum, including pay of employees and the procurement, preparation, and preservation of specimens, \$28,380.

Personnel; specimens.

#### CORPS OF ENGINEERS

Engineer Corps.

#### ENGINEER SERVICE, ARMY

For the design, development, procurement, maintenance, alteration, repair, installation, storage, and issue of engineer equipment, instruments, appliances, supplies, materials, tools, and machinery required in the equipment and training of troops and in military operations, including military surveys and the Engineer School; for the operation and maintenance of the Engineer School, including (a) compensation of civilian lecturers, and (b) purchase and binding of scientific and professional books, pamphlets, papers, and periodicals; for the procurement, preparation, and reproduction of maps and similar data for military purposes; for expenses incident to the Engineer service in military operations, including military surveys, and including (a) research and development of improved methods in such operations, (b) the rental of storehouses and grounds within and outside the District of Columbia, and (c) repair and alteration of buildings; for heat, light, power, water, and communication service, not otherwise provided for; and for the compensation of employees required in these activities, \$409,242.

Equipment, instruments, etc.

Engineer School.  
Maintenance, etc.

Maps, surveys, etc.

Rent.

Operating, etc., expenses.

Ordnance Department.

ORDNANCE DEPARTMENT

Ordnance service and supplies.

ORDNANCE SERVICE AND SUPPLIES, ARMY

Manufacture, issue, etc.

For manufacture, procurement, storage, and issue, including research, planning, design, development, inspection, test, alteration, maintenance, repair, and handling of ordnance material together with the machinery, supplies, and services necessary thereto; for supplies and services in connection with the general work of the Ordnance Department, comprising police and office duties, rents, tolls, fuel, light, water, advertising, stationery, typewriting, and computing machines, including their exchange, and furniture, tools, and instruments of service; to provide for training and other incidental expenses of the ordnance service; for instruction purposes, other than tuition; for the purchase, completely equipped, of trucks, and for maintenance, repair, and operation of motor-propelled and horse-drawn freight and passenger-carrying vehicles; for ammunition for military salutes at Government establishments and institutions to which the issues of arms for salutes are authorized; for services, material, tools, and appliances for operation of the testing machines and chemical laboratory in connection therewith; for publications for libraries of the Ordnance Department, including the Ordnance Office, including subscriptions to periodicals; for services of not more than four consulting engineers as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed \$50 per day for not exceeding fifty days each, and for their necessary traveling expenses, \$15,151,622.

Current expenses.

Vehicles.

Ammunition for military salutes.

Machine testing.

Publications.

Consulting engineers.

Rock Island, Ill.

ROCK ISLAND BRIDGE, ROCK ISLAND, ILLINOIS

Operating bridges, etc.

For operating, repair, and preservation of Rock Island bridges and viaduct, and maintenance and repair of the arsenal street connecting the bridges, \$32,835.

Arsenals.

REPAIRS OF ARSENALS

Repairs, etc.  
*Post*, p. 1641.

For repairs and improvements of ordnance establishments, and to meet such unforeseen expenditures as accidents or other contingencies may require, \$1,068,186, of which amount there shall be available immediately \$265,368 for the restoration of roofs to magazines at Raritan Arsenal.

Raritan Arsenal.

Gages, dies, and jigs.

GAGES, DIES, AND JIGS FOR MANUFACTURE

Procuring, for armament manufacture.

For the development and procurement of gages, dies, jigs, and other special aids and appliances, including specifications and detailed drawings, to carry out the purpose of section 123 of the National Defense Act, approved June 3, 1916 (U. S. C., title 50, sec. 78), \$79,530.

Vol. 39, p. 215.  
U. S. C., p. 2264.

Chemical Warfare Service.

CHEMICAL WARFARE SERVICE

Purchase, manufacture, etc., of gases.

For purchase, manufacture, and test of chemical warfare gases or other toxic substances, gas masks, or other offensive or defensive materials or appliances required for gas-warfare purposes, including all necessary investigations, research, design, experimentation, and operation connected therewith; purchase of chemicals, special scientific and technical apparatus and instruments; construction, maintenance, and repair of plants, buildings, and equipment, and the machinery therefor; receiving, storing, and issuing of supplies, comprising police and office duties, rents, tolls, fuels, gasoline, lubricants, paints and oils, rope and cordage, light, water, advertising, stationery, typewriting and adding machines including their exchange,

Plants, buildings, machinery, etc.



office furniture, tools, and instruments; for incidental expenses; for civilian employees; for libraries of the Chemical Warfare Service and subscriptions to periodicals; for expenses incidental to the organization, training, and equipment of special gas troops not otherwise provided for, including the training of the Army in chemical warfare, both offensive and defensive, together with the necessary schools, tactical demonstrations, and maneuvers; for current expenses of chemical projectile filling plants and proving grounds, including construction and maintenance of rail transportation, repairs, alterations, accessories, building and repairing butts and targets, clearing and grading ranges, \$1,388,330.

Civilian employees.  
Special gas troops; organizing, etc.  
Current expenses.

### CHIEF OF INFANTRY

#### INFANTRY SCHOOL, FORT BENNING, GEORGIA

For the procurement of books, publications, instruments, and materials, and other necessary expenses for instruction at the Infantry School, and for pay of employees at the Infantry School and in the office of the Chief of Infantry, \$63,830.

Chief of Infantry.  
Infantry School, Fort Benning, Ga.  
Instruction expenses.

### CHIEF OF CAVALRY

#### CAVALRY SCHOOL, FORT RILEY, KANSAS

For the purchase of textbooks, books of reference, scientific and professional papers, instruments, and materials for instruction; employment of temporary, technical, special, and clerical services; and for other necessary expenses of instruction at the Cavalry School, Fort Riley, Kansas, \$21,000.

Chief of Cavalry.  
Cavalry School, Fort Riley, Kans.  
Instruction expenses.

### CHIEF OF FIELD ARTILLERY

#### INSTRUCTION IN FIELD ARTILLERY ACTIVITIES

For the pay of employees; the purchase of books, pamphlets, periodicals, and newspapers; procurement of supplies, materials, and equipment for instruction purposes; and other expenses necessary in the operation of the Field Artillery School of the Army, and for the instruction of the Army in Field Artillery activities, \$24,654.

Chief of Field Artillery.  
Field Artillery activities.  
Instruction expenses.

### CHIEF OF COAST ARTILLERY

#### COAST ARTILLERY SCHOOL, FORT MONROE, VIRGINIA

For purchase of engines, generators, motors, machines, measuring and nautical instruments, special apparatus, and materials for experimental purposes for the engineering and artillery and military art departments and enlisted specialists division; for purchase and binding of professional books treating of military and scientific subjects for library, for use of school, and for temporary use in coast defense; for incidental expenses of the school, including chemicals, stationery, printing and binding; hardware; materials; cost of special instruction of officers detailed as instructors; employment of temporary, technical, or special services; for office furniture and fixtures; for machinery; for maintenance, operation, and repair of motor trucks; and unforeseen expenses; in all, \$28,000.

Chief of Coast Artillery.  
Coast Artillery School, Fort Monroe, Va.  
Instruction expenses.

Printing and binding.

### SEACOAST DEFENSES

For all expenses incident to the preparation of plans and the construction, purchase, installation, equipment, maintenance, repair, and operation of fortifications and other works of defense, and their accessories, including personal services, maintenance of channels to

Seacoast defenses.  
All expenses.

submarine-mine wharves, purchase of lands and rights-of-way as authorized by law, and experimental, test, and development work, as follows:

United States, \$718,821;  
 Insular departments, \$226,981;  
 Panama Canal, \$339,168;  
 In all, \$1,284,970.

## Military Academy.

## UNITED STATES MILITARY ACADEMY

## Pay.

## PAY OF MILITARY ACADEMY

Cadets.  
*Provisos.*  
 Army detail, pay restriction.  
*Post*, p. 1641.

Retired Army officer as librarian.  
 R. S., sec. 1251, p. 218.  
 U. S. C., p. 274.

Cadets: For pay of cadets, \$964,080: *Provided*, That during the fiscal year ending June 30, 1936, no officer of the Army shall be entitled to receive any increase in pay or allowances because of detail or assignment to duty in any capacity at the Military Academy: *Provided*, That the duties of librarian of the United States Military Academy may be performed by an officer of the Regular Army retired from active service under the provisions of section 1251, Revised Statutes, and detailed on active duty for that purpose.

Civilians: For pay of employees, \$265,437.

## Maintenance.

## MAINTENANCE, UNITED STATES MILITARY ACADEMY

## Designated expenses.

For text and reference books for instruction; increase and expense of library (not exceeding \$6,000); office equipment and supplies; stationery, blank books, forms, printing and binding, and periodicals; diplomas for graduates (not exceeding \$1,100); expense of lectures; apparatus, equipment, supplies, and materials for purpose of instruction and athletics, and maintenance and repair thereof; musical instruments and maintenance of band; care and maintenance of organ; equipment for cadet mess; postage, telephones, and telegrams; freight and expressage; for payment of commutation of rations for the cadets of the United States Military Academy in lieu of the regular established ration; maintenance of children's school (not exceeding \$12,200); contingencies for superintendent of the academy, to be expended in his discretion (not to exceed \$4,000); expenses of the members of the Board of Visitors (not exceeding \$1,500); contingent fund, to be expended under the direction of the Academic Board (not exceeding \$500); improvement, repair, and maintenance of buildings and grounds (including roads, walls, and fences); shooting galleries and ranges; cooking, heating, and lighting apparatus and fixtures and operation and maintenance thereof; maintenance of water, sewer, and plumbing systems; maintenance of and repairs to cadet camp; fire-extinguishing apparatus; machinery and tools and repairs of same; maintenance, repair, and operation of motor-propelled vehicles; policing buildings and grounds; furniture, refrigerators, and lockers for Government-owned buildings at the academy and repair and maintenance thereof; fuel for heat, light, and power; and other necessary incidental expenses in the discretion of the superintendent; in all, \$1,127,739.

## Board of Visitors.

## National Guard.

## NATIONAL GUARD

## Arming, etc.

## ARMING, EQUIPPING, AND TRAINING THE NATIONAL GUARD

## Forage, etc.

For procurement of forage, bedding, and so forth, for animals used by the National Guard, \$602,317.

Care of animals, materials, etc.

For compensation of help for care of materials, animals, and equipment, \$2,375,040.

## Instruction expenses.

For expenses, camps of instruction, field and supplemental training, and including medical and hospital treatment authorized by law,

and the hire (at a rate not to exceed \$1 per diem), repair, maintenance, and operation of motor-propelled passenger-carrying vehicles, \$8,362,003.

For expenses, selected officers and enlisted men, military service schools, including medical and hospital treatment authorized by law, \$450,209.

Service schools, instruction, etc.

For pay of property and disbursing officers for the United States, \$81,300.

Property and disbursing officers.

For general expenses, equipment, and instruction, National Guard, including medical and hospital treatment authorized by law, and the hire (at a rate not to exceed \$1 per diem), repair, maintenance, and operation of motor-propelled passenger- and non-passenger-carrying vehicles, \$747,238.

Equipment, etc.

For travel of officers, warrant officers, and enlisted men of the Regular Army in connection with the National Guard, \$235,000: *Provided*, That not to exceed \$2,000 of this sum shall be expended for travel of officers of the War Department General Staff in connection with the National Guard.

Travel, Army officers, etc.

*Proviso.*  
War Department General Staff.

For transportation of equipment and supplies, \$172,864.

Transporting supplies.

For expenses of enlisted men of the Regular Army on duty with the National Guard, including allowances for quarters and the hiring of quarters in kind, \$245,688.

Army enlisted men, detail.

For pay of National Guard (armory drills), \$13,828,026.

Pay, armory drills.

No part of the appropriations made in this Act shall be available for pay, allowances, or traveling or other expenses of any officer or enlisted man of the National Guard who may be drawing a pension, disability allowance, disability compensation, or retired pay (where retirement has been made on account of physical disability or age) from the Government of the United States: *Provided*, That nothing in this provision shall be so construed as to prevent the application of funds herein contained to the pay, allowances, or traveling expenses of any officer or enlisted man of the National Guard who may surrender said pension, disability allowance, disability compensation, or retired pay for the period of his service in the National Guard: *Provided further*, That adjutants general who may be drawing such emoluments may be continued in a federally recognized status without pay under this Act.

No pay to National Guard officer, etc., drawing pension.

*Provisos.*  
Provisions waived if pension surrendered.

Adjutants general continued in present status without pay.

#### ARMS, UNIFORMS, EQUIPMENT, AND SO FORTH, FOR FIELD SERVICE, NATIONAL GUARD

Field service.

To procure by purchase or manufacture and issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories or the commanding general, National Guard of the District of Columbia, such military equipment and stores of all kinds and reserve supply thereof as are necessary to arm, uniform, and equip for field service the National Guard of the several States, Territories, and the District of Columbia, including motor trucks, field ambulances, and station wagons and to repair such of the aforementioned articles of equipage and military stores as are or may become damaged when, under regulations prescribed by the Secretary of War, such repair may be determined to be an economical measure and as necessary for their proper preservation and use, \$6,387,638, together with such additional sums as may be necessary, not to exceed \$500,000, to defray the cost of increasing the present appropriated<sup>1</sup> for enlisted strength of the National Guard by 5,000, and all of the sums appropriated in this Act on account of the National Guard shall be accounted for as one fund and of the total of such sums

Procuring arms and equipment.  
Requisitions from governors, etc.

Motor trucks, field ambulances.

Increase in enlisted strength.

Accounting.

<sup>1</sup> So in original.

*Provisos.*  
Specifications for motor vehicles.

Replacement of damaged property, etc.

Vol. 39, p. 204; Vol. 43, p. 1077.  
U. S. C., p. 1433.  
Vol. 39, p. 199; Vol. 42, p. 1034.  
U. S. C., p. 1431.  
Restriction.  
Balances covered in.  
Vol. 43, p. 1227.

Clothing, equipment, etc., from Army surplus stores.

Vol. 39, p. 199; Vol. 45, p. 406.  
U. S. C., p. 1431.

Issue without charge against fund.

No increase of mounted, etc., units.

*Proviso.*  
Participation in National Rifle Matches.

Allowances.

Organized Reserves.

Officers' Reserve Corps.

*Provisos.*  
Mileage allowance.

Enlisted Reserve Corps.

Correspondence, etc., courses.

Training manuals.

Establishment, etc., headquarters and training camps.

Vehicles.

Travel expenses.

\$1,500,000 shall be available immediately: *Provided*, That specifications for motor vehicles, which shall be so drawn as to admit of competition, shall to the extent otherwise practicable conform with the requirements of the National Guard as determined by the Chief of the National Guard Bureau: *Provided further*, That the value of issues made to any State, Territory, or the District of Columbia to replace property surveyed in accordance with section 87, National Defense Act of June 3, 1916, as amended, shall not be charged to the apportionments required by section 67 of that Act, but no such replacement issue shall be made in excess of receipts theretofore collected and covered into the Treasury as miscellaneous receipts pursuant to said section 87, as amended, and section 4 (a) and (b) (22) of the Permanent Appropriation Repeal Act of June 26, 1934: *Provided further*, That the Secretary of War is hereby authorized to issue surplus or reserve stores and material on hand and purchased for the United States Army such articles of clothing and equipment and Field Artillery, Engineer, and Signal material and ammunition as may be needed by the National Guard organized under the provision of the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916 (U. S. C., title 32, sec. 21), as amended. This issue shall be made without charge against militia appropriations except for actual expenses incident to such issue.

No appropriation contained in this Act shall be available for any expense for or on account of a larger number of mounted units and wagon and service companies of the National Guard than were in existence on June 30, 1932: *Provided*, That officers, warrant officers, and enlisted men of the National Guard and Organized Reserves, who, under regulations prescribed by the Secretary of War, volunteer to participate without pay as competitors in the National Rifle Matches to be held during the fiscal year 1936, may attend such matches without pay, notwithstanding any provision of law to the contrary, but shall be entitled to travel and subsistence allowances at the same rates as are provided for civilians who attend and participate in said matches.

#### ORGANIZED RESERVES

For pay and allowances of members of the Officers' Reserve Corps on active duty in accordance with law; mileage, reimbursement of actual traveling expenses, or per diem allowances in lieu thereof, as authorized by law: *Provided*, That the mileage allowance to members of the Officers' Reserve Corps when called into active service for training for fifteen days or less shall not exceed 4 cents per mile; pay, transportation, subsistence, clothing, and medical and hospital treatment of members of the Enlisted Reserve Corps; conducting correspondence or extension courses for instruction of members of the Reserve Corps, including necessary supplies, procurement of maps and textbooks, and transportation and traveling expenses of employees; purchase of training manuals, including Government publications and blank forms, subscriptions to magazines and periodicals of a professional or technical nature; establishment, maintenance, and operation of divisional and regimental headquarters and of camps for training of the Organized Reserves; for miscellaneous expenses incident to the administration of the Organized Reserves, including the maintenance and operation of motor-propelled passenger-carrying vehicles; for the actual and necessary expenses, or per diem in lieu thereof, at rates authorized by law, incurred by officers and enlisted men of the Regular Army traveling on duty in connection with the Organized Reserves, and

for travel of dependents, and packing and transportation of baggage of such personnel; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department, except that not to exceed \$845,725 of this appropriation shall be available for expenditure by the Chief of the Air Corps for the production and purchase of new airplanes and their equipment, spare parts, and accessories; for transportation of baggage, including packing and crating, of reserve officers ordered to active duty for not less than six months; for the medical and hospital treatment of members of the Officers' Reserve Corps and of the Enlisted Reserve Corps, who suffer personal injury or contract disease in line of duty, as provided by the Act of April 26, 1928 (U. S. C., Supp. VII, title 10, secs. 451, 455), and for such other purposes in connection therewith as are authorized by the said Act, including pay and allowances, subsistence, transportation, and burial expenses; in all, \$6,372,178; and no part of such total sum shall be available for any expense incident to giving flight training to any officer of the Officers' Reserve Corps unless he shall be found physically and professionally qualified to perform aviation service as an aviation pilot, by such agency as the Secretary of War may designate: *Provided*, That not to exceed \$100,000 of this appropriation may be used for establishment and maintenance of divisional and regimental headquarters.

None of the funds appropriated elsewhere in this Act, except for printing and binding, field exercises, and for pay and allowances of officers and enlisted men of the Regular Army, and for mileage, reimbursement of actual traveling expenses, or per diem allowances in lieu thereof, as authorized by law, to Air Corps reserve officers on extended active duty, shall be used for expenses in connection with the Organized Reserves, but available supplies and existing facilities at military posts shall be utilized to the fullest extent possible.

No appropriation made in this Act shall be available for pay, allowances, or traveling or other expenses of any officer of the Organized Reserves who may be drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States: *Provided*, That nothing in this provision shall be so construed as to prevent the application of funds herein contained to the pay, allowances, or traveling expenses of any officer or enlisted man of the Reserve Corps who may surrender said pension, disability allowance, disability compensation, or retired pay for the period of his active duty in the Reserve Corps.

No appropriation made in this Act shall be expended for the pay of a reserve officer on active duty for a longer period than fifteen days, except such as may be detailed for duty with the War Department General Staff under section 3a and section 5 (b) of the Army Reorganization Act approved June 4, 1920 (U. S. C., title 10, secs. 26, 37), or who may be detailed for courses of instruction at the general or special service schools of the Army, or who may be detailed for duty as instructors at civilian military training camps, appropriated for in this Act, or who may be detailed for duty with tactical units of the Air Corps, as provided in section 37a of the Army Reorganization Act approved June 4, 1920 (U. S. C., title 10, sec. 369): *Provided*, That the pay and allowances of such additional officers and nurses of the Medical Reserve Corps as are required to supplement the like officers and nurses of the Regular Army in the care of beneficiaries of the United States Veterans' Administration treated in Army hospitals may be paid from the funds allotted to the War Department by that administration under existing law.

Maintenance of supplies.

Purchase, etc., airplanes.  
Baggage transportation.

Medical and hospital treatment.

Vol. 45, p. 461.  
U. S. C., p. 252.

Flight training restrictions.

*Proviso*.  
Divisional headquarters, etc.

Restriction on use of other funds.

Use of available supplies.

No pay to officer drawing pension, etc.

*Proviso*.  
Provisions waived if pension surrendered.

Reserve officer on active duty; pay restriction.

General Staff detail.  
Vol. 41, pp. 760, 763.  
U. S. C., pp. 231, 232.

Other details.

Air Corps.  
Vol. 41, p. 776; U. S. C., p. 249.

*Proviso*.  
Medical Reserve Corps for Veterans' Administration patients in Army hospitals.

Citizens' military training.

Reserve officers' training corps.

Quartermaster supplies for units of.

CITIZENS' MILITARY TRAINING

RESERVE OFFICERS' TRAINING CORPS

Training camps.

Travel allowance.

Expenses for supplies.

Subsistence commutation to senior division members.

Vol. 39, p. 193; Vol. 41, p. 778.  
U. S. C., p. 250.

Medical, etc., treatment, in line of duty.

Vol. 41, p. 778.  
U. S. C., p. 251.

Burial expenses.

Vol. 43, p. 365; Vol. 45, p. 462.  
U. S. C., p. 252.  
Transporting dependents, etc.

Vehicles.

Provision.  
Issue of Army horses.

For the procurement, maintenance, and issue, under such regulations as may be prescribed by the Secretary of War, to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, of such public animals, means of transportation, supplies, tentage, equipment, and uniforms as he may deem necessary, including cleaning and laundering of uniforms and clothing at camps; and to forage, at the expense of the United States, public animals so issued, and to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War; for transporting said animals and other authorized supplies and equipment from place of issue to the several institutions and training camps and return of same to place of issue when necessary; for purchase of training manuals, including Government publications and blank forms; for the establishment and maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit, or, in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to pay the return travel pay in advance of the actual performance of the travel; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for pay for students attending advanced camps at the rate prescribed for soldiers of the seventh grade of the Regular Army; for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at a rate not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the Act approved June 3, 1916, as amended by the Act approved June 4, 1920 (U. S. C., title 10, sec. 387); for medical and hospital treatment until return to their homes and further medical treatment after arrival at their homes, subsistence during hospitalization and until furnished transportation to their homes, and transportation when fit for travel to their homes of members of the Reserve Officers' Training Corps who suffer personal injury or contract disease in line of duty while en route to or from and while at camps of instruction under the provisions of section 47a of the National Defense Act approved June 3, 1916 (U. S. C., title 10, sec. 441), as amended; and for the cost of preparation and transportation to their homes and burial expenses of the remains of members of the Reserve Officers' Training Corps who die while attending camps of instruction as provided in the Act approved April 26, 1928 (U. S. C., Supp. VII, title 10, sec. 455); for mileage, traveling expenses, or transportation, for transportation of dependents, and for packing and transportation of baggage, as authorized by law, for officers, warrant officers, and enlisted men of the Regular Army traveling on duty pertaining to or on detail to or relief from duty with the Reserve Officers' Training Corps; for the maintenance, repair, and operation of motor vehicles, \$4,452,304; of which \$400,000 shall be available immediately: *Provided*, That the Secretary of War is authorized to issue, without charge, in lieu of purchase, for the use of the Reserve Officers' Train-

ing Corps, so many horses now belonging to the Regular Army as he may consider desirable: *Provided*, That uniforms and other equipment or material issued to the Reserve Officers' Training Corps in accordance with law shall be furnished from surplus or reserve stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue: *Provided further*, That in no case shall the amount paid from this appropriation for uniforms, equipment, or material furnished to the Reserve Officers' Training Corps from stocks under the control of the War Department be in excess of the price current at the time the issue is made: *Provided further*, That none of the funds appropriated in this Act shall be used for the organization or maintenance of an additional number of mounted, motor transport, or tank units in the Reserve Officers' Training Corps in excess of the number in existence on January 1, 1928: *Provided further*, That none of the funds appropriated in this Act shall be available for any expense on account of any student in Air Corps, Medical Corps, Dental Corps, or Veterinary units not a member of such units on May 5, 1932, but such stoppage of further enrollments shall not interfere with the maintenance of existing units: *Provided further*, That none of the funds appropriated elsewhere in this Act, except for printing and binding and pay and allowances of officers and enlisted men of the Regular Army, shall be used for expenses in connection with the Reserve Officers' Training Corps.

Uniforms, etc., from Army surplus stock.

Current price to govern.

Additional units forbidden.

No additional students in designated units.

Restriction on use of other funds.

#### MILITARY SUPPLIES AND EQUIPMENT FOR SCHOOLS AND COLLEGES

For the procurement and issue as provided in section 55c of the Act approved June 4, 1920 (U. S. C., title 10, sec. 1180), and in section 1225, Revised Statutes, as amended, under such regulations as may be prescribed by the Secretary of War, to schools and colleges, other than those provided for in section 40 of the Act above referred to, of such arms, tentage, and equipment, and of ammunition, targets, and target materials, including the transporting of same, and the overhauling and repair of articles issued, as the Secretary of War shall deem necessary for proper military training in said schools and colleges, \$8,900.

Schools and colleges.

Military supplies and equipment.  
Vol. 41, p. 780.  
U. S. C., p. 285.  
R. S., sec. 1225, p. 216.  
U. S. C., p. 1579.

#### CITIZENS' MILITARY TRAINING CAMPS

For furnishing, at the expense of the United States, to warrant officers, enlisted men, and civilians attending training camps maintained under the provisions of section 47d of the National Defense Act of June 3, 1916, as amended (U. S. C., title 10, sec. 442), uniforms, including altering, fitting, washing, and cleaning when necessary, subsistence, or subsistence allowances and transportation, or transportation allowances, as prescribed in said section 47d, as amended; for such expenditures as are authorized by said section 47d as may be necessary for the establishment and maintenance of said camps, including recruiting and advertising therefor, and the cost of maintenance, repair, and operation of passenger-carrying vehicles; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for gymnasium and athletic supplies (not exceeding \$20,000); for mileage, reimbursement of traveling expenses, or allowance in lieu thereof as authorized by law, for officers of the Regular Army and Organized Reserves, and for the travel expenses of enlisted men of the Regular Army, traveling on duty in connection with citizens' military training camps; for purchase of training

Citizens' military training camps.

Uniforms, transportation expenses, etc.

Vol. 41, p. 779.  
U. S. C., p. 251.

Maintenance.

Medical and hospital treatment.

Burials.

Vol. 45, p. 461.  
U. S. C., p. 252.

Provisions.  
Age limitation.

Restriction on use of other funds.

Uniforms, etc., from Army surplus stocks.

Current price to govern.

Restriction on use of Army reserve supplies.

Promotion of rifle practice.

Instruction expenses.

Supplies, etc.

Vol. 39, p. 211; Vol. 43, p. 510; Vol. 44, p. 1095; Vol. 45, p. 786.  
U. S. C., p. 1443.

No pay to officer, etc., using time-measuring device.

Cash rewards restricted.

manuals, including Government publications and blank forms; for medical and hospital treatment, subsistence, and transportation, in case of injury or disease contracted in line of duty, of members of the citizens' military training camps and for transportation and burial of remains of any such members who die while undergoing training or hospital treatment, as provided in the Act of April 26, 1928 (U. S. C., Supp. VII, title 10, secs. 454, 455); in all, \$2,000,000: *Provided*, That the funds herein appropriated shall not be used for the training of any person in the first year or lowest course, who shall have reached his twenty-fourth birthday before the date of enrollment: *Provided further*, That none of the funds appropriated elsewhere in this Act except for printing and binding and for pay and allowances of officers and enlisted men of the Regular Army shall be used for expenses in connection with citizens' military training camps: *Provided further*, That uniforms and other equipment or matériel furnished in accordance with law for use at citizens' military training camps shall be furnished from surplus or reserve stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue: *Provided further*, That in no case shall the amount paid from this appropriation for uniforms, equipment, or matériel furnished in accordance with law for use at citizens' military training camps from stocks under the control of the War Department be in excess of the price current at the time the issue is made.

Under the authorizations contained in this Act no issues of reserve supplies or equipment shall be made where such issues would impair the reserves held by the War Department for two field armies or one million men.

#### NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE, ARMY

Promotion of rifle practice: For construction, equipment, and maintenance of rifle ranges, the instruction of citizens in marksmanship, and promotion of practice in the use of rifled arms; for arms, ammunition, targets and other accessories for target practice, for issue and sale in accordance with rules and regulations prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War; for clerical services, including not exceeding \$25,000 in the District of Columbia; for procurement of materials, supplies, trophies, prizes, badges and services, as authorized in Section 113, Act of June 3, 1916, and in War Department Appropriation Act of June 7, 1924; for the conduct of the National Matches, including incidental travel, and for maintenance of the National Board for the Promotion of Rifle Practice, including not to exceed \$7,500 for its incidental expenses as authorized by Act of May 28, 1928; to be expended under the direction of the Secretary of War, \$491,054.

No part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this Act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.



TITLE II—NONMILITARY ACTIVITIES OF THE WAR DEPARTMENT

QUARTERMASTER CORPS

CEMETERIAL EXPENSES

For maintaining and improving national cemeteries, including fuel for and pay of superintendents and the superintendent at Mexico City, laborers and other employees, purchase of tools and materials; purchase, including exchange, of one motor-propelled passenger-carrying vehicle; and for the repair, maintenance, and operation of motor vehicles; care and maintenance of the Arlington Memorial Amphitheater, chapel, and grounds in the Arlington National Cemetery; for repair to roadways but not to more than a single approach road to any national cemetery constructed under special Act of Congress; for headstones for unmarked graves of soldiers, sailors, and marines under the Acts approved March 3, 1873 (U. S. C., title 24, sec. 279), February 3, 1879 (U. S. C., title 24, sec. 280), March 9, 1906 (34 Stat., p. 56), March 14, 1914 (38 Stat., p. 768), and February 26, 1929 (U. S. C., Supp. VII, title 24, sec. 280a), and civilians interred in post cemeteries; for recovery of bodies and disposition of remains of military personnel and civilian employees of the Army under Act approved March 9, 1928 (U. S. C., Supp. VII, title 10, sec. 916); for the care, protection, and maintenance of the Confederate Mound in Oakwood Cemetery at Chicago, the Confederate Stockade Cemetery at Johnstons Island, the Confederate burial plats owned by the United States in Confederate Cemetery at North Alton, the Confederate Cemetery, Camp Chase, at Columbus, the Confederate section in Greenlawn Cemetery at Indianapolis, the Confederate Cemetery at Point Lookout, and the Confederate Cemetery at Rock Island, \$677,607: *Provided*, That no railroad shall be permitted upon any right-of-way which may have been acquired by the United States leading to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States: *Provided further*, That no part of this appropriation shall be used for repairing any roadway not owned by the United States within the corporate limits of any city, town, or village.

For purchase of additional land for the extension of the Vicksburg National Cemetery, \$82,000.

For repairs and preservation of monuments, tablets, roads, fences, and so forth, made and constructed by the United States in Cuba and China to mark the places where American soldiers fell, \$734.

SIGNAL CORPS

ALASKAN COMMUNICATION SYSTEM

For defraying the cost of such extensions, betterments, operation, and maintenance of the Washington-Alaska Military Cable and Telegraph System as may be approved by the Secretary of War, to be available until the close of the fiscal year 1937, from the receipts of the Washington-Alaska Military Cable and Telegraph System which have been covered into the Treasury of the United States, the extent of such extensions and betterments and the cost thereof to be reported to Congress by the Secretary of War, \$156,753.

CORPS OF ENGINEERS

RIVERS AND HARBORS

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers:

Nonmilitary activities.

Quartermaster Corps.

National cemeteries.  
Maintenance, etc.

Motor vehicle purchase.

Arlington, Va.

Roadways, repair, etc.

Headstones for graves.  
Vol. 20, p. 281; Vol. 34, p. 56; Vol. 38, p. 788; Vol. 45, p. 1307.  
U. S. C., p. 992.

Recovery of remains.  
Vol. 45, p. 251; U. S. C., p. 273.

Confederate cemeteries, etc.

*Provisos.*  
Encroachments forbidden.

Repairs restricted.

Vicksburg, extension.

Burial plots in Cuba and China.

Signal Corps.

Alaskan Communication system.

Operation, extension, etc.

From receipts.

Engineer Corps.

Rivers and harbors.

Immediately available.

Maintenance and improvement of existing works.

Boundary waters, survey.

New York Harbor, injurious deposits.  
California Débris Commission.  
Vol. 27, p. 507.  
U. S. C., p. 1484.

Removing sunken vessels.

Printing.

Vol. 45, p. 538.  
U. S. C., p. 1490.

Provisos.  
Unauthorized project forbidden.  
Power-driven boat restriction.

Permanent International Commission of the Congresses of Navigation.

Flood control. Mississippi River and tributaries.  
Vol. 45, p. 534;  
U. S. C., p. 1488.

Emergency fund for flood control.  
Vol. 45, p. 537; Vol. 46, p. 787;  
U. S. C., p. 1489.

Sacramento River, Calif.; flood control.  
Vol. 39, p. 949; Vol. 45, p. 539.  
U. S. C., p. 1491.

Lowell Creek, Alaska; flood control.  
Vol. 47, p. 802.

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes and other boundary and connecting waters as heretofore authorized, including the preparation, correction, printing, and issuing of charts and bulletins and the investigation of lake levels; for prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City; for expenses of the California Débris Commission in carrying on the work authorized by the Act approved March 1, 1893 (U. S. C., title 33, sec. 661); for removing sunken vessels or craft obstructing or endangering navigation as authorized by law; for operating and maintaining, keeping in repair, and continuing in use without interruption any lock, canal (except the Panama Canal), canalized river or other public works for the use and benefit of navigation belonging to the United States; for examinations, surveys, and contingencies of rivers and harbors; and for printing, including illustrations, as may be authorized by the Committee on Printing of the House of Representatives, either during a recess or session of Congress, of surveys under House Document Numbered 308, Sixty-ninth Congress, first session, and section 10 of the Flood Control Act, approved May 15, 1928 (U. S. C., Supp. VII, title 33, sec. 702j), and such surveys as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress, and for the purchase of motor-propelled passenger-carrying vehicles and motor boats, for official use, not to exceed \$155,150: *Provided*, That no funds shall be expended for any preliminary examination, survey, project, or estimate not authorized by law, \$34,057,270: *Provided further*, That no appropriation under the Corps of Engineers for the fiscal year 1936 shall be available for any expenses incident to operating any power-driven boat or vessel on other than Government business: *Provided further*, That not to exceed \$3,000 of the amount herein appropriated shall be available for the support and maintenance of the Permanent International Commission of the Congresses of Navigation and for the payment of the actual expenses of the properly accredited delegates of the United States to the meeting of the congresses and of the commission.

Flood control, Mississippi River and tributaries: For prosecuting work of flood control in accordance with the provisions of the Flood Control Act, approved May 15, 1928 (U. S. C., Supp. VII, title 33, sec. 702a), and for the purchase of motor-propelled passenger-carrying vehicles and motor boats, for official use, not to exceed \$45,750, \$15,000,000.

Emergency fund for flood control on tributaries of Mississippi River: For rescue work and for repair or maintenance of any flood-control work on any tributaries of the Mississippi River threatened or destroyed by flood, in accordance with section 7 of Flood Control Act, approved May 15, 1928 (U. S. C., Supp. VII, title 33, sec. 702g), \$499,400.

Flood control, Sacramento River, California: For prosecuting work of flood control in accordance with the provisions of the Flood Control Act approved March 1, 1917 (U. S. C., title 33, sec. 703), as modified by the Flood Control Act approved May 15, 1928 (U. S. C., Supp. VII, title 33, sec. 704), including not to exceed \$1,500 for the purchase of motor-propelled passenger-carrying vehicles and motor boats, for official use, \$577,256.

Flood control, Lowell Creek, Alaska: For maintenance of flood-control works in accordance with the Act approved February 14, 1933 (47 Stat., p. 802), \$2,000.

## UNITED STATES SOLDIERS' HOME

United States Soldiers' Home.

For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home, Permanent Fund, \$799,349: *Provided*, That, effective July 1, 1935, interest earned pursuant to law on funds of the Home deposited in the Treasury of the United States shall be credited to the trust fund "Soldiers' Home, Permanent Fund", and shall not be expendable except in consequence of an appropriation made by Congress.

Maintenance, etc.

*Proviso.*  
Soldiers' Home Permanent Fund; interest account.

## THE PANAMA CANAL

The Panama Canal.

The limitations on the expenditure of appropriations hereinbefore made in this Act shall not apply to the appropriations for the Panama Canal.

Limitations not applicable to appropriations for.

For every expenditure requisite for and incident to the maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, including the following: Compensation of all officials and employees; foreign and domestic newspapers and periodicals; law books not exceeding \$1,000; textbooks and books of reference; printing and binding, including printing of annual report; rent and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal Act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages to property arising from the maintenance and operation, sanitation, and civil government of the Panama Canal; acquisition of land and land under water, as authorized in the Panama Canal Act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sales; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; traveling expenses, when prescribed by the Governor of the Panama Canal to persons engaged in field work or traveling on official business; transportation, including insurance, of public funds and securities between the United States and the Canal Zone; and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary best to promote the maintenance and operation, sanitation, and civil government of the Panama Canal, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:

All expenses.

Objects specified.

Printing and binding.

Claims for damages to vessels.

Emergencies.

Public funds and securities, transportation and insurance.

For maintenance and operation of the Panama Canal: Salary of the Governor, \$10,000; purchase, inspection, delivery, handling, and storing of materials, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales; payment in lump sums of not exceeding the amounts authorized by the Injury Compensation Act approved September 7, 1916 (U. S. C., title 5, sec. 793), to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal; for continuing the construction of the

Operation, etc.  
Governor's salary.  
Purchase, etc., of supplies.  
*Post*, p. 1641.

Payment to alien cripples.  
Vol. 39, p. 750.  
U. S. C., p. 102.

Madden Dam.  
Vol. 45, p. 363.

Madden Dam across the Chagres River at Alhajuela for the storage of water for use in the maintenance and operation of the Panama Canal, together with a hydroelectric plant, roadways, and such other work as in the judgment of the Governor of the Panama Canal may be necessary, to cost in the aggregate not to exceed \$15,500,000; in all, \$6,900,000, together with all moneys arising from the conduct of business operations authorized by the Panama Canal Act.

Sanitation, etc.  
Lepers and the  
insane.  
Deportation expenses.

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, and the purchase of artificial limbs or other appliances for persons who were injured in the service of the Isthmian Canal Commission or the Panama Canal prior to September 7, 1916, and including additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, \$874,616.

Chief quarantine  
officer.  
Civil government, ex-  
penses.

For civil government of the Panama Canal and Canal Zone, including gratuities and necessary clothing for indigent discharged prisoners, \$1,022,981.

Availability.  
Credits allowed.

Total, Panama Canal, \$8,797,597, to be available until expended.

In addition to the foregoing sums there is appropriated for the fiscal year 1936 for expenditures and reinvestment under the several heads of appropriation aforesaid, without being covered into the Treasury of the United States, all moneys received by the Panama Canal from services rendered or materials and supplies furnished to the United States, the Panama Railroad Company, the Canal Zone government, or to their employees, respectively, or to the Panama Government, from hotel and hospital supplies and services; from rentals, wharfage, and like service; from labor, materials, and supplies and other services furnished to vessels other than those passing through the canal, and to others unable to obtain the same elsewhere; from the sale of scrap and other byproducts of manufacturing and shop operations; from the sale of obsolete and unserviceable materials, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the Canal and Canal Zone; and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States.

Water, sewers, pave-  
ments, etc.

Panama and Colon.

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1936, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

Use of Government-  
owned automobiles for  
private purposes pro-  
hibited.

SEC. 2. No part of any money appropriated by this Act shall be used for maintaining, driving, or operating any Government-owned motor-propelled passenger-carrying vehicle assigned for the exclusive use of persons other than the Secretary of War and medical officers on out-patient medical service.

Limitation on use of  
funds for post ex-  
changes.

SEC. 3. No part of any appropriation made by this Act shall be used in any way to pay any expense in connection with the conduct, operation, or management of any post exchange, branch exchange, or subexchange within any State, Territory, or the District of Columbia, save and except for real assistance and convenience to military personnel and civilians employed or serving at military posts and to retired enlisted naval personnel in supplying them with articles of ordinary use, wear, and consumption not furnished by the Government.

Approved, April 9, 1935.

[CHAPTER 55.]

## AN ACT

To establish a commission for the settlement of the special claims comprehended within the terms of the convention between the United States of America and the United Mexican States concluded April 24, 1934.

April 10, 1935.  
[S. 1068.]  
[Public, No. 30.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) there is hereby established a commission to be known as the "Special Mexican Claims Commission" (hereinafter referred to as the "Commission") which shall be composed of three commissioners, learned in the law, to be appointed by the President. Such Commission shall have jurisdiction to hear and determine, as hereinafter provided, conformable to the terms of the Convention of September 10, 1923, and justice and equity, all claims against the Republic of Mexico, notices of which were filed with the Special Claims Commission, United States and Mexico, established by said Convention of September 10, 1923, in which the said Commission failed to award compensation, except such claims as may be found by the Committee provided for in the special claims Convention of April 24, 1934, to be General Claims and recognized as such by the General Claims Commission. For the purpose of this Act, claims which were brought to the attention of the American agency charged with the prosecution of claims before the aforesaid Commission, prior to the expiration of the periods specified in the convention of September 10, 1923, for the filing of claims, but which, because of error or inadvertence, were not filed with or brought to the attention of the Commission within the said periods, shall be deemed to have been filed with the Commission within such periods.

Special Mexican  
Claims Commission.  
Establishment; com-  
position, etc.  
*Post*, pp. 590, 1321.

Jurisdiction.

Vol. 43, p. 1723.

Vol. 43, p. 1844.

Filing claims.

(b) The President shall designate one of such commissioners as chairman of the Commission. Not more than two of such commissioners shall be members of the same political party. Each commissioner shall be a citizen of the United States, shall hold office until the functions of the Commission are terminated, and shall receive a salary at the rate of \$7,500 a year. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of an original appointment. Two members of the Commission shall constitute a quorum for the transaction of its business.

Chairman.  
Commissioners;  
qualifications.

Salary.

Vacancies.

Quorum.

SEC. 2. The Commission shall have a secretary, and such additional legal, clerical, and technical assistants as may be approved and appointed by the Secretary of State, and at the rates of compensation fixed by him.

Secretary; assistants.

SEC. 3. (a) Before taking up his duties, each commissioner shall make and subscribe a solemn oath or declaration that he will carefully and impartially examine and decide all claims according to the best of his judgment and in accordance with the evidence and the applicable principles of justice and equity, and the terms of the said convention of September 10, 1923. All decisions by the Commission, which shall be by majority vote, shall constitute a full and final disposition of the cases decided. Such decisions shall be based upon the present records in the cases and such additional evidence and written legal contentions as may be presented within such period as may be prescribed therefor by the Commission.

Oath.

Commission's deci-  
sions.

Basis of.

(b) The Commission shall have authority, in its discretion, to make independent investigations of cases. For the purpose of all investigations which, in the opinion of the Commission, are necessary and proper for carrying out the provisions of this Act, each commissioner is empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of books, papers, or other documents which the commissioner or the Commission deems relevant to the inquiry.

Independent investi-  
gations permitted.

Authority conferred.

Attendance of witnesses; securing evidence.

(c) Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpoena the Commission may invoke the aid of any district or territorial court of the United States or the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of documentary evidence, and the court within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the Commission, or to produce documentary evidence if so ordered or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Government agencies to cooperate.

(d) For the purpose of assisting the Commission in carrying out the provisions of this Act, the heads of the various departments and independent agencies and establishments of the Government are hereby directed to cooperate with the Commission and to place at its disposal such information as the Commission may from time to time request.

Percentage reduction of awards.

SEC. 4. If, after all claims have been passed upon and all awards have been entered, the Commission shall find that the total amount of such awards is greater than the amount that the Government of Mexico has agreed to pay to the Government of the United States in satisfaction of the claims, less the expenses of the Commission, it shall reduce the awards on a percentage basis to such amount, and shall enter final awards in such reduced amounts.

Meetings of Commission.

SEC. 5. The said Commission shall perform its duties in the city of Washington, beginning within fifteen days after its appointment. It shall, as soon as practicable, make all needful rules and regulations not contravening the laws of the United States, or the provisions of this Act, for regulating the mode of procedure by and before it and for carrying into full and complete effect the provisions of this Act; it shall also, as soon as practicable, notify all claimants of record of the establishment of the Commission and of the rules of procedure adopted by it for the adjudication of the claims, including the time allowed for the filing of additional evidence and written legal contentions.

Rules of procedure, etc.

Notice to claimants.

Duration of Commission.

SEC. 6. The Commission shall complete its work within two years from the date on which it undertakes the performance of its duties, at which time all powers, rights, and duties conferred by this Act upon the Commission shall terminate.

Expenses allowed.

SEC. 7. The Commission shall be allowed the necessary actual expenses of office rent, furniture, stationery, books, printing and binding, and other necessary incidental expenses, to be certified as necessary by the Commission and approved by the Secretary of State.

Counsel fees.

SEC. 8. The Commission shall, at the time of entering an award on any claim, allow counsel or attorneys employed by the claimant or claimants, out of the amount awarded, such fees as it shall determine to be just and reasonable for the services rendered the claimant or claimants in prosecuting such claim, which allowance shall be entered as a part of said award: *Provided, however,* That the Commission shall determine just and reasonable fees, where there is a contract or agreement for services in connection with the proceedings before the Commission and with the preparations therefor, only upon the written request of the claimant or claimants, or of the counsel or attorneys, made to the Commission within ninety days after notice of the entry of an award and notice of the provisions of this section shall have been mailed by the Commission to the claimant or claimants; and payment shall be made by the Secretary of the

Proviso. Determination of amounts.

Payments.

Treasury to the person or persons to whom such allowance shall be made in the same manner as payments are made to claimants under section 9 of this Act, which shall constitute payment in full to the counsel or attorneys for prosecuting such claim; and whenever such allowance shall be made all other liens upon, or assignments, sales, or transfers of the claim or the award thereon, whether absolute or conditional, for services rendered or to be rendered by counsel or attorneys in the preparation or presentation of any claim or part or parcel thereof, shall be absolutely null and void and of no effect.

SEC. 9. The said Commission shall, upon the completion of its work, submit a report to the Secretary of State, attaching thereto the following documents in duplicate: (a) a statement of the expenses of the Commission; (b) a list of all claims rejected; (c) a list of all claims allowed in whole or in part, together with the amount of each claim and the amount awarded by the Commission; and (d) its decisions in writing showing the reasons for the allowance or disallowance of the respective claims. Certified copies of lists (a) and (c) shall be transmitted by the Secretary of State to the Secretary of the Treasury, who shall, after making the deduction provided for in section 11 hereof, distribute in ratable proportions, among the persons in whose favor awards shall have been made, or their assignees, heirs, executors, or administrators of record, according to the proportions which their respective awards shall bear to the whole amount then available for distribution, such moneys as may have been received into the Treasury in virtue of the convention of April 24, 1934. The Secretary of the Treasury shall follow like procedure with reference to any amounts that may thereafter be received from the Government of Mexico under the convention of April 24, 1934.

SEC. 10. As soon as the adjudication of the claims shall have been completed, the records, books, documents, and all other papers in the possession of the Commission, or members of its staff, shall be deposited with the Department of State.

SEC. 11. For the expenses of the Commission in carrying out the duties as aforesaid, the sum of \$90,000, or so much thereof as may be necessary, is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, including personal services in the District of Columbia, or elsewhere, without regard to the provisions of any statute relating to employment, rent in the District of Columbia, furniture, office supplies, and equipment, including law books and books of reference, stenographic reporting and translating services, without regard to section 3709 of the Revised Statutes; traveling expenses; printing and binding; and such other necessary expenses as may be authorized by the Secretary of State: *Provided*, That any expenditures from the amount herein authorized to be appropriated shall become a first charge upon any moneys received from the Government of Mexico in settlement of these claims, and the amount of such expenditures shall be deducted from the first payment by the Government of Mexico and deposited in the Treasury of the United States as miscellaneous receipts.

SEC. 12. After a fee has been fixed under section 8, any person accepting any consideration (whether or not under a contract or agreement entered into prior or subsequent to the enactment of this Act) the aggregate value of which (when added to any consideration previously received) is in excess of the amount so fixed, for services in connection with the proceedings before the Commission, or any preparations therefor, shall, upon conviction thereof, be punished by a fine of not more than four times the aggregate value of the consideration accepted by such person therefor.

Approved, April 10, 1935.

Report of Commission.  
Documents to be attached.

Payment of awards.

Deposit of Commission's records, etc., with Department of State.

Sum authorized for expenses.  
*Post*, pp. 590, 1321.

Personal services.

Purchases, etc., without advertising.  
R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.

Printing and binding.

*Proviso*.  
Expenditures a first charge on money received from Government of Mexico.

Accepting unauthorized fee, etc.

Punishment for.

## [CHAPTER 56.]

## AN ACT

April 10, 1935.

[S. 1605.]

[Public, No. 31.]

Authorizing the President to present Distinguished Flying Crosses to Air Marshal Italo Balbo and General Aldo Pellegrini, of the Royal Italian Air Force.

Air Marshal Italo Balbo and General Aldo Pellegrini.

Distinguished Flying Crosses awarded to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized to present Distinguished Flying Crosses to Air Marshal Italo Balbo and General Aldo Pellegrini, of the Royal Italian Air Force, in recognition of their formation flight with twenty-four seaplanes to the United States and back to Italy, which was an event of National importance, a great aeronautical achievement, and a mark of the good will between Italy and the United States.

Approved, April 10, 1935.

## [CHAPTER 57.]

## AN ACT

April 11, 1935.

[S. 404.]

[Public, No. 32.]

To provide for the acquisition of land in the District of Columbia in excess of that required for public projects and improvements, and for other purposes.

District of Columbia. Authority to acquire land, in excess of public requirements, provided for.

Purpose.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to promote the orderly and proper development of the seat of government of the United States, the Commissioners of the District of Columbia, or agencies of the United States authorized by law to acquire real estate, be, and they are hereby, authorized and empowered to acquire, in the public interest, by gift, dedication, exchange, purchase, or condemnation, fee simple title to land, or rights in or on land or easements or restrictions therein, within said District, for public uses, works, and improvements authorized by Congress, in excess of that actually needed for and essential to the usefulness of such public uses, works, and improvements, in order to preserve the view, appearance, light, and air and to enhance the usefulness of such public works and improvements to prevent the use of private property adjacent to such public works and improvements in such a manner as to impair the public benefit derived from the construction thereof, or to prevent inequities or hardship to the owners of adjacent private property by depriving them of the beneficial use of their property.

Excess land; disposition authorized.

Reservation concerning future use.

Deposit of receipts from sales.

Provisos. Notices of intended sales.

SEC. 2. The Commissioners of the District of Columbia or agencies of the United States authorized by law to acquire real estate are further authorized, upon completion of public improvements, to subdivide, and sell at public or private sale, or exchange, any such excess land, and to carry out such purpose or purposes, to convey any lands acquired in excess of that actually needed and which is not essential to the usefulness of such public works, with such reservations concerning the future use and occupation of such real estate as may in their discretion be necessary to protect such public improvements; and any and all moneys received from any sale or transfer of land in accordance with the provisions of this Act shall be covered into the Treasury of the United States, and where the property sold was acquired under an appropriation authorized for the use of the District of Columbia, any and all moneys received from such sale shall be deposited in the Treasury to the credit of the revenues of the District of Columbia: *Provided*, That in the event of sale as herein authorized, notice of not less than twenty days before such sale shall be published in a daily newspaper published in the District of Columbia, and notice by registered mail before such sale be mailed to the last known address of the persons listed



on the records of the assessor of the District of Columbia as the owners of the land abutting the land to be sold and sold at not less than the fair market value at the time sold as determined by appraisal of the assessor of the District of Columbia: *Provided, however,* That whenever the authorities of the United States or the District of Columbia having jurisdiction over such acquired land, or rights or easements, shall elect to retain any or all of the same for use of the United States or the District of Columbia, the said authorities are authorized to use said land, rights, or easements for park, playground, highway, or alley purposes, or for any other lawful purpose which the said authorities shall deem advantageous or in the public interest.

Authority to use, for designated purposes.

SEC. 3. That whenever land is purchased, as provided in this Act, in excess of that needed in connection with a particular project or improvement, any and all appropriations available for the payment of the purchase price, costs, and expenses incident to such project or improvement are hereby authorized for use in the payment of the purchase price, costs, and expenses of any and all excess land purchased in connection with such project or improvement, as provided in this Act.

Funds available for purchasing, etc.

SEC. 4. That whenever excess land is condemned by the Commissioners of the District of Columbia, in accordance with the provisions of this Act, the condemnation proceedings for the acquisition of such land shall be in accordance with chapter 15, subchapter 1 of chapter 15, and/or sections 1608 to 1610, inclusive, of the Code of Laws for the District of Columbia: *Provided,* That any and all appropriations available for the payment of awards, damages, and costs in condemnation proceedings under chapter 15 of the Code of Laws for the District of Columbia are hereby authorized for use in the payment of awards, damages, and costs in any and all condemnation proceedings under said chapter 15 for the acquisition of excess land, as provided in this Act: *Provided further,* That any and all appropriations available for the payment of awards, damages, and costs in condemnation proceedings under subchapter 1 of chapter 15 and/or sections 1608 to 1610, inclusive, of the Code of Laws for the District of Columbia are hereby authorized for use in the payment of awards, damages, and costs in any and all condemnation proceedings under said subchapter 1 of chapter 15 and/or said sections 1608 to 1610, inclusive, for the acquisition of excess land, as provided in this Act: *And provided further,* That in any and all cases where such excess land is condemned, no assessments for benefits shall be levied by the jury in respect to the acquisition of said excess land.

Condemnation proceedings under District of Columbia Code.  
Vol. 31, p. 1265; Vol. 33, p. 733.

*Provisos.*  
Appropriations available.

Particular projects.

No assessments for benefits to be levied.

SEC. 5. That whenever excess land is condemned by agencies of the United States, other than the Commissioners of the District of Columbia, as provided in this Act, the condemnation proceedings for the acquisition of such land shall be in accordance with an Act approved March 1, 1929, as amended, or any law or laws in effect at the time of such condemnation for the acquisition of land in the District of Columbia for use of the United States: *Provided,* That any and all appropriations available for the condemnation of land under said Act approved March 1, 1929, as amended, are hereby authorized for use in the payments of awards, damages, and costs in any and all condemnation proceedings under said Act, as amended, for the acquisition of excess land, as provided in this Act.

Condemnation by Federal agencies.

Vol. 45, p. 1415.  
U. S. C., p. 1796.

*Proviso.*  
Payment of awards, etc.

SEC. 6. That the portion of the Act approved February 25, 1907, entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to establish a Code of Laws for the District of Columbia'", regulating proceedings for condemnation of land for

Assessments for benefits when dedication of part of lot.  
Vol. 34, p. 930; Vol. 35, p. 532.

streets' ” (34 Stat. 930; ch. 1195, sec. 491g), reading: “And where part of any lot, piece, parcel, or tract of land has been dedicated for the opening, extension, widening or straightening of the street, avenue, road, or highway, the jury, in determining whether the remainder of said lot, piece, parcel, or tract is to be assessed for benefits, and the amount of benefits, if any, to be assessed thereon, shall also take into consideration the fact of such dedication and the value of the land so dedicated ” is hereby repealed.

Effect on existing laws.

SEC. 7. With the exception of section 6, none of the provisions of this Act shall be construed as repealing any provisions of existing law pertaining to the condemnation or acquisition of streets, alleys, or land, or the law or laws relating to the subdividing of lands in the District of Columbia.

Saving clause.

SEC. 8. If any provision of this Act is held invalid, the remainder of the Act shall not be affected thereby.

Approved, April 11, 1935.

[CHAPTER 58.]

AN ACT

To amend section 27 of the Merchant Marine Act, 1920.

April 11, 1935.  
[S. 619.]

[Public, No. 33.]

Merchant Marine Act, 1920, amendment. Vol. 41, p. 999; U. S. C., p. 2067.

Great Lakes railroad-car ferries.

Exemption from forfeiture of certain merchandise transported on.

Post, p. 442.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 27 of the Merchant Marine Act, 1920 (U. S. C., title 46, sec. 883), as amended, is amended by striking out the final period and inserting in lieu thereof a colon and the following: “*Provided further,* That this section shall not apply to the transportation of merchandise loaded on railroad cars or to motor vehicles with or without trailers, and with their passengers or contents when accompanied by the operator thereof, when such railroad cars or motor vehicles are transported in any railroad-car ferry operated between fixed termini on the Great Lakes as part of a rail route, if such car ferry is owned by a common carrier by water and operated as part of a rail route with the approval of the Interstate Commerce Commission, and if the stock of such common carrier by water, or its predecessor, was owned or controlled by a common carrier by rail prior to June 5, 1920, and if the stock of the common carrier owning such car ferry is, with the approval of the Interstate Commerce Commission, now owned or controlled by any common carrier by rail and if such car ferry is built in and documented under the laws of the United States.”

Approved, April 11, 1935.

[CHAPTER 59.]

AN ACT

To authorize the Department of Labor to continue to make special statistical studies upon payment of the cost thereof, and for other purposes.

April 11, 1935.  
[S. 857.]

[Public, No. 34.]

Department of Labor.

Special statistical studies by, continued. Vol. 48, p. 583.

*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 authorize the Department of Labor to make special statistical studies upon payment of the cost thereof, and for other purposes ” (Seventy-third Congress, ch. 118, 48 Stat. 582), and the authority therein conferred shall be, and hereby are, extended until April 13, 1937.

Approved, April 11, 1935.

## [CHAPTER 68.]

## AN ACT

To extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cairo, Illinois.

April 12, 1935.  
[S. 1308.]  
[Public, No. 35.]

*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 the bridge across the Ohio River at or near Cairo, Illinois, authorized to be built by the Cairo Bridge Commission by the Act of Congress entitled "An Act creating the Cairo Bridge Commission and authorizing said Commission and its successors to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Illinois", approved April 13, 1934, are hereby extended one and three years, respectively, from April 13, 1935.

Ohio River.  
Time extended for  
bridging, at Cairo, Ill.

Vol. 48, p. 577.

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

Amendment.

Approved, April 12, 1935.

## [CHAPTER 70.]

## AN ACT

To authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes.

April 15, 1935.  
[H. R. 5576.]  
[Public, No. 36.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy is hereby authorized to proceed with the construction of the following-named public-works projects at a cost not to exceed the amount stated after each item enumerated:

Navy, public works.  
Construction of designated projects authorized.  
*Post*, p. 598.

Navy Yard, Boston, Massachusetts: Marine Barracks, South Boston, \$22,000.

Yards and stations.  
Boston, Mass.

Navy Yard, Mare Island, California: Storehouse and accessories, \$800,000; graving dry dock, services and auxiliary construction, \$3,500,000; time-signal station building and accessories, \$35,000.

Mare Island, Calif.

Navy Yard, Puget Sound, Washington: Graving dry dock, services, and auxiliary construction, \$4,500,000; purchase of land for foundry extension, \$10,000.

Puget Sound, Wash.

Navy Yard, Pearl Harbor, Hawaii: Floating dry dock, type B, including mooring facilities and accessories, \$10,000,000; floating dry dock, type D, including mooring facilities and accessories, \$750,000; power-plant building and accessories, \$500,000; cold-storage plant building and accessories, \$595,000; industrial shop buildings and accessories, \$1,400,000; barracks and mess hall for enlisted men, \$225,000; quarters for officers, \$72,500; latrine buildings and accessories, \$16,500.

Pearl Harbor,  
Hawaii.

Naval Station, Balboa, Canal Zone: Quarters for officers, \$176,500; storehouse and administration buildings and accessories, \$200,000.

Balboa, Canal Zone.

Naval Station, Tutuila, Samoa: Quarters for chief petty officers, \$48,000.

Tutuila, Samoa.

Naval Torpedo Station, Newport, Rhode Island: Carpenter-shop building and accessories, \$80,000.

Newport, R. I.

Naval Proving Ground, Dahlgren, Virginia: Purchase of land for safety zones, \$22,000; quarters for officers, \$100,000.

Dahlgren, Va.

Naval ammunition depot, Puget Sound, Washington: Industrial building and accessories, \$100,000.

Ammunition depots,  
Puget Sound, Wash.

Naval ammunition depots, Balboa, and Coco Solo, Canal Zone: Ammunition storage facilities, including buildings and accessories, \$2,000,000.

Balboa and Coco Solo,  
C. Z.

- San Diego, Calif. Naval training station, San Diego, California: Trade school and auditorium buildings and accessories, \$475,000; fleet school building and accessories, \$120,000.
- Submarine bases.  
Pearl Harbor, Hawaii. Submarine base, Pearl Harbor, Hawaii: Quarters for officers, \$95,500.
- Coco Solo, C. Z. Submarine base, Coco Solo, Canal Zone: Replacement of buildings and accessories, including barracks and mess hall for enlisted men, shop buildings, storehouses, dispensary, boiler plant, quarters for officers, quarters for chief petty officers, administration building, laundry, garage, and public-works shop, \$2,534,500.
- Air stations.  
Norfolk, Va. Naval air station, Norfolk, Virginia: Barracks and mess hall for enlisted men, \$500,000.
- Pensacola, Fla. Naval air station, Pensacola, Florida: Replacement of buildings and accessories, including barracks and mess hall for enlisted men, shop buildings, quarters for officers storehouses and hangars, \$3,000,000.
- San Diego, Calif. Naval air station, San Diego, California: Aviation facilities and rifle range, including buildings and accessories, San Nicolas and San Clemente Islands, \$247,000.
- Naval air station, San Diego, California: Galley and mess hall for enlisted men, \$300,000; barracks for enlisted men, \$300,000; hangars, \$360,000; general storehouse building and accessories, \$300,000; aircraft storehouse building and accessories, \$140,000; quarters for bachelor officers, \$200,000; central storehouse building, West Beach, \$50,000; garage, West Beach, \$20,000; equipment storehouse and accessories, \$30,000; magazines, \$5,000; boat-repair building and accessories, \$25,000; quarters for officers, \$87,000.
- Fleet air bases.  
Pearl Harbor, Hawaii. Fleet air base, Pearl Harbor, Hawaii: Barracks and mess hall for enlisted men, \$587,500; quarters for officers, \$216,000; quarters for chief petty officers, \$180,000; paint and oil storehouse building and accessories, \$30,000; garage and fire-station buildings and accessories, \$22,000; boathouse building and accessories, \$25,000.
- Coco Solo, C. Z. Fleet air base, Coco Solo, Canal Zone: Hangar, \$195,000; administration building and dispensary and accessories, \$145,000; quarters for chief petty officers, \$180,000.
- Quantico, Va. Marine barracks, Quantico, Virginia: Quarters for officers, \$1,050,000; quarters for noncommissioned officers, \$891,000.
- Naval radio and direction-finder stations. Naval radio and direction-finder stations: Sandy Hook, New Jersey, radio buildings and facilities, \$50,000; vicinity of Washington, District of Columbia, radio receiving station including buildings and purchase of land, \$175,000; Oahu, Hawaii, radio receiving station including buildings, \$165,000; Balboa, Canal Zone, quarters for operators, \$90,000; Cape Mala, Panama, barracks, quarters, and compass house, \$50,000; Canal Zone, radio receiving station including buildings, \$105,000.

Approved, April 15, 1935.

[CHAPTER 71.]

AN ACT

To provide for aviation cadets in the Naval Reserve and Marine Corps Reserve.

April 15, 1935.  
[H. R. 5577.]  
[Public, No. 37.]

Naval Reserve and Marine Corps Reserve. Aviation cadet grade created. Appointments; regulations.

Provisos.  
Service agreement.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the grade of aviation cadet is hereby created in the Naval Reserve and Marine Corps Reserve. Aviation cadets shall be appointed by the Secretary of the Navy from male citizens of the United States under such regulations as he may prescribe: *Provided,* That each aviation cadet shall sign an agreement, with the consent of his parent or guardian,

if he be a minor, to serve for a continuous period of four years on active duty, unless sooner released: *Provided further*, That the Secretary of the Navy is authorized to discharge at any time any aviation cadet, or to release him from active duty. Aviation cadets shall, if qualified, be eligible after completion of their period of active duty, for commission in the Naval Reserve or in the Marine Corps Reserve, with date of precedence as of date of appointment as aviation cadet.

SEC. 2. The pay of aviation cadets while on active duty undergoing training shall be at the rate of \$75 per month, which pay shall include extra pay for flying risk, as provided by law. The pay of aviation cadets while on active duty not undergoing training, shall be at the rate of \$125 per month, which pay shall include extra pay for flying risk, as provided by law. The determination of the Secretary of the Navy as to the period during which aviation cadets are undergoing training shall be conclusive for all purposes. Aviation cadets shall be paid, in addition, a money allowance for subsistence of \$1 per day. While traveling under orders to or from active duty, or while in the performance of such duty, they shall, under such regulations of<sup>1</sup> the Secretary of the Navy may prescribe, receive transportation, and other necessary expenses incident to such travel, or cash in lieu thereof: *Provided*, That when traveling by air under competent orders, they shall receive the same allowances for traveling expenses as are now or may hereafter be authorized by law for officers of the Navy.

SEC. 3. Aviation cadets shall, while undergoing training, be issued necessary uniforms and equipment at Government expense. Upon first assignment to duty after the completion of training, aviation cadets shall, in addition, be paid a uniform allowance of \$150.

SEC. 4. Aviation cadets shall, except as otherwise provided in this Act, be subject to all the laws and regulations prescribed for other members of the Naval Reserve or the Marine Corps Reserve. They shall take precedence next before warrant officers of the Naval Reserve or Marine Corps Reserve: *Provided*, That when aviation cadets contract sickness or disease or suffer injury in line of duty while performing active duty, they may, in the discretion of the Secretary of the Navy, be retained on such active-duty status beyond the specified date of termination thereof.

SEC. 5. During their period of active duty aviation cadets will be issued Government life insurance in the amount of \$10,000, the premiums on which shall be paid out of current appropriations as provided in section 7. Upon discharge or upon completion of active duty, aviation cadets will have the option of continuing such policies at their own expense.

SEC. 6. Aviation cadets of the Naval Reserve and Marine Corps Reserve shall, upon release from a period of active duty of four years or more be paid a lump sum of \$1,500, which sum shall be in addition to any pay and allowances which they may otherwise be entitled to receive.

SEC. 7. The pay and allowances of aviation cadets of the Naval Reserve and Marine Corps Reserve and the premiums on their life insurance shall be paid from the current appropriations "Naval Reserve" and "Pay, Marine Corps", respectively.

Approved, April 15, 1935.

Discharge or release.

Commission.

Pay.

Determination of training periods.

Subsistence and transportation allowances.

*Proviso.*  
Travel by air.

Uniforms and equipment; allowance.

Cadets subject to regulations, etc.

Rank.

*Proviso.*  
Illness or injury in line of duty.

Life insurance, during training.

Upon discharge.

Payment upon release.

Appropriations available.  
*Post*, pp. 403, 414.

<sup>1</sup> So in original.

## [CHAPTER 72.]

## AN ACT

April 17, 1935.

[H. R. 2881.]

[Public, No. 38.]

Authorizing the adjustment of contracts for the sale of timber on the national forests, and for other purposes.

National forests.  
Adjustment of con-  
tracts for timber sales.

Regulations.

Proviso.  
Time limitation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture is hereby authorized, upon application of the contracting parties involved, and after due notice publicly given, when such action is necessary in his judgment to prevent hardship or unemployment, and under such rules and regulations as he may prescribe, to terminate any contract made prior to June 30, 1934, for the sale of timber on national forests, without requiring the payment of damages for failure to cut all of the timber involved, except as the value of the remaining timber may have been reduced by the cutting and removal done by the purchaser: *Provided,* That all applications for action by the Secretary under the authority of this Act shall be submitted within one year from the date of its approval.

Approved, April 17, 1935.

## [CHAPTER 73.]

## AN ACT

April 18, 1935.

[H. R. 6290.]

[Public, No. 39.]

To authorize acquisition of land to provide appropriate means of access to the post-office building at Jonesboro, Arkansas.

Jonesboro, Ark.  
Addition to post  
office site, authorized.

Vol. 46, p. 1595.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized to acquire by purchase, condemnation, or otherwise, as an addition to the post-office site at Jonesboro, Arkansas, such portion of the fifteen-foot public alley north of the site as may be necessary to provide appropriate means of access to the loading platform of the building as extended and remodeled under authority of the Act of Congress (46 Stat. 1595) approved March 4, 1931.

Approved, April 18, 1935.

## [CHAPTER 74.]

## AN ACT

April 19, 1935.

[H. R. 6359.]

[Public, No. 40.]

To amend certain provisions relating to publicity of certain statements of income.

Revenue Act of 1934,  
amended.  
Vol. 48, p. 698.

Income tax returns.  
Publicity and inspec-  
tion of.  
Post, p. 1671.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 55 (b) of the Revenue Act of 1934 relating to filing and making public certain income statements is amended to read as follows:

“(b) (1) All income returns filed under this title for any taxable year beginning after December 31, 1934 (or copies thereof, if so prescribed by regulations made under this subsection), shall be open to inspection by any official, body, or commission, lawfully charged with the administration of any State tax law, if the inspection is for the purpose of such administration or for the purpose of obtaining information to be furnished to local taxing authorities as provided in paragraph (2). The inspection shall be permitted only upon written request of the governor of such State, designating the representative of such official, body, or commission to make the inspection on behalf of such official, body, or commission. The inspection shall be made in such manner, and at such times and places, as shall be prescribed by regulations made by the Commissioner with the approval of the Secretary.

“(2) Any information thus secured by any official, body, or commission of any State may be used only for the administration of the tax laws of such State, except that upon written request of the governor of such State any such information may be furnished to any official, body, or commission of any political subdivision of such State, lawfully charged with the administration of the tax laws of such political subdivision, but may be furnished only for the purpose of, and may be used only for, the administration of such tax laws. Any officer, employee, or agent of any State or political subdivision, who divulges (except as authorized in this subsection, or when called upon to testify in any judicial or administrative proceeding to which the State or political subdivision, or such State or local official, body, or commission, as such, is a party) any information acquired by him through an inspection permitted him or another under this subsection shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$1,000, or by imprisonment for not more than one year, or both.”

Use of information secured.

Penalty provisions; unlawful disclosure.

Approved, April 19, 1935.

[CHAPTER 77.]

AN ACT

To amend an Act entitled “An Act to regulate the manner in which property shall be sold under orders and decrees of any United States courts”, approved March 3, 1893, as amended.

April 24, 1935.  
[S. 1572.]

[Public, No. 41.]

*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 regulate the manner in which property shall be sold under orders and decrees of any United States courts”, approved March 3, 1893 (ch. 225, 27 Stat. 751, as amended; U. S. C., title 28, secs. 847, 848, and 849), be, and it is hereby amended to read as follows:

Sale of property under court order.  
Vol. 27, p. 751; Vol. 48, p. 1119.  
U. S. C., p. 1314.  
Post, p. 390.

“SECTION 1. All real estate or any interest in land sold under any order or decree of any United States court shall be sold at public sale at the courthouse of the county, parish, or city in which the property, or the greater part thereof, is located, or upon the premises or some parcel thereof located therein, as the court rendering such order or decree of sale may direct, said sale to be upon such terms and conditions as said court shall approve: *Provided, however,* That if said property shall be situated in more than one county, State, judicial district of the United States, or judicial circuit of the United States, whether in one or more parcels, said property shall be sold as a whole or in separate parcels at public sale at the courthouse of the county, parish, or city in which the greater part thereof is located or upon the premises or some parcel thereof as the court rendering such order or decree of sale may direct: *And provided further,* That if at the time said property is offered for sale it is in the possession of a receiver or receivers, or ancillary receiver or ancillary receivers, appointed by one or more district courts of the United States, said property wherever situated shall be sold at public sale in the district of primary jurisdiction at the courthouse of the county, parish, or city situated therein in which the greater part of said property in said district is located or on the premises or some parcel thereof located in such county, parish, or city therein as the court having primary jurisdiction by such order or decree of sale may direct, unless said court shall order the sale of the properties or one or more parcels thereof in one or more ancillary districts. The United States court having primary jurisdiction shall be deemed to be the court first appointing any such receiver.

Public sale of real property.  
Requirements modified.

*Provisos.*  
If property located in different districts.

If in possession of receiver, etc.

Private sales. "After a hearing of which notice to all interested parties shall be given by publication or otherwise as the court may direct, the court may order and decree the sale of such real estate or interest in land or any part thereof at private sale for cash or other considerations and upon such terms and conditions as the court directing the sale may approve, if it finds that the best interests of the estate will be conserved thereby: *Provided*, That before confirmation of any private sale, the court shall appoint three disinterested persons to appraise said property or, if the court deems advisable, different groups of three appraisers each to appraise properties of different classes or situate in different localities, and no private sale shall be confirmed at a price less than two-thirds of the appraised value: *Provided further*, That before confirmation of any private sale, the terms of such sale shall first be published in such newspaper or newspapers of general circulation as the court having jurisdiction may direct at least ten days before confirmation; and such private sale shall not then be confirmed by said court where a bona fide offer has been made, under such conditions as said court may prescribe, which offer shall guarantee at least a 10 per centum increase over the offered price specified in such private sale. The provisions of this section shall apply to sales and proceedings now pending in the courts of the United States as well as those commenced hereafter. The provisions of this section shall not apply to sales and proceedings under the Bankruptcy Act.

*Provisos.*  
Appraisal before confirmation.

Terms of sale; publication.

Not confirmed, if 10% increase offered.

Pending cases included.

Exceptions.

Personal property sales.

Pending cases included.

Exceptions.

Necessity of public notice.

If property in different districts.

Pending cases included.

Exceptions.

"SEC. 2. All personal property sold under any order or decree of any court of the United States shall be sold as provided in Section 1 of this Act, unless in the opinion of the court rendering such order or decree, it would be best to sell it in some other manner. The provisions of this section shall apply to sales and proceedings now pending in the courts of the United States as well as those commenced hereafter. The provisions of this section shall not apply to sales and proceedings under the Bankruptcy Act.

"SEC. 3. No sale of real estate ordered pursuant to the provisions of this Act by any order, judgment, or decree of any United States court, other than a private sale, shall be had without previous publication of notices of such proposed sale being ordered and had once a week for at least four weeks prior to such sale in at least one newspaper printed, regularly issued, and having a general circulation in the county, State, judicial district of the United States, or judicial circuit of the United States where the real estate proposed to be sold is situated, if such there be. If said property shall be situated in more than one county, State, judicial district of the United States, or judicial circuit of the United States, such notice shall be published in one or more of the counties, States, judicial districts of the United States, or judicial circuits of the United States where said property is situated, as the court may direct. Said notice shall be substantially in such form and contain such description of the property by reference or otherwise as the court ordering the sale shall approve. The court may, in its discretion, direct that the publication of the notice of sale herein provided for be made in such other newspapers as may seem proper. The provisions of this section shall apply to sales and proceedings now pending in the courts of the United States as well as those commenced hereafter in said courts. The provisions of this section shall not apply to sales and proceedings under the Bankruptcy Act."

Approved, April 24, 1935.



## [CHAPTER 78.]

## JOINT RESOLUTION

To extend the time within which contracts may be modified or canceled under the provisions of section 5 of the Independent Offices Appropriation Act, 1934.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5 of the Independent Offices Appropriation Act, 1934, is amended by striking out "April 30, 1935" and inserting in lieu thereof "October 31, 1935".

Approved, April 24, 1935.

April 24, 1935.  
[S. J. Res. 93.]  
[Pub. Res., No. 13.]

Transportation contracts.  
Time in which contracts may be modified, etc., extended.  
Vol. 48, p. 305.  
Post, p. 991.

## [CHAPTER 79.]

## JOINT RESOLUTION

Authorizing the appropriation of funds for the maintenance of public order and the protection of life and property during the convention of the Imperial Council of the Mystic Shrine in the District of Columbia June 8, 1935, to June 17, 1935, both inclusive.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of \$50,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, payable wholly from the revenues of the District of Columbia, to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in the District of Columbia from the 8th day of June 1935 to the 17th day of June 1935, both inclusive, including the employment of personal services, the payment of allowances, traveling expenses, hire of means of transportation, and other incidental expenses in the discretion of the said Commissioners. There is hereby further authorized to be appropriated the sum of \$4,000, or so much thereof as may be necessary, payable as aforesaid, for the construction, rent maintenance, and for incidental expenses in connection with the operation of temporary public-convenience stations, first-aid stations, and information booths, including the employment of personal services in connection therewith during such period.

Approved, April 24, 1935.

April 24, 1935.  
[S. J. Res. 97.]  
[Pub. Res., No. 14.]

District of Columbia.  
Mystic Shrine Convention, 1935.  
Sum authorized to maintain order, etc.  
Post, p. 217.  
Ante, p. 34.

Additional, for public convenience, etc., stations.

## [CHAPTER 81.]

## AN ACT

To authorize certain officers of the Navy and Marine Corps to administer oaths.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in places beyond the continental limits of the United States where the Navy or Marine Corps is serving, such officers of the Navy or Marine Corps as are authorized to administer oaths for the purposes of the administration of naval justice and for other purposes of naval administration shall have the general powers of a notary public or of a consul of the United States in the administration of oaths, the execution and acknowledgment of legal instruments, the attestation of documents, and the performance of all other notarial acts.

Approved, April 25, 1935.

April 25, 1935.  
[S. 93.]  
[Public, No. 42.]

Navy and Marine Corps.  
Certain officers authorized to administer oaths, beyond continental limits.  
U. S. C., p. 1591.

## [CHAPTER 82.]

## AN ACT

April 25, 1935.

[S. 1208.]

[Public, No. 43.]

Authorizing personnel of the naval service to whom a commemorative or special medal has been awarded to wear in lieu thereof a miniature facsimile of such medal and a ribbon symbolic of the award.

Naval service.  
Personnel may wear  
facsimile in lieu of  
awarded medal.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That authority is hereby granted to personnel of the Navy and Marine Corps to wear in lieu of commemorative or special medals awarded to them a miniature facsimile of such medal and a ribbon symbolic of the award thereof under such regulations as the Secretary of the Navy may prescribe.

Approved, April 25, 1935.

## [CHAPTER 83.]

## AN ACT

April 25, 1935.

[S. 1210.]

[Public, No. 44.]

Authorizing certain officials under the Naval Establishment to administer oaths.

Naval Establishment.  
Certain officials of,  
authorized to admin-  
ister oaths.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chief clerks and inspectors attached to the office of inspectors of naval material, chief clerks attached to field services under the Naval Establishment and to navy yards, naval stations, and Marine Corps posts and stations, and such other clerks and employees attached to offices of inspectors of naval material, field services, naval stations, navy yards, and Marine Corps posts and stations, as may be designated by the Secretary of the Navy, are authorized to administer any oath required or authorized by any law of the United States, or regulation promulgated thereunder, relating to any claim against or application to the United States of officers and employees under the Naval Establishment; said persons so authorized to administer the aforesaid oaths are also authorized to administer oaths of office to officers and employees under the Naval Establishment, but no compensation or fee shall be demanded or accepted for administering any such oath or oaths.

No fee therefor.

Approved, April 25, 1935.

## [CHAPTER 84.]

## AN ACT

April 25, 1935.

[S. 2197.]

[Public, No. 45.]

To permit construction, maintenance, and use of certain pipe lines for petroleum and petroleum products in the District of Columbia.

District of Columbia.  
Smoot Sand and  
Gravel Corporation  
may construct, etc.,  
pipe lines at designated  
points.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Commissioners of the District of Columbia are hereby authorized and empowered to grant permission to the Smoot Sand and Gravel Corporation, a corporation organized and existing under the laws of the State of Delaware, the owner of squares 705, 707, and east of 708, and part of square 708, in the District of Columbia, its successors and assigns, to lay down, construct, maintain, and use pipe lines for the carriage of petroleum and petroleum products from any point or points within any such square or such part of square, in and through Half Street, First Street, P Street, Q Street, R Street, Potomac Avenue, reservation 246 and reservation 247, to any point or points within any such square or such part of square, or to the pierhead line of the Anacostia River.

Supervision of con-  
struction, etc.

SEC. 2. All the construction and use provided for herein shall be under such regulations and rentals as the Commissioners of the District of Columbia may make and establish in connection therewith, and all plans and specifications for such construction shall be subject

to their approval. The Commissioners of the District of Columbia shall have full authority to designate the location and to cause such repairs or relocation of said pipe lines as the public necessity may require, any such repairs or relocation to be at the expense of the Smoot Sand and Gravel Corporation, its successors, or assigns.

SEC. 3. No permission granted or enjoyed hereunder shall vest any right, title, or interest in or to the land within the streets or reservations referred to in section 1.

No property rights to vest.

SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment, etc.

Approved, April 25, 1935.

[CHAPTER 85.]

AN ACT

To provide for the protection of land resources against soil erosion, and for other purposes.

April 27, 1935.  
[H. R. 7054.]  
[Public, No. 46.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is hereby recognized that the wastage of soil and moisture resources on farm, grazing, and forest lands of the Nation, resulting from soil erosion, is a menace to the national welfare and that it is hereby declared to be the policy of Congress to provide permanently for the control and prevention of soil erosion and thereby to preserve natural resources, control floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors, protect public health, public lands and relieve unemployment, and the Secretary of Agriculture, from now on, shall coordinate and direct all activities with relation to soil erosion and in order to effectuate this policy is hereby authorized, from time to time—

Protection of land resources against soil erosion.  
Post, p. 1148.

(1) To conduct surveys, investigations, and research relating to the character of soil erosion and the preventive measures needed, to publish the results of any such surveys, investigations, or research, to disseminate information concerning such methods, and to conduct demonstrational projects in areas subject to erosion by wind or water;

Surveys and investigations to be conducted.

(2) To carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land;

Types of preventive measures to be employed.

(3) To cooperate or enter into agreements with, or to furnish financial or other aid to, any agency, governmental or otherwise, or any person, subject to such conditions as he may deem necessary, for the purposes of this Act; and

Agreements, aid, etc., for control purposes.

(4) To acquire lands, or rights or interests therein, by purchase, gift, condemnation, or otherwise, whenever necessary for the purposes of this Act.

Acquisition of lands, rights, etc., when necessary.

SEC. 2. The acts authorized in section 1 (1) and (2) may be performed—

(a) On lands owned or controlled by the United States or any of its agencies, with the cooperation of the agency having jurisdiction thereof; and

Protective measures on Government-owned, etc., lands.

(b) On any other lands, upon obtaining proper consent or the necessary rights or interests in such lands.

Other lands.

SEC. 3. As a condition to the extending of any benefits under this Act to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the purposes of this Act, require—

Conditions to extending benefits.

(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on

Local restrictions for preventing erosion.

the use of such lands and otherwise providing for the prevention of soil erosion;

Agreements, etc., as to permanent use of lands.

(2) Agreements or covenants as to the permanent use of such lands; and

Contributions to operations.

(3) Contributions in money, services, materials, or otherwise, to any operations conferring such benefits.

SEC. 4. For the purposes of this Act, the Secretary of Agriculture may—

Cooperation of Governmental agencies.

(1) Secure the cooperation of any governmental agency;

Officers and employees.

(2) Subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended, appoint and fix the compensation of such officers and employees as he may deem necessary, except for a period not to exceed eight months from the date of this enactment, the Secretary of Agriculture may make appointments and may continue employees of the organization heretofore established for the purpose of administering those provisions of the National Industrial Recovery Act which relate to the prevention of soil erosion, without regard to the civil-service laws or regulations and the Classification Act, as amended; and any persons with technical or practical knowledge may be employed and compensated under this Act on a basis to be determined by the Civil Service Commission; and

Subject to civil service and classification laws; exception. U. S. C., p. 85.

Technical services.

Other expenses.

(3) Make expenditures for personal services and rent in the District of Columbia and elsewhere, for the purchase of law books and books of reference, for printing and binding, for the purchase, operation, and maintenance of passenger-carrying vehicles, and perform such acts, and prescribe such regulations, as he may deem proper to carry out the provisions of this Act.

Soil Conservation Service, established. Post, p. 1601. Powers conferred. Vol. 48, pp. 201, 202.

SEC. 5. The Secretary of Agriculture shall establish an agency to be known as the "Soil Conservation Service", to exercise the powers conferred on him by this Act and may utilize the organization heretofore established for the purpose of administering those provisions of sections 202 and 203 of the National Industrial Recovery Act which relate to the prevention of soil erosion, together with such personnel thereof as the Secretary of Agriculture may determine, and all unexpended balances of funds heretofore allotted to said organization shall be available until June 30, 1937, and the Secretary of Agriculture shall assume all obligations incurred by said organization prior to transfer to the Department of Agriculture. Funds provided in H. J. Res. 117, "An Act making appropriation for relief purposes" (for soil erosion) shall be available for expenditure under the provisions of this Act; and in order that there may be proper coordination of erosion-control activities the Secretary of Agriculture may transfer to the agency created under this Act such functions, funds, personnel, and property of other agencies in the Department of Agriculture as he may from time to time determine.

Personal services.

Funds available.

Ante, p. 115.

Transfer of functions, etc.

Appropriation authorized. Post, pp. 1115, 1454.

SEC. 6. There are hereby authorized to be appropriated for the purposes of this Act such sums as Congress may from time to time determine to be necessary.

Approved, April 27, 1935.

[CHAPTER 86.]

AN ACT

April 29, 1935. [S. 1610.]

[Public, No. 47.]

Authorizing the Secretary of the Navy to accept on behalf of the United States a certain strip of land from the State of South Carolina.

Parris Island, S. C. Vol. 44, p. 1065.

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 authorizing the Secretary of the Navy to accept on behalf of the United States title in fee simple to a

certain strip of land and the construction of a bridge across Archers Creek in South Carolina”, approved February 14, 1927, is amended to read as follows:

“That the Secretary of the Navy is hereby authorized to accept on behalf of the United States, free from encumbrances and without cost to the United States, for military purposes, the title to the following-described parcel of land, to be used for a road from Jericho Point to the Marine Corps Reservation on Parris Island, South Carolina: Starting at a point on the north bank of Archers Creek, north sixty-four degrees, twenty-nine minutes west, six thousand five hundred and sixty-three feet from monument numbered 31 at the marine barracks, Parris Island, South Carolina, thence north, thirteen degrees, forty minutes west, four thousand six hundred and five feet to a point at the mean high-water line near Jericho Point; thence north, eighty-seven degrees, thirty-nine minutes east, two hundred and four feet to a point also at the mean high-water line near Jericho Point; thence south, thirteen degrees and forty minutes east, four thousand five hundred and sixty-five feet to a point on the north bank of Archers Creek; thence south seventy-six degrees and twenty minutes west, two hundred feet to the point of beginning: *Provided, however,* That the acceptance of such tract of land by the Secretary is made upon the express condition and limitation that such tract shall be used only for military purposes, and when it shall cease to be actually used for military purposes the title and right of possession shall immediately revert to the State of South Carolina without notice, demand, or action brought.”

Acceptance of certain strip of land for road authorized.

Description.

Use restricted.

Reversionary provision.

Approved, April 29, 1935.

[CHAPTER 88.]

AN ACT

To authorize the coinage of 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the founding of the city of Hudson, New York, and of the three hundredth anniversary of the founding of the city of Providence, Rhode Island, respectively.

May 2, 1935.  
[H. R. 6457.]  
[Public, No. 48.]

*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 hundred and fiftieth anniversary of the founding of the city of Hudson, New York, there shall be coined by the Director of the Mint ten thousand silver 50-cent pieces, and in commemoration of the three hundredth anniversary of the founding of the city of Providence, Rhode Island, there shall be coined by the Director of the Mint, fifty thousand silver 50-cent pieces, in each case such coins to be of standard size, weight, and fineness of a special appropriate design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, but the United States shall not be subject to the expense of making the models for master dies or other preparations for this coinage.

Hudson, N. Y., and Providence, R. I.  
Coinage to commemorate founding anniversaries.

Numbers.

No Government expense for dies, etc.

Issue.

SEC. 2. Coins commemorating the founding of the city of Hudson, New York, shall be issued at par, and only upon the request of the committee, person, or persons duly authorized by the mayor of the city of Hudson, New York, and the coins commemorating the founding of the city of Providence, Rhode Island, shall be issued at par and only upon the request of the Providence Tercentenary Committee.

Disposal.

SEC. 3. Such coins may be disposed of at par or at a premium by the committee, person, or persons duly authorized in section 2, and all proceeds shall be used in furtherance of the commemoration of the founding of the cities of Hudson, New York, and Providence, Rhode Island, respectively.

Coinage laws applicable.

SEC. 4. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same; regulating and guarding the process of coinage; providing for the purchase of material, and for the transportation, distribution, and redemption of the coins; for the prevention of debasement or counterfeiting; for the security of the coin; or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein directed.

Supervision of distribution, payment, etc.

SEC. 5. The coins authorized herein shall be issued in such numbers, and at such times as they may be requested by the committee, person or persons duly authorized by said mayor of Hudson, New York, in the case of coins issued in commemoration of the founding of that city, and by the Providence Tercentenary Committee in the case of coins commemorating the founding of the city of Providence, Rhode Island, and in each case only upon payment to the United States of the face value of such coins.

Approved, May 2, 1935.

[CHAPTER 89.]

AN ACT

May 3, 1935.  
[S. 408.]  
[Public, No. 49.]

To promote safety on the public highways of the District of Columbia by providing for the financial responsibility of owners and operators of motor vehicles for damages caused by motor vehicles on the public highways in the District of Columbia; to prescribe penalties for the violation of the provisions of this Act, and for other purposes.

District of Columbia. Financial responsibility of motor vehicle operators.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act shall in no respect be considered as a repeal of any of the provisions of the Traffic Acts for the District of Columbia but shall be construed as supplemental thereto.

Suspension of operator's permit and registration certificates; causes.

SEC. 2. The motor-vehicle operator's permit and all of the registration certificates of any person who shall by a final order or judgment have been convicted of or shall have forfeited any bond or collateral given for a violation of any of the following provisions of law, to wit—

Driving while intoxicated. Vol. 43, p. 1124.

Driving while under the influence of intoxicating liquor or narcotic drugs, as provided in section 10 of the Act of Congress approved March 3, 1925, as amended, and commonly known as the Traffic Acts;

Leaving scene of accident.

Leaving the scene of an automobile accident in which personal injury occurs without making identity known, as provided in section 10 of said Traffic Acts;

Convictions of similar offenses in other States.

A conviction of an offense in any other State, which if committed in the District of Columbia would be a violation of any of the aforesaid provisions of the Traffic Acts of the District of Columbia; shall be suspended by the Commissioners of the District of Columbia or their designated agent and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any other motor vehicle be thereafter registered in his name until he shall give proof of his ability to respond thereafter in damages resulting from the ownership or operation of a motor vehicle and arising by reason of personal injury to or death of any one person of at least \$5,000, and, subject to the aforesaid limit for each person injured or killed, of at least \$10,000 for such injury to or the death of two or more persons in any one accident, and for damage to property of at least \$1,000 resulting from any one accident. Such proof in said amounts shall be furnished for each motor vehicle owned or registered by such person. If any such person shall fail to furnish said proof, his operator's permit and registration certificates shall remain suspended and shall not at any time thereafter be renewed, nor shall any other

Renewal of permit, etc.

motor vehicle be thereafter registered in his name until such time as said proof be given. If such person shall not be a resident of the District of Columbia the privilege of operating any motor vehicle in the District of Columbia and the privilege of operation within the District of Columbia of any motor vehicle owned by him shall be withdrawn until he shall have furnished such proof: *Provided*, That in case of both residents and nonresidents, however, if it shall be duly established to the satisfaction of the said Commissioners or their designated agent, and the said Commissioners or their designated agent shall so find (a) that any such person so convicted, or who shall have pled guilty or forfeited bond or collateral, was, upon the occasion of the violation upon which such conviction, plea, or forfeiture was based, a chauffeur or motor-vehicle operator, however designated, in the employ of the owner of such motor vehicle; or a member of the same family and household of the owner of such motor vehicle, and (b) that there was not, at the time of such violation, or subsequent thereto, up to the date of such finding, any motor vehicle registered in the District of Columbia in the name of such person convicted, entering a plea of guilty or forfeiting bond or collateral, as aforesaid, then in such event, if the person in whose name such motor vehicle is registered shall give proof of ability to respond in damages, in accordance with the provisions of this Act (and the said Commissioners or their designated agent shall accept such proof from such person), such chauffeur or other person, as aforesaid, shall thereupon be relieved of the necessity of giving such proof in his own behalf. It shall be the duty of the clerk of the court in which any such judgment or order is rendered or other action taken to forward immediately to the said Commissioners or their designated agent a certified copy or transcript thereof, which said certified copy or transcript shall be prima facie evidence of the facts therein stated.

SEC. 3. The operator's permit and all of the registration certificates of any person, in the event of his failure to satisfy every judgment arising from an accident, or accidents, happening subsequently to the effective date of this Act and which shall have become final by expiration, without appeal, of the time within which appeal might have been perfected or by final affirmance on appeal, rendered against him by a court of competent jurisdiction in the District of Columbia or any State, or in a district court of the United States, for damages on account of personal injury, or damages to property in excess of \$100, resulting from the ownership or operation of a motor vehicle by him, his agent, or any other person with the express or implied consent of the owner, shall be forthwith suspended by the said Commissioners or their designated agent upon receiving a certified copy of such final judgment or judgments from the court in which the same is or are rendered showing such judgment or judgments to have been still unsatisfied more than thirty days after the same became final, and shall remain so suspended and shall not be renewed, nor shall any other motor vehicle be thereafter registered in his name while any such judgment remains unstayed, unsatisfied, and subsisting, nor until every such judgment is satisfied or discharged, except by a discharge in bankruptcy, and until the said person gives proof of his ability to respond in damages, as required in section 4 of this Act, for future accidents. It shall be the duty of the clerk of the court in which any such judgment is rendered to forward immediately upon the expiration of said thirty days to the said Commissioners or their designated agent a certified copy of such judgment or a transcript thereof. In the event the defendant is a nonresident, it shall be the duty of the said Commissioners or their

Nonresident operators.

*Proviso.*  
If person convicted be an employee of car owner.

Or member of family or household.

Copy of court order to Commissioners, etc.

Suspension of permit, etc.; unsatisfied final judgment.

Renewal restricted.

Certified copy of judgment to Commissioners.

Action against a non-resident.

designated agent to transmit to the Commissioner of motor vehicles (or officer in charge of the issuance of operators' permits and registration certificates) of the State of which the defendant is a resident a certified copy of the said judgment. If after such proof has been given any other such judgment shall be recovered against such person for any accident occurring before such proof was furnished, and after the effective date of this Act such permit and certificates shall again be and remain suspended while any such judgment remains unsatisfied and subsisting: *Provided, however,* That (1) when \$5,000 has been credited upon any judgment or judgments rendered in excess of that amount for personal injury to or the death of one person as the result of any one accident; (2) when, subject to the limit of \$5,000 for each person, the sum of \$10,000 has been credited upon any judgments rendered in excess of that amount for personal injury to or the death of more than one person as the result of any one accident; or (3) when \$1,000 has been credited upon any judgment or judgments rendered in excess of that amount for damage to property as the result of any one accident resulting from the ownership or operation of a motor vehicle by such judgment debtor his agent, or any other person, with his express or implied consent, then and in such event such payment or payments shall be deemed a satisfaction of such judgment or judgments for the purposes of this section only: *And provided further,* That a judgment debtor to whom this section applies may, for the sole purpose of giving authority to the Commissioners or their designated agent to authorize the judgment debtor to operate a motor vehicle thereafter, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained for the privilege of paying such judgment in installments, and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order, fixing the amounts and times of payment of the installments. While the judgment debtor is not in default in payment of such installments, the Commissioners or their designated agent upon his giving proof of ability to respond in damages for future accidents, as herein provided, may, in their discretion, restore or refrain from suspending his operator's permit and registration certificate or certificates; but such permit and certificate or certificates shall be suspended as hereinbefore provided if and when the Commissioners or their designated agent are satisfied that the judgment debtor has failed to comply with the terms of the court order.

*Provisos.*  
Payments in satisfaction of judgments.

Installment payments permitted.

Discretionary restoration of permit, etc.

Owner's liability.

Whenever any motor vehicle, after the passage of this Act, shall be operated upon the public highways of the District of Columbia by any person other than the owner, with the consent of the owner, express or implied, the operator thereof shall, in case of accident, be deemed to be the agent of the owner of such motor vehicle, and the proof of the ownership of said motor vehicle shall be prima facie evidence that such person operated said motor vehicle with the consent of the owner.

Provisions respecting nonresident owners or operators.

If any such motor-vehicle owner or operator shall not be a resident of the District of Columbia, the privilege of operating any motor vehicle in the District of Columbia and the privilege of operation within the District of Columbia of any motor vehicle owned by him shall be withdrawn, while any final judgment procured against him for damages, including personal injury or death caused by the operation of any motor vehicle, in the District of Columbia or elsewhere, shall be unstayed, unsatisfied, and subsisting, for more than thirty days, and until he shall have given proof of his ability to respond in damages for future accidents as required in section 4 of this Act.



The operation by a nonresident or by his agent of a motor vehicle on any public highway of the District of Columbia shall be deemed equivalent to an appointment by such nonresident of the director of vehicles and traffic or his successor in office to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceedings against such nonresident growing out of any accident or collision in which said nonresident or his agent may be involved while operating a motor vehicle on any such public highway, and said operation shall be a signification of his agreement that any such process against him, which is so served, shall be of the same legal force and validity as if served upon him personally in the District of Columbia. Service of such process shall be made by leaving a copy of the process with a fee of \$2 in the hands of the director of vehicles and traffic or in his office, and such service shall be sufficient service upon the said nonresident: *Provided*, That the plaintiff in such action shall first file in the court in which said action is commenced an undertaking in form and amount, and with one or more sureties, approved by said court, to reimburse the defendant, on the failure of the plaintiff to prevail in the action, for the expenses necessarily incurred by the defendant, including a reasonable attorney's fee in an amount to be fixed by the said court, in defending the action in the District of Columbia: *And provided further*, That notice of such service and a copy of the process are forthwith sent by registered mail by the plaintiff, or his attorney, to the defendant, and the defendant's return receipt appended to the writ and entered with the declaration, or such notice of such service and a copy of the process may be served upon the defendant in the manner provided by section 105 of the Code of Laws for the District of Columbia. The court in which the action is pending may order such continuances as may be necessary to afford the defendant a reasonable opportunity to defend the action, and no judgment by default in any such action shall be granted until at least twenty days shall have elapsed after service upon the defendant, as hereinabove provided, of a copy of the process and notice of service of said process upon the director of vehicles and traffic.

Service of process, etc.

Method, fee, etc.

*Providos.* Form, etc., of undertaking; expenses.

Plaintiff to serve notice, etc., by registered mail.

Continuances.

Proof of ability to respond in damages.

Insurance certificates.

SEC. 4. Proof of ability to respond in damages when required by this Act may be evidenced by the written certificate or certificates of any insurance carrier, duly authorized to do business within the District of Columbia, or in the case of a nonresident by an insurance carrier authorized to transact business in any of the several States, that it has issued to or for the benefit of the person named therein a motor-vehicle liability policy or policies as defined in this Act which, at the date of said certificate or certificates, is in full force and effect and designating therein by explicit description or by other appropriate reference all motor vehicles with respect to which coverage is granted by the policy certified to. The said Commissioners or their designated agent shall not accept any certificate or certificates unless the same shall cover all motor vehicles registered in the name of the person furnishing such proof. Additional certificates as aforesaid shall be required as a condition precedent to the registration of any additional motor vehicle or motor vehicles in the name of such person required to furnish proof as aforesaid. Said certificate or certificates shall certify that the motor-vehicle liability policy or policies therein cited shall not be canceled except upon ten days' prior written notice thereof to the said Commissioners or their designated agent.

Bonds.

Such proof may be the bond of a surety company duly authorized to do business within the District of Columbia or a bond with at least two individual sureties, each owning unencumbered real estate in the District of Columbia, approved by a judge of a court of

record, and filed with the said Commissioners or their designated agent, which said bond shall be conditioned for the payment of the amounts specified in section 2 hereof and shall not be cancelable except after ten days' written notice to the said Commissioners or their designated agent. Such bond in the case where individual sureties are offered shall contain a schedule of the real estate of said sureties and shall constitute a lien in favor of the District of Columbia upon said real estate, which lien shall exist in favor of any holder of any final judgment thereafter rendered on account of damage to property over \$100 in amount or injury to any person or persons caused by the operation of such person's motor vehicle. Said bond shall be recorded by the principal named therein among the land records of the District of Columbia before the same is filed with the Commissioners or their designated agent. If a final judgment rendered after the filing of the bond as aforesaid against the principal named in the surety or real-estate bond for damages sustained to person or property while said bond remains in force or effect shall not be satisfied within thirty days after its rendition, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action in the name of the District of Columbia against the company or persons executing such bond.

Conditions pre-  
scribed.

Deposit with the  
Court.

Such proof of ability to respond in damages may also be evidence presented to the said Commissioners or their designated agent of a deposit by such person with the clerk of the Supreme Court of the District of Columbia of a sum of money, the amount of which money shall be \$11,000. The said clerk shall accept such deposit and issue a receipt therefor. But the said clerk shall not accept a deposit of money where any judgment or judgments, therefore recovered against such person as a result of damages arising from the operation of any motor vehicle, shall not have been paid in full. Such money shall be held by the said clerk to satisfy, in accordance with the provisions of this Act, any execution issued against such person in any suit arising out of damage caused by the operation of any motor vehicle owned or operated by such person. Money so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages, including injury to property, and personal injury or death, as a result of the operation of a motor vehicle.

Provisions govern-  
ing.

Notice of cancelation,  
etc., of liability policy  
to be given Commis-  
sioners.

SEC. 5. The said Commissioners or their designated agent shall be notified of the cancelation or expiration of any motor-vehicle liability policy of insurance certified under the provisions of this Act or of any surety or real estate bond at least ten days before the effective date of such cancelation or expiration. In the absence of such notice of cancelation or expiration said policy of insurance shall remain in full force and effect. Upon receipt of such notice of cancelation or expiration the said Commissioners or their designated agent shall require other evidence of ability to respond in damages, and upon failure to furnish the same before the effective date of such cancelation or expiration, the operator's permit and all of the registration certificates of the person failing to comply herewith shall be suspended by the Commissioners or their designated agent and shall remain so suspended until such other evidence of ability to respond in damages shall have been given.

New evidence of abil-  
ity to respond in dam-  
ages required.

Penalty for failure.

Furnishing informa-  
tion.

SEC. 6. The director of vehicles and traffic shall, upon request, furnish any insurer, person, or surety a certified abstract of the operating record of any person subject to the provisions of this Act, which abstract shall fully designate the motor vehicles, if any, registered in the name of such person, and if there shall be no record

of any conviction of such person of a violation of any provision of any statute or regulation relating to the operation of a motor vehicle or of any injury or damage caused by such person as herein provided the said director shall so certify. The said director shall collect for each such certificate the sum of \$1.

SEC. 7. The director of vehicles and traffic shall furnish any person who may have been injured in person or property by any motor vehicle, upon written request, with all information of record in his office pertaining to the evidence of the ability of any operator or owner of any motor vehicle to respond in damages.

Data to injured persons.

SEC. 8. Any operator or any owner whose operator's permit or certificate of registration shall have been suspended as herein provided, shall immediately return to the director of vehicles and traffic his operator's permit, certificate of registration, and the number plates issued thereunder. If any person shall fail to return to the said director the operator's permit, certificate of registration, and the number plates issued thereunder as provided herein, the said director shall forthwith direct any member of the Metropolitan Police of the District of Columbia to secure possession thereof and to return the same to the office of the said director. Any person failing to return on demand such operator's permit or such certificate and number plates shall be guilty of a misdemeanor and shall be fined not more than \$100, and each day such person shall fail to return the same shall constitute a separate offense.

Surrender of operator's permit, etc.

Penalty provisions.

SEC. 9. The said Commissioners or their designated agent may cancel such bond or return such evidence of insurance, or the clerk of the Supreme Court of the District of Columbia may, with the consent of the said Commissioners or their designated agent, return such money to the person furnishing the same, provided three years shall have elapsed since the filing of such evidence or the making of such deposit, during which period such person shall not have violated any provision of the Traffic Acts referred to in section 2, and provided no suit or judgment for damages on account of personal injury or damage to property in excess of \$100 resulting from the operation of a motor vehicle by him or his agent shall then be outstanding against such person; and the affidavit of such person that he has not so violated the motor vehicle laws and that there are then outstanding against him no suits or judgments for damages as aforesaid, shall be sufficient proof thereof in the absence of evidence to the contrary then before the Commissioners or their designated agent. The said Commissioners or their designated agent may direct the return of any money to the person who furnished the same upon the acceptance and substitution of other evidence of his ability to respond in damages or, at any time after three years from the expiration of the latest registration or permit issued to such person, provided no written notice shall have been filed with the director stating that such suit had been brought against such person by reason of the ownership, maintenance, or operation of a motor vehicle and upon the filing by such person with the said Commissioners or their designated agent of an affidavit that he has abandoned his residence in the District of Columbia or that he has made bona fide sale of any and all motor vehicles owned by him and does not intend to own or operate any motor vehicle in the District of Columbia for a period of one or more years.

Bond, etc., may be canceled or money returned after 3 years if operator not guilty of traffic violation, etc.

*Ante*, p. 166.

No outstanding suits, etc.

Filing affidavit of abandoning residence in the District.

SEC. 10. Any person who by any other law of the District of Columbia is required to make provision for the payment of loss occasioned by injury to or death of persons or damage to property shall, to the extent of such provision so made and not otherwise, be exempt from this Act.

Exemption.

Forging evidence of ability to respond in damages.

SEC. 11. Any person who shall forge or, without authority, sign any evidence of ability to respond in damages as required by the said Commissioners or their designated agent in the administration of this Act shall be fined not less than \$100 nor more than \$1,000 or imprisoned not to exceed one year, or both.

"Motor-vehicle liability policy", defined.

SEC. 12. "Motor-vehicle liability policy", as used in this Act, shall be taken to mean a policy of liability insurance issued to the person therein named as insured by an insurance carrier authorized to transact business in the District of Columbia, or in the case of a nonresident, by an insurance carrier authorized to transact business in any of the several States, which policy shall designate, by explicit description or by appropriate reference, all motor vehicles with respect to which coverage is intended to be granted by said policy, and shall insure the insured named therein and any other person using or responsible for the use of any such motor vehicle with the consent, express or implied, of such insured, against loss from the liability imposed upon such insured by law or upon such other person for injury to or death of any person, other than such person or persons as may be covered, as respects such injury or death by any workmen's compensation law, or damage to property except property of others in charge of the insured or the insured's employees growing out of the maintenance, use, or operation of any such motor vehicle in the United States of America; or which policy shall, in the alternative, insure the person therein named as insured against loss from the liability imposed by law upon such insured for injury to or death of any person, other than such person or persons as may be covered as respects such injury or death by any workmen's compensation law, or damage to property, except property of others in charge of the insured or the insured's employees, growing out of the operation or use by such insured of any motor vehicle, except a motor vehicle registered in the name of such insured, and occurring while such insured is personally in control, as driver or occupant, of such motor vehicle within the United States of America, to the amount or limit of \$5,000, exclusive of interest and costs, on account of injury to or death of any one person, and, subject to the same limit as respects injury to or death of one person, of \$10,000, exclusive of interest and costs, on account of any one accident resulting in injury to or death of more than one person; and of \$1,000 for damage to property of others, as herein provided, resulting from any one accident; or a binder pending the issuance of any such policy, or an indorsement to an existing policy as hereinafter provided: *Provided*, That this section shall not be construed as preventing such insurance carrier from granting any lawful coverage in excess of or in addition to the coverage herein provided for, nor from embodying in such policy any agreements, provisions, or stipulations not contrary to the provisions of this Act and not otherwise contrary to law: *Provided, however*, That separate concurrent policies covering, respectively, (a) personal injury or death, as aforesaid, and (b) property damage, as aforesaid, shall be considered a motor-vehicle liability policy within the meaning of this Act.

Contents.

Personal injury or death.

Property damages.

*Provisos.*  
Excess coverage allowed.

Term construed.

Approval of policy by Superintendent of Insurance.

No motor-vehicle liability policy shall be issued or delivered in the District of Columbia until a copy of the form of policy shall have been on file with the Superintendent of Insurance for at least thirty days, unless sooner approved in writing by the Superintendent of Insurance, nor if within said period of thirty days the Superintendent of Insurance shall have notified the carrier in writing that in his opinion, specifying the reasons therefor, the form of policy does not comply with the laws of the District of Columbia. The Superintendent of Insurance shall approve any form of policy which dis-

closes the name, address, and business of the insured, the coverage afforded by such policy, the premium charged therefor, the policy period, the limit of liability, and the agreement that the insurance thereunder is provided in accordance with the coverage defined in this section as respects personal injury and death or property damage, or both, and is otherwise subject to all the provisions of the Act.

Such motor-vehicle liability policy shall be subject to the following provisions, which need not be contained therein:

(a) The liability of any company under a motor-vehicle liability policy shall become absolute whenever loss or damage covered by said policy occurs, and the satisfaction by the insured of a final judgment for such loss or damage shall not be a condition precedent to the right or duty of the carrier to make payment on account of such loss or damage. No such policy shall be canceled or annulled as respects any loss or damage by any agreement between the carrier and the insured after the said insured has become responsible for such loss or damage, and any such cancellation or annulment shall be void. Upon the recovery of a final judgment against any person for any such loss or damage, if the judgment debtor was at the accrual of the cause of action insured against liability therefor under a motor-vehicle liability policy, the judgment creditor shall be entitled to have the insurance money applied to the satisfaction of the judgment. But the policy may provide that the insured, or any other person covered by the policy, shall reimburse the company for payments made on account of any accident, claim, or suit involving a breach of the terms, provisions, or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits designated in this section, the insurance carrier may plead against such judgment creditor, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured. Any such policy may further provide for the prorating of the insurance thereunder with other applicable valid and collectible insurance.

(b) The policy, the written application therefor (if any), and any rider or endorsement which shall not conflict with the provisions of this Act shall constitute the entire contract between the parties.

(c) The insurance carrier shall, upon the request of the insured, deliver to the insured for filing, or at the request of the insured shall file direct, with the said Commissioners or their designated agent an appropriate certificate as set forth in section 4 hereof.

(d) Any carrier authorized to issue motor-vehicle liability policies as provided for in this Act may, pending the issuance of such a policy, execute an agreement, to be known as a binder; or may, in lieu of such a policy, issue an endorsement to an existing policy, each of which shall be construed to provide indemnity or protection in like manner and to the same extent as such a policy. The provisions of this section shall apply to such binders and endorsements.

SEC. 13. The following words, as used in this Act, shall have the following meanings:

(a) The singular shall include the plural. The masculine shall include the feminine and neuter, as requisite.

(b) "Person" shall include individuals, partnerships, corporations, receivers, referees, trustees, executors, and administrators; and shall also include the owner of any motor vehicle as requisite, but shall not include the District of Columbia.

(c) "Motor vehicle" shall include trailers, motorcycles, and tractors.

(d) "Public highway" shall include any street, road, or public thoroughfare.

Provisions prescribed.

Liability of company hereunder.

Policy not to conflict with Act.

Delivery of certificate, if requested.

Executing binder, etc.

Definitions.

"Person".

"Motor vehicle".

"Public highway".

- Administrative rules. SEC. 14. The said Commissioners shall make rules and regulations necessary for the administration of this Act.
- Other processes permitted. SEC. 15. Nothing herein shall be construed as preventing the plaintiff in any action at law from relying for security upon the other processes provided by law.
- Saving provision. SEC. 16. If any part, subdivision, or section of this Act shall be deemed unconstitutional, the validity of its remaining provisions shall not be affected thereby.
- Effective date. SEC. 17. This Act shall go into effect ninety days after its passage and approval by the President of the United States.
- Approved, May 3, 1935.

## [CHAPTER 90.]

## AN ACT

May 3, 1935.  
[H. R. 5914.]  
[Public, No. 50.]

To authorize the coinage of 50-cent pieces in connection with the California-Pacific International Exposition to be held in San Diego, California, in 1935 and 1936.

California-Pacific International Exposition. Coinage directed. Post, p. 1262.

Number.

No Government expense.

Issue on request of Exposition Company.

Disposal.

Coinage laws applicable.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, to indicate the interest of the Government of the United States in the fulfillment of the ideals and purposes of the California-Pacific International Exposition, there shall be coined by the Director of the Mint silver 50-cent pieces to the number of not more than 250,000, of standard weight and fineness and of a special appropriate design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, but the United States shall not be subject to the expense of making the models for master dies or other preparations for this coinage.

SEC. 2. That the coins herein authorized shall be issued at par and only upon the request of the California-Pacific International Exposition Company or its duly authorized agent.

SEC. 3. Such coins may be disposed of at par or at a premium by said Exposition and all proceeds shall be used in furtherance of the California-Pacific International Exposition projects.

SEC. 4. 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 and guarding the process of coinage; providing for the purchase of material, and for the transportation, distribution, and redemption of the coins; for the prevention of debasement or counterfeiting; for security of the coin; or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein directed.

Approved, May 3, 1935.

## [CHAPTER 91.]

## AN ACT

May 6, 1935.  
[S. 2035.]  
[Public, No. 61.]

To amend an Act approved June 25, 1934, authorizing loans from the Federal Emergency Administration of Public Works, for the construction of certain municipal buildings in the District of Columbia, and for other purposes.

District of Columbia public works Act amendments. Vol. 48, p. 1215.

Construction of certain municipal buildings.

*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 approved June 25, 1934 (Public, Numbered 465, Seventy-third Congress), is hereby amended to read as follows:

"That the Commissioners of the District of Columbia are hereby authorized to borrow for the District of Columbia from the Federal Emergency Administration of Public Works created by the National

Industrial Recovery Act (which, for the purposes of this Act, shall be construed to include any agency created or designated by the President for similar purposes under the Emergency Relief Appropriation Act of 1935); and said Administration is authorized to lend to said Commissioners the sum of \$10,750,000, or any part thereof, out of funds authorized by law for said Administration, for the acquisition, purchase, construction, establishment, and development of a tuberculosis hospital, a sewage-disposal plant, an extension of or addition to Gallinger Municipal Hospital, a jail or other enclosure for prisoners at Lorton, Virginia, and a building or buildings for the police court, the municipal court, the recorder of deeds, and the juvenile court, or any of them, said court buildings to be located on such portions or parts of Judiciary square, or the area bounded by Fourth and Fifth Streets, D and G Streets, northwest, as shall be approved by said Commissioners, and the National Capital Park and Planning Commission, or any one or more of said projects as the said Commissioners may determine; and to advance to the Children's Hospital of the District of Columbia in compensation for clinical examination of tubercular children, the sum of \$100,000 or so much thereof as may be necessary for alterations and enlargement of building, equipment and accessories.

Loan authorized.

Advance to Children's Hospital.

Amount of reimbursement annually.  
Vol. 46, p. 485.

SEC. 2. That section 3 of said Act is hereby amended by adding at the end thereof the following: *Provided*, That whenever the District of Columbia is under obligation by virtue of the provisions of section 4 of said Public Act Numbered 284, Seventy-first Congress, reimbursement shall be not less than \$300,000 in any one fiscal year.

Approved, May 6, 1935.

## [CHAPTER 94.]

## AN ACT

To authorize the Secretary of the Navy and the Secretary of Commerce to exchange a portion of the naval station and a portion of the lighthouse reservation at Key West, Florida.

May 8, 1935.  
[H. R. 7132.]  
[Public, No. 52.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Navy is hereby authorized and directed to transfer to the Secretary of Commerce buildings numbered 1 and 39, coal sheds numbered 29 and 29X, store shed numbered 29A, and coal wharf A, together with the lands under and around these structures, including a strip thirteen feet in width along the south side of building numbered 1, containing, in all, an area of approximately one hundred and thirteen thousand square feet.

Key West, Fla.  
Portion of naval station transferred to Secretary of Commerce.

SEC. 2. The Secretary of Commerce is hereby authorized and directed to transfer to the Secretary of the Navy in exchange for the land and buildings referred to in section 1 hereof the old post-office building with land under and surrounding it and extending west to the road on the quay wall. The area to be transferred is approximately fifty-one thousand square feet.

Portion of lighthouse reservation transferred to Secretary of the Navy.

SEC. 3. The boundaries of the foregoing premises are to be in accordance with plat identified as drawing numbered 643, Office of Superintendent of Lighthouses, Seventh District, Key West, Florida, dated July 1, 1932, on which plat the areas are shown in colors.

Boundaries defined.

Approved, May 8, 1935.

## [CHAPTER 95.]

## JOINT RESOLUTION

May 8, 1935.  
[H. J. Res. 273.]  
[Pub. Res., No. 15.]

Extending the gratitude of the Nation to Admiral Byrd and to the members of his expedition.

Rear Admiral Byrd and members of expedition.  
Extending gratitude of Nation to.

Whereas Rear Admiral Richard E. Byrd and the members of the Second Byrd Antarctic Expedition are returning home from a successful and heroic exploration of Antarctic lands, wherein they have extended our knowledge of this vast area by airplane flights, tractor and dog sled trips, making extended and valuable scientific observations; and

Whereas the members of the expedition have displayed a courage and devotion worthy of the highest traditions of American exploration, and an unswerving loyalty to the superb leadership of their commander; and

Whereas Rear Admiral Byrd has added another notable chapter to the annals of American expeditions by his genius in organizing, transporting, and providing for the subsistence of his men while they carried on a program of research in twenty-two branches of science under the most adverse conditions, and he personally displayed exceptional gallantry in his lone vigil away from the Little America base in order to make important meteorological observations: Therefore, be it

Copy of resolution.  
Post, p. 1395.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the gratitude of the Nation be extended to Admiral Byrd and to the members of his expedition, and that a copy of this resolution be appropriately inscribed and presented to him and to each member of the Second Byrd Antarctic Expedition.

Approved, May 8, 1935.

## [CHAPTER 96.]

## JOINT RESOLUTION

May 8, 1935.  
[H. J. Res. 274.]  
[Pub. Res., No. 16.]

Authorizing the appointment of a special joint committee to meet with other representatives of the Government in greeting Rear Admiral Richard E. Byrd upon his return from his Second Antarctic Expedition.

Rear Admiral Byrd.  
Appointment of special joint committee to greet.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That a joint committee of Congress to be composed of five members of the Senate, to be appointed by the President of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, accompanied by the Secretary of the Senate, the Clerk of the House of Representatives, the Sergeant at Arms of the Senate, and the Sergeant at Arms of the House of Representatives, is authorized to join with other officials and representatives of the Government in greeting Rear Admiral Richard E. Byrd upon his arrival at the Navy Yard on May 10, 1935.

Approved, May 8, 1935.

## [CHAPTER 101.]

## AN ACT

May 9, 1935.  
[H. R. 6223.]  
[Public, No. 53.]

Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1936, and for other purposes.

Interior Department appropriations, fiscal year 1936.

*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 Department of the Interior for the fiscal year ending June 30, 1936, namely:



OFFICE OF THE SECRETARY

SALARIES

Salaries: For the Secretary of the Interior, Under Secretary (which position is hereby established in the Department of the Interior with compensation at the rate of \$10,000 per annum and with appointment thereto by the President, by and with the advice and consent of the Senate), First Assistant Secretary, Assistant Secretary, and other personal services in the District of Columbia, \$431,590: *Provided*, That 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, with the exception of the First Assistant Secretary and the Assistant Secretary 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, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, 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 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.

Secretary's office.  
Salaries.  
Position of Under Secretary established.

*Provisos.*  
Salaries limited to average rates under Classification Act.  
Exceptions.  
Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.  
U. S. C., p. 85.

Restriction not applicable to clerical-mechanical service.  
No reduction in fixed salaries.  
Vol. 42, p. 1490; U. S. C., p. 86.  
Transfer without reduction.

Payments under higher rates permitted.

If only one position in a grade.

OFFICE OF SOLICITOR

For personal services in the District of Columbia and in the field, \$284,600.

DIVISION OF INVESTIGATIONS

For investigating official matters under the control of the Department of the Interior; for protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; for protecting public lands from illegal and fraudulent entry or appropriation; for adjusting claims for swamp lands and indemnity for swamp lands; and for traveling expenses of agents and others employed hereunder, \$391,700, including not exceeding \$22,000 for personal services in the District of Columbia; not exceeding \$35,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles and motor boats for the use of agents and others employed in the field service; and not to exceed \$5,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Secretary of the Interior, who shall make a certificate of the amount of such expenditure as he may think it advisable not to specify, and every such certificate shall be deemed

Solicitor's office.  
Office personnel.  
Division of Investigations.  
Protecting timber and public lands.  
*Post*, p. 583.  
Swamp lands.  
Traveling expenses.  
Vehicles and motor boats.  
Emergencies.

a sufficient voucher for the sum therein expressed to have been expended.

Grazing Control division.

DIVISION OF GRAZING CONTROL

Expenses.  
Vol. 48, p. 1269.  
Post, p. 1619.

For carrying out the provisions of the Act entitled "An Act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes", approved June 28, 1934 (48 Stat. 1269), including traveling and other necessary expenses, not to exceed \$111,080 for personal services in the District of Columbia, and not to exceed \$5,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles, \$150,000; for payment of subsistence and expenses of advisory committees of local stockmen, \$100,000; in all, \$250,000, to be immediately available and to be expended under the direction of the Secretary of the Interior.

Traveling expenses.

Advisory committee expenses.

CONTINGENT EXPENSES, DEPARTMENT OF THE INTERIOR

Department contingent expenses.  
Post, p. 583.

For contingent expenses of the office of the Secretary and the bureaus and offices of the department; furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, telephone service, including personal services of temporary or emergency telephone operators; street-car fares for use by messengers not exceeding \$150; expressage, diagrams, awnings, filing devices, typewriters, adding and addressing machines and other labor-saving devices, including the repair, exchange, and maintenance thereof; constructing model and other cases and furniture; postage stamps to prepay postage on foreign mail and for special-delivery and air mail stamps for use in the United States; traveling expenses, including necessary expenses of inspectors and attorneys; fuel and light; examination of estimates for appropriations in the field for any bureau, office, or service of the department; not exceeding \$500 for the payment of damages caused to private property by department motor vehicles; not to exceed \$2,500 for the purchase of a motor-propelled passenger-carrying vehicle for the official use of the Secretary of the Interior; purchase and exchange of motor trucks, motorcycles, and bicycles, maintenance, repair, and operation of two motor-propelled passenger-carrying vehicles and motor trucks, motorcycles, and bicycles to be used only for official purposes; rent of department garage; expense of taking testimony and preparing the same in connection with disbarment proceedings instituted against persons charged with improper practices before the department, its bureaus and offices; expense of translations, and not exceeding \$1,000 for contract stenographic reporting services; not exceeding \$700 for newspapers; stationery, including tags, labels, index cards, cloth-lined wrappers, and specimen bags, printed in the course of manufacture, and such printed envelopes as are not supplied under contracts made by the Postmaster General, for the department and its several bureaus and offices, and other absolutely necessary expenses not hereinbefore provided for, \$94,000; and, in addition thereto, sums amounting to \$41,000 for stationery supplies shall be deducted from other appropriations made for the fiscal year 1936 as follows: General Land Office, \$3,500; Geological Survey, \$5,500; Freedmen's Hospital, \$1,000; Saint Elizabeths Hospital, \$2,200; National Park Service, \$10,000; Bureau of Reclamation, \$10,000, any unexpended portion of which shall revert and be credited to the reclamation fund; Division of Investigations, \$1,000; Bureau of Mines, \$6,800; Division of Grazing Control, \$1,000; and said sums so deducted shall be credited

Property damages.

Vehicles.

Disbarment proceedings.

Stationery, etc.

Additional from specified appropriations.

to and constitute, together with the first-named sum of \$94,000, the total appropriation for contingent expenses for the department and its several bureaus and offices for the fiscal year 1936.

For the purchase or exchange of professional and scientific books, law and medical books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the department, \$600, and in addition there is hereby made available from any appropriations made for any bureau or office of the department not to exceed the following respective sums: Indian Service, \$500; Office of Education, \$2,000; Bureau of Reclamation, \$2,000; Geological Survey, \$2,000; National Park Service, \$2,000; General Land Office, \$500; Bureau of Mines, \$2,000.

Professional, etc.,  
books, periodicals, etc.  
*Post*, p. 583.

Sums for designated  
offices.

#### PRINTING AND BINDING

For printing and binding for the Department of the Interior, including all of its bureaus, offices, institutions, and services in the District of Columbia and elsewhere, except the Alaska Railroad, the Geological Survey, Vocational Education, and the Bureau of Reclamation, \$219,000, of which \$50,000 shall be for the National Park Service, \$65,000 for the Bureau of Mines, and \$46,500 for the Office of Education, no part of which shall be available for correspondence instruction.

Printing and binding.

For Department, bu-  
reaus, etc.  
*Post*, p. 583.

Not available for cor-  
respondence instruc-  
tion.

#### 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, \$9,400, of which amount not to exceed \$6,200 may be expended for personal services in the District of Columbia.

Commission of Fine  
Arts.

Expenses.  
Vol. 36, p. 371; U. S.  
C., p. 1776.

Attending meetings.

For all printing and binding for the Commission of Fine Arts, \$300.

Printing and binding.

Total, Commission of Fine Arts, \$9,700.

#### MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

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), as amended by the Act approved June 26, 1934 (48 Stat., p. 1223), of which \$20,000 shall be immediately available, \$55,000, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1935.

Mount Rushmore  
National Memorial  
Commission.

Expenses.  
Vol. 45, p. 1300; Vol.  
48, p. 1223.  
*Post*, pp. 962, 1760.

Sum immediately  
available.

#### PERRY'S VICTORY MEMORIAL COMMISSION

For administration, protection, maintenance, and preservation of the Perry's Victory Memorial at Put-In-Bay, Ohio, including traveling and other expenses of members of the Commission in connection with official matters pertaining to the memorial, printing and binding, personal services and the purchase of souvenirs for resale, \$4,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with Section 4 of the Permanent Appropriation Repeal Act, 1934.

Perry's Victory Me-  
morial Commission.

Administrative, etc.,  
expenses.

*Proviso*.  
Limitation.

Vol. 48, p. 1227.

General Land Office.

## GENERAL LAND OFFICE

Salaries.

## SALARIES

Commissioner and office personnel.

For Commissioner of the General Land Office and other personal services in the District of Columbia, \$587,700, including one clerk of grade 1, clerical, administrative, and fiscal service, who shall be designated by the President, to sign land patents.

General expenses.

## GENERAL EXPENSES

Traveling expenses, maps, etc.  
*Ante*, p. 178.

For traveling expenses of officers and employees, including employment of stenographers and other assistants when necessary; for separate maps of public-land States and Alaska, including maps showing areas designated by the Secretary of the Interior under the enlarged homestead Acts, prepared by the General Land Office; for the reproduction by photolithography or otherwise official plats of surveys; for expenses of restoration to the public domain of lands in forest reserves and of lands temporarily withdrawn for forest-reserve purposes; and for expenses of hearings or other proceedings held by order of the General Land Office to determine the character of lands, whether alleged fraudulent entries are of that character or have been made in compliance with the law, and of hearings in disbarment proceedings, \$16,000.

Restoring lands, etc.

Hearings.

Surveying public lands.

Surveying public lands: For surveys and resurveys of public lands, examination of surveys heretofore made and reported to be defective or fraudulent, inspecting mineral deposits, coal fields, and timber districts, making fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, \$700,000, including not to exceed \$5,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles: *Provided*, That not to exceed \$5,000 of this appropriation may be expended for salaries of employees of the field surveying service temporarily detailed to the General Land Office: *Provided further*, That not to exceed \$10,000 of this appropriation may be used for the survey, classification, and sale of the lands and timber of the so-called Oregon and California Railroad lands and the Coos Bay Wagon Road lands: *Provided further*, That this appropriation may be expended for surveys made under the supervision of the Commissioner of the General Land Office, but when expended for surveys that would not otherwise be chargeable hereto, it shall be reimbursed from the applicable appropriation, fund, or special deposit.

Vehicles.

*Proviso*.  
Temporarily detailed employees.

Oregon and California Railroad and Coos Bay Wagon Road lands.

Use for other surveys; reimbursable.

Registers; salaries, etc.

Registers: For salaries and commissions of registers of district land offices, \$80,000.

Contingent expenses; land offices.

Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the expenses of depositing public money; traveling expenses of clerks detailed to examine the books and management of district land offices and to assist in the operation of said offices, and for traveling expenses of clerks transferred in the interest of the public service from one district land office to another, \$160,000: *Provided*, That no expenses chargeable to the Government shall be incurred by registers in the conduct of local land offices except upon previous specific authorization by the Commissioner of the General Land Office.

*Proviso*.  
Previous authorization of expense required.

Payments to States, from sales of lands.

Payments to States of 5 per centum of proceeds from sales of public lands: For payment to the several States of 5 per centum of

the net proceeds of sales of public lands lying within their limits, for the purpose of education, or of making public roads and improvements, \$2,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Payment of proceeds of sales of Coos Bay Wagon Road grant lands and timber: For payment of 25 per centum of the balance of the proceeds from sales of the Coos Bay Wagon Road grant lands and timber within each of the counties of Coos and Douglas, Oregon, after deducting the accrued taxes in said counties and a sum equal to \$2.50 per acre for the land title to which vested in the United States pursuant to the Act of February 26, 1919 (40 Stat., p. 1179), to be paid to the treasurer of the county for common schools, roads, highways, bridges, and port districts, \$3,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with Section 4 of the Permanent Appropriation Repeal Act, 1934.

Payments to certain counties in Oregon in lieu of taxes on Oregon and California Grant Lands: For payment to the several counties in the State of Oregon, pursuant to the Act of July 13, 1926 (44 Stat., p. 915), amounts of money in lieu of the taxes that would have accrued against the revested Oregon and California Railroad Company grant lands if the lands had remained privately owned and taxable, \$250,000: *Provided*, That payments to the counties shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Payment to Oklahoma from royalties, oil and gas, south half of Red River: For payment of 37½ per centum of the royalties derived from the south half of Red River in Oklahoma under the provisions of the Act of March 4, 1923 (U. S. C., title 30, sec. 233), which shall be paid to the State of Oklahoma in lieu of all State and local taxes upon tribal funds accruing under said Act, to be expended by the State in the same manner as if received under section 35 of the Act approved February 25, 1920 (U. S. C., title 30, sec. 191), \$12,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

## BUREAU OF INDIAN AFFAIRS

### SALARIES

For the Commissioner of Indian Affairs and other personal services in the District of Columbia, \$471,910.

For transportation and incidental expenses of officers and clerks of the Bureau of Indian Affairs when traveling on official duty; for radio, telegraph and telephone toll messages on business pertaining to the Indian Service sent and received by the Bureau of Indian Affairs at Washington, and for other necessary expenses of the Indian Service for which no other appropriation is available, \$31,500.

For advertising, inspection, storage, and all other expenses incident to the purchase of goods and supplies for the Indian Service and for payment of railroad, pipe-line, and other transportation costs of such goods and supplies, \$785,000: *Provided*, That no part of this appropriation shall be used in payment for any services except bill therefor is rendered within one year from the time the service is performed.

*Proviso.*  
Limitation.  
Vol. 48, p. 1227.

Coos Bay Wagon  
Road lands and timber.

Vol. 40, p. 1179.

*Proviso.*  
Limitation.

Payments to certain  
counties in Oregon.  
Vol. 44, p. 915.

*Proviso.*  
Limitation.

Oil and gas royalties.  
Payment to Oklahoma.  
Vol. 42, p. 1448; U. S.  
C., p. 1350.

Vol. 41, p. 450; U. S.  
C., p. 1344.

*Proviso.*  
Limitation.  
Vol. 48, p. 1227.

Indian Affairs Bureau.

Commissioner and  
office personnel.

General expenses.  
*Post*, p. 583.

Supplies; purchase,  
transportation, etc.

*Proviso.*  
Restriction on payments.

- Judges of Indian courts.** For pay of judges of Indian courts where tribal relations now exist, at rates to be fixed by the Commissioner of Indian Affairs, \$15,000.
- Police.** For pay and expenses of Indian police, including chiefs of police at not to exceed \$70 per month each and privates at not to exceed \$50 per month each, to be employed in maintaining order, and for purchase of equipment and supplies, \$117,390.
- Suppressing liquor, etc., traffic.** For the suppression of the traffic in intoxicating liquors and deleterious drugs among Indians, \$55,880.
- Agency buildings. Lease, purchase, repair, etc.** For lease, purchase, repair, and improvement of agency buildings, exclusive of hospital buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$144,200.
- Tribal organizations, expenses. Vol. 48, p. 984.** For expenses of organizing Indian chartered corporations, or other tribal organizations, in accordance with the provisions of the Act of June 18, 1934 (48 Stat., p. 986), including personal services, purchase of equipment and supplies, not to exceed \$10,000 for printing and binding, and other necessary expenses, to be immediately available, \$150,000, of which not to exceed \$30,000 may be used for personal services in the District of Columbia.
- Vehicles, maintenance, etc.** Vehicles, Indian Service: Not to exceed \$290,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of employees in the Indian field service, and the transportation of Indian school pupils, and not to exceed \$160,000 of applicable appropriations may be used for the purchase and exchange of motor-propelled passenger-carrying vehicles, and that such vehicles shall be used only for official service, including the transportation of Indian school pupils.
- Official business only.** Replacement of property destroyed by fire, flood, or storm: That to meet possible emergencies not exceeding \$50,000 of the appropriations made by this Act for support of reservation and nonreservation schools, for school and agency buildings, and for conservation of health among Indians shall be available, upon approval of the Secretary of the Interior, for replacing any buildings, equipment, supplies, livestock, or other property of those activities of the Indian Service above referred to which may be destroyed or rendered unserviceable by fire, flood, or storm: *Provided*, That any diversions of appropriations made hereunder shall be reported to Congress in the annual Budget.
- Emergency allowance for fire, etc., damages.** Authorization for attending health and educational meetings: Not to exceed \$7,000 shall be available from applicable funds for expenses (not membership fees) of employees of the Indian Service when authorized by the Secretary of the Interior to attend meetings of medical, health, educational, agricultural, forestry, engineering, and industrial associations in the interest of work among the Indians.
- Proviso. Report of diversions to Congress.**
- Attendance at meetings.**

## Indian lands.

## INDIAN LANDS

- Pueblo Indians, N. Mex. Land and water rights; reappropriation from tribal funds. Vol. 48, p. 387. Post, p. 1764.** Purchase of land and water rights, and so forth, Pueblo Indians, New Mexico (tribal funds): The unexpended balances of appropriations heretofore made, from the trust funds of the several pueblos, for the purchase of land and water rights, purchase of equipment for industrial advancement and fencing, irrigating, and improving lands, are hereby continued available for the same purposes until June 30, 1936: *Provided*, That the unexpended balances of funds awarded to the Tesuque Pueblo and authorized to be used for water
- Proviso. Tesuque Pueblo.**

development and irrigation, and the purchase of land, are hereby made available also for the purchase of equipment for the industrial advancement of the Indians of said pueblo.

Compensation to non-Indian claimants, Pueblo Indian lands, New Mexico: The unexpended balance of the appropriation contained in the Fourth Deficiency Act, fiscal year 1933, 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, is hereby continued available for the same purpose from June 30, 1934, until June 30, 1936.

Purchase of land for the Navajo Indians, Arizona, reimbursable: The unexpended balance of the appropriation contained in the Deficiency Appropriation Act, fiscal year 1934, for the purchase of land, and improvements thereon, including water rights, for the Navajo Indians in Arizona, as authorized by and in conformity with the provisions of the Act of June 14, 1934 (48 Stat., p. 961), is hereby continued available for the same purposes until June 30, 1936.

For the acquisition of lands, interest in lands, water rights and surface rights to lands, and for expenses incident to such acquisition, in accordance with the provisions of the Act of June 18, 1934 (48 Stat., p. 985), including personal services, purchase of equipment and supplies, and other necessary expenses, to be immediately available, \$1,000,000, of which not to exceed \$15,000 shall be available for personal services in the District of Columbia: *Provided*, That within the States of Arizona and Wyoming no part of said sum shall be used for the acquisition of lands outside of the boundaries of existing Indian reservations.

Compensation to Wyandotte Indians, Oklahoma, for Seneca School lands: For compensation to the Wyandotte Tribe of Indians, Oklahoma, for all their right, title, and interest in and to the land described in section 1 of the Act of June 21, 1934 (48 Stat., p. 1184), \$10,000: *Provided*, That the description of the land to be acquired as set forth in the said Act of June 21, 1934, is hereby corrected to read as follows: "East half southwest quarter, southeast quarter northwest quarter, east half southwest quarter northwest quarter, west half southwest quarter southeast quarter, section 21, township 27 north, range 24 east, Indian meridian, Oklahoma."

The unexpended balance of the appropriation of \$109,746.25 contained in the First Deficiency Act, fiscal year 1930, for payment to the loyal Shawnee Indians in settlement of their claim arising under the twelfth article of the treaty with said Indians proclaimed October 14, 1868 (15 Stat., p. 513), as authorized by and in accordance with the Act of March 4, 1929, and continued available until June 30, 1935, is hereby continued available until June 30, 1936.

The Secretary of the Interior is hereby authorized and directed to withdraw from the Treasury of the United States and pay to the Sac and Fox Tribe of Indians of Missouri the amount of \$9,153.20, representing the amounts remaining in two separate funds, plus \$268.71 interest, which has accrued to and including December 31, 1934, on the amount of \$1,141.70 derived from the sale of lands of said Indians: *Provided*, That prior to the segregation and payment of the above amount to the Indians, there shall be paid to certain attorneys who have rendered services to the Indians under an informal contract not to exceed \$400, to reimburse them for expenses incurred for and on behalf of the tribe: *Provided further*, That this appropriation shall be immediately available.

Purchase of equipment.

Pueblo Indian lands, N. Mex. Compensation to non-Indian claimants. Vol. 48, pp. 108, 277. *Post*, p. 1765.

Vol. 43, p. 636.

Navajo Indians, Ariz. Purchase of lands. Vol. 48, p. 1033.

Vol. 48, p. 960.

Acquisition of lands, water rights, etc. Vol. 48, p. 984. *Post*, p. 1765.

*Proviso*. Use outside reservations restricted.

Seneca School lands. Compensation to Wyandottes for interest in. Vol. 48, p. 1184.

*Proviso*. Description corrected.

Loyal Shawnee Indians, Okla. Balance reappropriated. Vol. 46, p. 105.

Vol. 15, p. 516; Vol. 45, p. 1550; Vol. 48, p. 367.

Sac and Fox Indians of Missouri. Payments to, sale of lands.

*Provisos*. Attorneys' fees.

Immediately available.

## INDUSTRIAL ASSISTANCE AND ADVANCEMENT

Industrial assistance and advancement.

Timber preservation, etc.

For the preservation of timber on Indian reservations and allotments other than the Menominee Indian Reservation in Wisconsin, the education of Indians in the proper care of forests, and the general administration of forestry and grazing work, including fire prevention and payment of reasonable rewards for information leading to arrest and conviction of a person or persons setting forest fires in contravention of law on Indian lands, \$225,000: *Provided*, That this appropriation shall be available for the expenses of administration of Indian forest lands from which timber is sold to the extent only that proceeds from the sales of timber from such lands are insufficient for that purpose.

*Proviso.*  
Administration of forest lands, from timber sales, etc.

Timber sales, etc.; reimbursable.

For expenses incidental to the sale of timber, and for the expenses of administration, including fire prevention, of Indian forest lands from which such timber is sold to the extent that the proceeds of such sales are sufficient for that purpose, \$170,000, reimbursable to the United States as provided in the Act of February 14, 1920 (U. S. C., title 25, sec. 413): *Provided*, That this appropriation shall be available for the payment of reasonable rewards for information leading to arrest and conviction of a person or persons setting forest fires in contravention of law: *Provided further*, That not to exceed \$20,000 of the foregoing amount shall be immediately available for obligations incurred during the fiscal year 1935.

Vol. 41, p. 415; U. S. C., p. 1020.

*Provisos.*  
Rewards for information.

Portion immediately available.

Klamath Reservation, Oreg., forest insect control.

Insect control work, Klamath Indian Reservation, Oregon (tribal funds): For continuation of forest insect control work on the Klamath Indian Reservation in Oregon, \$10,000, payable from funds on deposit in the Treasury to the credit of the Klamath Indians.

Emergency, forest fire suppression.

For the suppression or emergency prevention of forest fires on or threatening Indian reservations, \$15,000, together with \$25,000 from funds held by the United States in trust for the respective tribes of Indians interested: *Provided*, That not to exceed \$50,000 of appropriations herein made for timber operations and for support and administration purposes may be transferred, upon the approval of the Secretary of the Interior, for fire suppression or emergency prevention purposes, and allotments of funds so transferred shall be made by the Secretary of the Interior only after the obligation for the expenditure has been incurred: *Provided further*, That any diversions of appropriations made hereunder shall be reported to Congress in the annual Budget.

*Provisos.*  
Additional sums available.

Report to Congress.

Geological Survey. Supervising mining operations.

For transfer to the Geological Survey for expenditures to be made in inspecting mines and examining mineral deposits on Indian lands and in supervising mining operations on restricted, tribal, and allotted Indian lands leased under the provisions of the Acts of February 28, 1891 (U. S. C., title 25, secs. 336, 371, 397), May 27, 1908 (35 Stat., p. 312), March 3, 1909 (U. S. C., title 25, sec. 396), and other Acts authorizing the leasing of such lands for mining purposes, \$62,000.

Vol. 26, p. 794; Vol. 35, pp. 312, 444, 783.  
U. S. C., pp. 1019, 1022, 1025.

Employment for Indians.

For the purpose of obtaining remunerative employment for Indians, \$36,320.

Developing agriculture and stock raising.

For the purpose of developing agriculture and stock raising among the Indians, including necessary personnel, traveling and other expenses, and purchase of supplies and equipment, \$562,170, of which not to exceed \$15,000 may be used to conduct agricultural experiments and demonstrations on Indian school or agency farms and to maintain a supply of suitable plants or seed for issue to Indians, and not to exceed \$60,000 may be used for the establishment, and not to exceed \$15,000 may be used for the operation and maintenance, of a sheep-breeding station on the Navajo Reservation.

Experiments and demonstrations.



For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, \$150,000, which sum may be used for the purchase of seeds, animals, machinery, tools, implements, and other equipment necessary, and for advances to Indians having irrigable allotments to assist them in the development and cultivation thereof, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That the expenditures for the purposes above set forth shall be under conditions to be prescribed by the Secretary of the Interior for repayment to the United States on or before June 30, 1941, except in the case of loans on irrigable lands for permanent improvement of said lands, in which the period for repayment may run for not exceeding twenty years, in the discretion of the Secretary of the Interior: *Provided further*, That except for expenditures for the benefit of the Pima Indians, not to exceed \$25,000 of the amount herein appropriated shall be expended on any other one reservation or for the benefit of any other one tribe of Indians: *Provided further*, That the Secretary of the Interior is hereby authorized, in his discretion and under such rules and regulations as he may prescribe, to make advances from this appropriation to old, disabled, or indigent Indian allottees, for their support, to remain a charge and lien against their lands until paid.

Industrial assistance (tribal funds): For the construction of homes for individual members of the tribes; the purchase for sale to them of seed, animals, machinery, tools, implements, building material, and other equipment and supplies; and for advances to old, disabled, or indigent Indians for their support, and Indians having irrigable allotments to assist them in the development and cultivation thereof, to be immediately available, \$116,000, payable from tribal funds as follows: Fort Apache, Arizona, \$25,000; Fort Peck, Montana, \$30,000; Pyramid Lake, Nevada, \$11,000; Cheyenne River, South Dakota, \$25,000; Shoshone, Wyoming, \$25,000; and the unexpended balances of funds available under this head in the Interior Department Appropriation Act for the fiscal year 1935, and the Act of June 27, 1932 (47 Stat., p. 335), are hereby continued available during the fiscal year 1936: *Provided*, That the expenditures for the purposes above set forth shall be under conditions to be prescribed by the Secretary of the Interior for repayment to the United States on or before June 30, 1941, except in the case of loans on irrigable lands for permanent improvement of said lands in which the period for repayment may run for not exceeding twenty years, in the discretion of the Secretary of the Interior, and advances to old, disabled, or indigent Indians for their support, which shall remain a charge and lien against their land until paid: *Provided further*, That advances may be made to worthy Indian youths to enable them to take educational courses, including courses in nursing, home economics, forestry, and other industrial subjects in colleges, universities, or other institutions, and advances so made shall be reimbursed in not to exceed eight years, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That all moneys reimbursed during the fiscal year 1936 shall be credited to the respective appropriations and be available for the purposes of this paragraph.

For the establishment of a revolving fund for the purpose of making loans to Indian chartered corporations, in accordance with the Act of June 18, 1934 (48 Stat., p. 986), to be immediately available, \$2,500,000, of which amount not to exceed \$50,000 shall be available for personal services in the District of Columbia and in the field, for purchase of equipment and supplies, and for other necessary expenses of administering such loans.

Industry among Indians.

*Provisos.*  
Repayment.

Pima Indians, Ariz.

Advances to old, etc., allottees.

Industrial assistance.  
Constructing homes,  
purchase of seed, equip-  
ment, etc.  
*Post*, p. 1767.

Immediately avail-  
able.  
Allotments.

Vol. 47, p. 335; Vol.  
48, p. 369.

*Provisos.*  
Conditions for repay-  
ment.

Loans on irrigable  
lands.

Advances to young  
students.

Credits and avail-  
ability.

Revolving loan fund.  
Loans for economic  
development.  
Vol. 48, p. 986.  
*Post*, p. 1768.

San Carlos Reserva-  
tion, Ariz.  
Purchase of horses.

For the purchase of horses for the San Carlos Apache Indians, Arizona, to replace stock destroyed in the eradication of dourine on the San Carlos Reservation, \$20,000, to be immediately available.

Water supply.

#### DEVELOPMENT OF WATER SUPPLY

Developing and con-  
serving, etc.

Developing water supply: For developing and conserving water for domestic and stock purposes on lands of the Navajo and Hopi Indians in Arizona and New Mexico, the Papago Indians in Arizona, and the Pueblo Indians of New Mexico, including the purchase and installation of pumping machinery, and other necessary equipment, and for operation and maintenance thereof, \$60,000.

Irrigation and drain-  
age.

#### IRRIGATION AND DRAINAGE

Construction, main-  
tenance, etc.

For the construction, repair, and maintenance of irrigation systems, and for purchase or rental of irrigation tools and appliances, water rights, ditches, and lands necessary for irrigation purposes for Indian reservations and allotments; for operation of irrigation systems or appurtenances thereto when no other funds are applicable or available for the purpose; for drainage and protection of irrigable lands from damage by floods or loss of water rights, upon the Indian irrigation projects named below, in not to exceed the following amounts, respectively:

Allotments.

Miscellaneous projects, \$12,000; Arizona: Ak Chin, \$4,000; Chiu Chui, \$4,000; Ganado, \$1,500, together with \$1,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934; Navajo and Hopi, miscellaneous projects, Arizona and New Mexico, \$6,500; California: Coachella Valley, \$1,000; Morongo, \$3,000; Pala and Rincon, \$2,000; Colorado: Southern Ute, \$11,000, together with \$4,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934; Nevada: Pyramid Lake, \$3,000; Walker River, \$5,000; Western Shoshone, \$4,000; New Mexico: Miscellaneous Pueblos, \$4,000; Zuni, \$4,000; Washington: Colville, \$4,000; Lummi Diking Project, \$1,000, together with \$1,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934;

Limitation on ex-  
penditure.  
Vol. 48, p. 1227.

Administrative ex-  
penses.

For necessary miscellaneous expenses incident to the general administration of Indian irrigation projects, including pay of employees and their traveling and incidental expenses, \$58,000;

Reimbursable.  
*Provisos.*  
Sums interchange-  
able.

In all, for irrigation on Indian reservations, not to exceed \$134,000, reimbursable: *Provided*, That the foregoing amounts shall be available interchangeably, in the discretion of the Secretary of the Interior, for the necessary expenditures for damages by floods and other unforeseen exigencies, but the amount so interchanged shall not exceed in the aggregate 10 per centum of all the amounts so

Limitation.

Apportioning costs.

appropriated: *Provided further*, That the cost of irrigation projects and of operating and maintaining such projects where reimbursement thereof is required by law shall be apportioned on a per-acre basis against the lands under the respective projects and shall be collected by the Secretary of the Interior as required by such law,

Unpaid charges a  
first lien.

and any unpaid charges outstanding against such lands shall constitute a first lien thereon which shall be recited in any patent or instrument issued for such lands.

For operation and maintenance of the San Carlos project for the irrigation of lands in the Gila River Indian Reservation, Arizona, \$105,000, reimbursable, together with \$119,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

San Carlos project,  
Ariz.  
Maintenance, etc.

Vol. 48, p. 1227.

For improvement, operation, and maintenance of the pumping plants and irrigation system on the Colorado River Indian Reservation, Arizona, as provided in the Act of April 4, 1910 (36 Stat., p. 273), \$14,000, reimbursable, together with \$24,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Colorado River Res-  
ervation, Ariz.  
Irrigating tribal  
lands.  
Vol. 36, p. 273.

Operation and maintenance, pumping plants, San Carlos Reservation, Arizona (tribal funds): For the operation and maintenance of pumping plants for the irrigation of lands on the San Carlos Reservation, in Arizona, \$4,500, to be paid from the funds held by the United States in trust for the Indians of such reservation: *Provided*, That the sum so used shall be reimbursed to the tribe by the Indians benefited, under such rules and regulations as the Secretary of the Interior may prescribe.

San Carlos Reserva-  
tion, Ariz.  
Irrigating tribal  
lands.

*Proviso.*  
Reimbursement.

For reclamation and maintenance charges on Indian lands within the Yuma Reservation, California, and on ten acres within each of the eleven Yuma homestead entries in Arizona under the Yuma reclamation project, \$11,800, reimbursable, together with \$13,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with Section 4 of the Permanent Appropriation Repeal Act, 1934.

Yuma Reservation,  
Calif.-Ariz.  
Reclamation, etc.,  
charges.

Reimbursement.

For improvements, maintenance, and operation of the Fort Hall irrigation system, Idaho, \$25,000, together with \$22,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Fort Hall project,  
Idaho.  
Maintenance, etc.

For maintenance and operation, repairs, and purchase of stored waters, irrigation systems, Fort Belknap Reservation, Montana, \$14,800, reimbursable, together with \$4,200 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Fort Belknap Reser-  
vation, Mont.  
Irrigating tribal  
lands.

For maintenance and operation of the Little Porcupine Division, the Big Porcupine Division, and not exceeding four thousand acres under the West Side Canal of the Poplar River Division, Fort Peck project, Montana, \$7,000, reimbursable, together with \$3,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with Section 4 of the Permanent Appropriation Repeal Act, 1934.

Fort Peck project,  
Mont.  
Maintenance, etc.

Reimbursable.

For operation and maintenance of the irrigation systems on the Flathead Indian Reservation, Montana, \$12,000, reimbursable, together with \$110,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934: *Provided*, That (with the consent of the irrigation districts of the Flathead irrigation project which have executed repayment contracts with the United States as required by law) the Secretary of the Interior may modify the terms of such contracts by requiring the operation and maintenance charges (not heretofore carried into construction costs and which were dealt with in the Act of March 7, 1928 (45 Stat., pp. 212-213)), and those accruing subsequent to March 7, 1928, which were due and unpaid at the time of execution

Flathead Reserva-  
tion, Mont.  
Irrigating tribal  
lands.

*Provisos.*  
Modifying terms of  
contracts.

Vol. 45, pp. 212-213.

- of repayment contract, to be paid over the same period of years and in like manner as the construction costs are to be paid under the terms of the public notice issued by such Secretary on November 1, 1930, as amended April 20, 1931: *Provided*, That no interest rate shall be charged from and after the date of the passage of this Act: *Provided further*, That the first installment of such operation and maintenance charges shall be due and payable on the same date as the first installment of construction charges is due or may be due and payable, where modifications of the contracts are made pursuant hereto: *Provided further*, That the first installment of construction costs shall be due and payable in December 1938 instead of the date now fixed: *Provided further*, That the operation and maintenance cost assessable against the Jocko Valley irrigation district for the calendar year of 1935 shall be carried into the construction costs and shall be payable as other construction costs.
- Interest rate.
- First installment of maintenance charges.
- Installment due on construction costs.
- Jocko Valley irrigation district.
- Crow Reservation, Mont.  
Irrigating tribal lands.
- Reimbursable.
- Newlands project, Nev.  
Paying charges against Paiute lands.
- Navajo Reservation, N. Mex.  
Hogback project, maintenance, etc.
- Fruitlands project. Maintenance.
- Middle Rio Grande Conservancy District, N. Mex.
- Vol. 45, p. 312.
- Klamath Reservation, Oreg.  
Maintenance, etc., of projects.
- For improvement, maintenance, and operation of the irrigation systems on the Crow Reservation, Montana, including maintenance assessments payable to the Two Leggins Water Users' Association and Bozeman Trail Ditch Company, Montana, properly assessable against lands allotted to the Indians and irrigable thereunder, \$10,000, reimbursable, together with \$30,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.
- For payment of annual installment of reclamation charges against Paiute Indian lands within the Newlands reclamation project, Nevada, \$5,381; and for payment in advance, as provided by district law, of operation and maintenance assessments, including assessments for the operation of drains to the Truckee-Carson irrigation district, which district, under contract, is operating the Newlands reclamation project, \$7,519, to be immediately available; in all, \$12,900.
- For operation and maintenance of the Hogback irrigation project on that part of the Navajo Reservation in New Mexico under the jurisdiction of the Northern Navajo Agency, \$9,000, reimbursable, together with \$3,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.
- For maintenance and operation of the Fruitlands irrigation project, Navajo Reservation, New Mexico, \$20,000, reimbursable.
- For final payment to the Middle Rio Grande Conservancy District, New Mexico, in accordance with the provisions of the Act entitled "An Act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande Conservancy District providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, New Mexico, and for other purposes", approved March 13, 1928 (45 Stat., p. 312), \$311,452, or so much thereof as may be necessary, to be immediately available and to be reimbursed as provided in said Act.
- Irrigation systems, Klamath Reservation, Oregon: For improvements, maintenance, and operation of miscellaneous irrigation projects on the Klamath Reservation, \$2,000, to be paid from the funds held by the United States in trust for the Klamath Indians in the State of Oregon, said sum, or such part thereof as may be used, to be reimbursed to the tribe under such rules and regulations as the Secretary of the Interior may prescribe, together with \$2,000 from the general fund of the Treasury, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in

accordance with Section 4 of the Permanent Appropriation Repeal Act, 1934.

For continuing operation and maintenance and betterment of the irrigation system to irrigate allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, authorized under the Act of June 21, 1906 (34 Stat., p. 375), \$25,000, reimbursable, together with \$30,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Uintah, etc., Reservation, Utah.  
Irrigating tribal lands.  
Vol. 34, p. 375.

For operation and maintenance of the Wapato irrigation and drainage system, and auxiliary units thereof, Yakima Indian Reservation, Washington, \$1,000, reimbursable, together with \$135,500 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Yakima Reservation, Wash.  
Wapato system, maintenance, etc.

For reimbursement to the reclamation fund the proportionate expense of operation and maintenance of the reservoirs for furnishing stored water to the lands in Yakima Indian Reservation, Washington, in accordance with the provisions of section 22 of the Act of August 1, 1914 (38 Stat., p. 604), \$10,000.

Water payments.  
Vol. 38, p. 604.

For the extension of canals and laterals on the ceded portion of the Wind River Reservation, Wyoming, to provide for the irrigation of additional Indian lands, and for the Indians' pro rata share of the cost of the operation and maintenance of canals and laterals and for the Indians' pro rata share of the cost of the Big Bend drainage project on the ceded portion of that reservation, and for continuing the work of constructing an irrigation system within the diminished reservation, including the Big Wind River and Dry Creek Canals, and including the maintenance and operation of completed canals, \$28,000, reimbursable, together with \$15,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Wind River Reservation, Wyo.  
Irrigating tribal lands.

Reimbursable.

EDUCATION

For the support of Indian schools not otherwise provided for, and other educational and industrial purposes in connection therewith, including educational facilities authorized by treaty provisions, care of children of school age attending private schools and tuition for Indian pupils attending public schools, \$4,609,145: *Provided*, That not to exceed \$15,000 of this appropriation may be used for the support and education of deaf and dumb or blind, physically handicapped, or mentally deficient Indian children: *Provided further*, That \$4,500 of this appropriation may be used for the education and civilization of the Alabama and Coushatta Indians in Texas: *Provided further*, That not more than \$15,000 of the amount herein appropriated may be expended for the tuition (which may be paid in advance) of Indian pupils attending vocational or higher educational institutions, under such rules and regulations as the Secretary of the Interior may prescribe, but formal contracts shall not be required, for compliance with section 3744 of the Revised Statutes (U. S. C., title 41, sec. 16), for payment of tuition of Indian pupils attending public schools, higher educational institutions, or schools for the deaf and dumb, blind, physically handicapped, or mentally deficient.

Education.

Support of schools.  
*Post*, p. 1621.

*Provisos*.  
Deaf, dumb, or blind.

Alabamas and Coushattas, Tex.

Indian pupils in public schools.

Formal contracts not required.  
R. S., sec. 3744, p. 738; U. S. C., p. 1305.

Support of Indian schools from tribal funds: For the support of Indian schools, and other educational and industrial purposes in connection therewith, other than among the Five Civilized Tribes, there shall be expended from Indian tribal funds and from school revenues arising under the Act of May 17, 1926 (U. S. C., Supp.

Support of schools; tribal funds.  
Vol. 44, p. 560; U. S. C., p. 1005.

- Red Lake, Minn., school. VII, title 25, sec. 155a), not more than \$387,580, including not to exceed \$15,000 from trust funds of the Red Lake Indians; not to exceed \$40,000 for tuition and other educational purposes in the Choctaw Nation; and not to exceed \$48,000 for payment of tuition for Chippewa Indian children enrolled in the public schools of the State of Minnesota, payable from the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota arising under section 7 of the Act of January 14, 1889 (25 Stat., p. 645).
- Chippewas of Minnesota. Vol. 25, p. 645. Education, Osage Nation, Oklahoma (tribal funds): For the education of unallotted Osage Indian children in the Saint Louis Mission Boarding School, Oklahoma, \$2,000, payable from funds held in trust by the United States for the Osage Tribe.
- Saint Louis Boarding School, Okla. For loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools, in accordance with the provisions of the Act of June 18, 1934 (48 Stat., p. 986), \$175,000, reimbursable: *Provided*, That not more than \$35,000 of such sum shall be available for loans to Indian students in high schools and colleges.
- Vocational and trade schools, educational loans. Vol. 48, p. 986. *Post*, p. 1773. For subsistence of pupils retained in Government boarding schools of all classes during summer months, \$45,000.
- Proviso*. Students in secondary schools. For lease, purchase, repair, and improvement of buildings at Indian schools not otherwise provided for, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$299,400.
- Summer schools, subsistence. School buildings. Lease, improvement, etc. For support and education of Indian pupils at the following non-reservation boarding schools in not to exceed the following amounts, respectively:
- Nonreservation boarding schools. Support, etc., of designated. Phoenix, Ariz. Phoenix, Arizona: For five hundred pupils, including not to exceed \$1,500 for printing and issuing school paper, \$170,000; for pay of superintendent, drayage, and general repairs and improvements, \$24,000; in all, \$194,000;
- Sherman Institute, Riverside, Calif. Sherman Institute, Riverside, California: For six hundred and fifty pupils, including not to exceed \$1,000 for printing and issuing school paper, \$221,000; for pay of superintendent, drayage, and general repairs and improvements, \$20,000; in all, \$241,000;
- Haskell Institute, Lawrence, Kans. Haskell Institute, Lawrence, Kansas: For six hundred pupils, including not to exceed \$2,500 for printing and issuing school paper, \$204,000; for pay of superintendent, drayage, and general repairs and improvements, including necessary drainage work, \$23,000; in all, \$227,000;
- Pipestone, Minn. Pipestone, Minnesota: For two hundred and fifty pupils, \$82,000; for pay of superintendent, drayage, and general repairs and improvements, \$15,000; in all, \$97,000;
- Carson City, Nev. Carson City, Nevada: For five hundred and twenty-five pupils, \$159,750; for pay of superintendent, drayage, and general repairs and improvements, \$15,000; in all, \$174,750;
- Albuquerque, N. Mex. Albuquerque, New Mexico: For six hundred and fifty pupils, \$221,000; for pay of superintendent, drayage, and general repairs and improvements, \$23,000; in all, \$244,000;
- Santa Fe, N. Mex. Santa Fe, New Mexico: For four hundred and fifty pupils, \$159,750; for pay of superintendent, drayage, and general repairs and improvements, \$15,000; in all, \$174,750;
- Bismarck, N. Dak. Bismarck, North Dakota: For one hundred pupils, \$36,000; for pay of superintendent, drayage, and general repairs and improvements, \$7,000; in all, \$43,000;
- Wahpeton, N. Dak. Wahpeton, North Dakota: For three hundred pupils, \$97,250; for pay of superintendent, drayage, and general repairs and improvements, \$11,000; in all, \$108,250;

Chilocco, Oklahoma: For six hundred and fifty pupils, including not to exceed \$2,000 for printing and issuing school paper, \$221,000; for pay of superintendent, drayage, and general repairs and improvements, \$22,000; in all, \$243,000;

Chilocco, Okla.

Sequoyah Orphan Training School, near Tahlequah, Oklahoma: For three hundred and fifty orphan Indian children of the State of Oklahoma belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, \$114,250; for pay of superintendent, drayage, and general repairs and improvements, \$12,000; for enlarging hospital, including purchase of equipment, \$24,000; for the purchase of land, \$15,000; in all, \$165,250;

Sequoyah Orphan Training School, Okla. Post, p. 1621.

Carter Seminary, Oklahoma: For one hundred and sixty-five pupils, \$57,525; for pay of principal, drayage, and general repairs and improvements, \$6,000; in all, \$63,525;

Carter Seminary, Okla.

Euchee, Oklahoma: For one hundred and fifteen pupils, \$39,525; for pay of principal, drayage, and general repairs and improvements, \$6,000; in all, \$45,525;

Euchee, Okla.

Eufaula, Oklahoma: For one hundred and thirty-five pupils, \$46,725; for pay of principal, drayage, and general repairs and improvements, \$6,000; in all, \$52,725;

Eufaula, Okla.

Jones Academy, Oklahoma: For one hundred and seventy-five pupils, \$61,125; for pay of principal, drayage, and general repairs and improvements, \$6,000; in all, \$67,125;

Jones Academy, Okla.

Wheelock Academy, Oklahoma: For one hundred and thirty pupils, \$45,050; for pay of principal, drayage, and general repairs and improvements, \$6,000; in all, \$51,050;

Wheelock Academy, Okla.

Chemawa, Salem, Oregon: For three hundred pupils, including not to exceed \$1,000 for printing and issuing school paper, \$106,500; for local vocational training program directed from the school, \$20,500; for pay of superintendent, drayage, and general repairs and improvements, including improvements to heating system and shop facilities, \$60,000; in all, \$187,000;

Chemawa, Salem, Oreg. Post, p. 1775.

Flandreau, South Dakota: For four hundred and fifty pupils, \$159,750; for pay of superintendent, drayage, and general repairs and improvements, \$17,000; in all, \$176,750;

Flandreau, S. Dak.

Pierre, South Dakota: For two hundred and twenty-five pupils, \$74,875; for pay of superintendent, drayage, and general repairs and improvements, \$12,000; in all, \$86,875;

Pierre, S. Dak.

In all, for above-named nonreservation boarding schools, not to exceed \$2,642,575: *Provided*, That 10 per centum of the foregoing amounts shall be available interchangeably for expenditures for similar purposes in the various boarding schools named, but not more than 10 per centum shall be added to the amount appropriated for any one of said boarding schools or for any particular item within any boarding school. Any such interchanges shall be reported to Congress in the annual Budget.

Total, nonreservation boarding schools. *Proviso*. Sums interchangeable.

Report to Congress.

For aid to the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma, \$398,000, to be expended in the discretion of the Secretary of the Interior and under rules and regulations to be prescribed by him: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of the Act of May 25, 1918 (U. S. C., title 25, sec. 297), limiting the expenditure of money to educate children of less than one-fourth Indian blood: *Provided further*, That of this appropriation not to exceed \$2,500 may be expended in the printing and issuance of a paper devoted to Indian education, which paper shall be printed at an Indian school; not to exceed \$10,000 may be expended under rules and regulations of the

Five Civilized Tribes, Okla. Common schools.

*Provisos*. Parentage limitation not applicable. Vol. 40, p. 564; U. S. C., p. 1015.

Printing, etc., school paper.

Truancy officers. Secretary of the Interior, in part payment of truancy officers in any county or two or more contiguous counties where there are five hundred or more Indian children eligible to attend school, and not to exceed \$10,000 may be expended in the discretion of the Secretary of the Interior for the payment of salaries of public-school teachers, employed by the State or county, in special Indian day schools in full-blood Indian communities, where there are not adequate white day schools available for their attendance.

Employing public-school teachers where facilities inadequate.

Alaska natives. Natives in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for support and education of the Eskimos, Aleuts, Indians, and other natives of Alaska, including necessary traveling expenses of pupils to and from industrial boarding schools in Alaska; purchase, repair, and rental of school buildings, including purchase of necessary lands; textbooks and industrial apparatus; pay and necessary traveling expenses of superintendents, teachers, physicians, and other employees; repair, equipment, maintenance, and operation of vessels; and all other necessary miscellaneous expenses which are not included under the above special heads, including \$327,380 for salaries, \$17,500 for traveling expenses, \$190,120 for equipment, supplies, fuel, and light, \$25,000 for repairs of buildings, \$63,000 for freight and operation and repair of vessels, \$1,000 for rentals, and \$2,000 for telephone and telegraph; in all, \$626,000, to be immediately available: *Provided*, That not to exceed 10 per centum of the amounts appropriated for the various items in this paragraph shall be available interchangeably for expenditures on the objects included in this paragraph, but not more than 10 per centum shall be added to any one item of appropriation except in cases of extraordinary emergency and then only upon the written order of the Secretary of the Interior.

Miscellaneous expenses.

Proviso. Interchangeable sums.

Conservation of health.

#### CONSERVATION OF HEALTH

Designated expenses. For conservation of health among Indians, including equipment, materials, and supplies; repairs and improvements to buildings and plants; compensation and traveling expenses of officers and employees and renting of quarters for them when necessary; transportation of patients and attendants to and from hospitals and sanatoria; returning to their former homes and interring the remains of deceased patients; and not exceeding \$1,000 for printing and binding circulars and pamphlets for use in preventing and suppressing trachoma and other contagious and infectious diseases, \$3,534,620, including not to exceed \$2,604,000 for the following-named hospitals and sanatoria:

Suppressing trachoma, etc.

Allotments to specified hospitals, etc.

Arizona. Arizona: Indian Oasis Hospital, \$23,000; Kayenta Sanatorium, \$50,000; Fort Defiance Sanatorium and Southern Navajo General Hospital, \$105,000; Phoenix Sanatorium, \$75,000; Pima Hospital, \$27,000; Truxton Canyon Hospital, \$12,000; Western Navajo Hospital, \$36,500; Chin Lee Hospital, \$12,500; Fort Apache Hospital, \$27,000; Havasupai Hospital, \$5,000; Hopi Hospital, \$40,000; Leupp Hospital, \$26,000; San Carlos Hospital, \$19,000; Tohatchi Hospital, \$13,500; Colorado River Hospital, \$23,000; San Xavier Sanatorium, \$42,500; Phoenix Hospital, \$31,500; Winslow Sanatorium, \$45,000;

California. California: Hoopa Valley Hospital, \$25,000; Soboba Hospital, \$22,000; Fort Bidwell Hospital, \$20,000; Fort Yuma Hospital, \$20,000;

Colorado. Colorado: Ute Mountain Hospital, \$15,000; Edward T. Taylor Hospital, \$25,000;

Idaho. Idaho: Fort Lapwai Sanatorium, \$85,000; Fort Hall Hospitals, \$16,500;



Iowa: Sac and Fox Sanatorium, \$73,000;	Iowa.
Minnesota: Pipestone Hospital, \$22,000;	Minnesota.
Mississippi: Choctaw Hospital, \$27,000;	Mississippi.
Montana: Blackfeet Hospital, \$29,000; Fort Peck Hospital, \$22,000; Crow Agency Hospital, \$28,000; Fort Belknap Hospital, \$30,000; Tongue River Hospital, \$30,000;	Montana.
Nebraska: Winnebago Hospital, \$39,000;	Nebraska.
Nevada: Carson Hospital, \$23,000; Walker River Hospital, \$21,000; Western Shoshone Hospital, \$15,000;	Nevada.
New Mexico: Albuquerque Sanatorium, \$100,000; Jicarilla Hospital and Sanatorium, \$60,000; Mescalero Hospital, \$20,000; Eastern Navajo Hospital, \$32,000; Northern Navajo Hospital, \$30,000; Taos Hospital, \$20,000; Zuni Sanatorium, \$50,000; Albuquerque Hospital, \$50,000; Charles H. Burke Hospital, \$8,000; Santa Fe Hospital, \$40,000; Toadlena Hospital, \$11,500;	New Mexico.
North Carolina: Cherokee Hospital, \$16,000;	North Carolina.
North Dakota: Turtle Mountain Hospital, \$37,500; Fort Berthold Hospital, \$18,000; Fort Totten Hospital, \$23,000; Standing Rock Hospital, \$28,000;	North Dakota.
Oklahoma: Cheyenne and Arapahoe Hospital, \$36,000; Choctaw and Chickasaw Sanatorium, \$55,000; Shawnee Sanatorium, \$90,000; Claremore Hospital, \$36,000; Clinton Hospital, \$20,000; Pawnee and Ponca Hospital, \$30,000; Kiowa Hospital, \$97,000;	Oklahoma.
Oregon: Warm Springs Hospital, \$12,000;	Oregon.
South Dakota: Crow Creek Hospital, \$22,000; Pine Ridge Hospitals, \$43,000; Rosebud Hospital, \$28,000; Yankton Hospital, \$15,000;	South Dakota.
Utah: Uintah Hospital, \$15,000;	Utah.
Washington: Yakima Sanatorium, \$40,000; Tacoma Sanatorium, \$200,000; Tulalip Hospital, \$10,000; Colville Hospital, \$25,000;	Washington.
Wisconsin: Hayward Hospital, \$33,000; Tomah Hospital, \$27,000;	Wisconsin.
Wyoming: Shoshone, \$25,000;	Wyoming.
<i>Provided</i> , That 10 per centum of the foregoing amounts shall be available interchangeably for expenditures in the various hospitals named, but not more than 10 per centum shall be added to the amount appropriated for any one of said hospitals or for any particular item within any hospital, and any interchange of appropriations hereunder shall be reported to Congress in the Annual Budget: <i>Provided further</i> , That nonreservation boarding schools receiving specific appropriations shall contribute on a per diem basis for the hospitalization of pupils in hospitals located at such schools and supported from this appropriation.	<i>Provisos.</i> Sums interchangeable.
For a clinical survey of tuberculosis, trachoma, and venereal and other disease conditions among Indians, \$20,000: <i>Provided</i> , That in conducting such survey the cooperation of such State and other organizations engaged in similar work shall be enlisted wherever practicable and where services of physicians, nurses, or other persons are donated their travel and other expenses may be paid from this appropriation.	Report to Congress.
Support of hospitals, Chippewas in Minnesota (tribal funds): For support of hospitals maintained for the benefit of the Chippewa Indians in the State of Minnesota, \$162,000, payable from the principal sum on deposit to the credit of said Indians arising under section 7 of the Act of January 14, 1889 (25 Stat., p. 645).	Hospitalization of pupils.
Medical relief in Alaska: To enable the Secretary of the Interior, in his discretion, and under his direction through the Bureau of Indian Affairs, with the advice and cooperation of the Public Health Service, to provide for the medical and sanitary relief of	Clinical survey of disease conditions. <i>Proviso.</i> Local cooperation.
	Chippewas in Minnesota. Hospitals for, from tribal funds. Vol. 25, p. 645.
	Medical relief in Alaska.

the Eskimos, Aleuts, Indians, and other natives of Alaska; purchase, repair, rental, and equipment of hospital buildings; not to exceed \$4,000 for purchase of land; books and surgical apparatus; pay and necessary traveling expenses of physicians, nurses, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, \$295,000, to be available immediately.

General support and administration.

GENERAL SUPPORT AND ADMINISTRATION

Sundry agencies and reservations.  
*Post*, p. 1621.

For general support of Indians and administration of Indian property, including pay of employees authorized by continuing or permanent treaty provisions, \$2,254,350.

Metlakatla Indians of Alaska; Annette Islands Reserve.

For pay of employees, village improvements, relief of destitution, and such other purposes as may be requested by the town council of Metlakatla, Annette Islands Reserve, Alaska, and approved by the Secretary of the Interior, \$25,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

*Proviso*.  
Limitation.  
Vol. 48, p. 1227.

Specified agencies, from tribal funds.

For general support of Indians and administration of Indian property under the jurisdiction of the following agencies, to be paid from the funds held by the United States in trust for the respective tribes, in not to exceed the following sums, respectively:

Arizona.

Arizona: Colorado River, \$3,000; Fort Apache, \$50,000; San Carlos, \$55,800; Truxton Canyon, \$6,500; in all, \$115,300;

California.

California: Mission, \$5,000;

Colorado.

Colorado: Consolidated Ute (Southern Ute, \$15,000; Ute Mountain, \$15,000); in all, \$30,000;

Idaho.

Idaho: Fort Hall, \$4,800;

Iowa.

Iowa: Sac and Fox, \$2,000;

Minnesota.

Minnesota: Red Lake, \$41,600; Consolidated Chippewa, \$5,000, and the unexpended balance of the appropriation of \$5,000 for the fiscal year 1935, for establishing a system of cooperative marketing for Indian crops, including wild rice, berries, fish, and furs, is hereby continued available for the same purpose until June 30, 1936; in all, \$46,600;

Cooperative market system.  
Vol. 48, p. 377.

Montana.

Montana: Flathead, \$10,000;

North Carolina.

North Carolina: Cherokee, \$58,000, to be immediately available;

Oregon.

Oregon: Klamath, \$55,000;

South Dakota.

South Dakota: Cheyenne River, \$73,000;

Washington.

Washington: Puyallup, \$1,000 for upkeep of the Puyallup Indian cemetery; Taholah (Quinaielt), \$1,000, (Quileute), \$2,500; in all, \$4,500;

Wisconsin.

Wisconsin: Keshena, \$61,500, including \$10,000 for monthly allowances, under such rules and regulations as the Secretary of the Interior may prescribe, to old and indigent members of the Menominee Tribe who reside with relatives or friends;

In all, not to exceed \$465,700.

Chippewas in Minnesota.  
General support, etc.  
Vol. 25, p. 645.

Support of Chippewa Indians in Minnesota (tribal funds): For general support, administration of property, and promotion of self-support among the Chippewa Indians in the State of Minnesota, \$85,000, to be paid from the principal sum on deposit to the credit of said Indians, arising under section 7 of the Act entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota", approved January 14, 1889 (25 Stat., p. 645): *Provided*, That not to exceed \$40,000 of the foregoing amount may be expended, in the discretion of the Secretary of the Interior, in aiding indigent Chippewa Indians upon the condition that any funds used in support of a member of the tribe shall be reimbursed out of and

*Proviso*.  
Aiding indigent.

become a lien against any individual property of which such member may now or hereafter become seized or possessed, the two preceding requirements not to apply to any old, infirm, or indigent Indian, in the discretion of the Secretary of the Interior.

Expenses of tribal officers, Five Civilized Tribes, Oklahoma (tribal funds): For the current fiscal year money may be expended from the tribal funds of the Choctaw, Chickasaw, Creek, and Seminole Tribes for equalization of allotments, per capita, and other payments authorized by law to individual members of the respective tribes, salaries and contingent expenses of the governor of the Chickasaw Nation and chief of the Choctaw Nation, one mining trustee for the Choctaw and Chickasaw Nations, at salaries at the rate heretofore paid for the said governor and said chief and \$4,000 for the said mining trustee, and one attorney each for the Choctaw and Chickasaw Tribes employed under contract approved by the President under existing law: *Provided*, That the expenses of the above-named officials shall be determined and limited by the Commissioner of Indian Affairs, at not to exceed \$2,500 each.

Five Civilized Tribes.  
Expenses, etc., tribal officers.

*Proviso.*  
Limitation.

Support of Osage Agency and pay of tribal officers, Oklahoma (tribal funds): For the support of the Osage Agency, and for necessary expenses in connection with oil and gas production on the Osage Reservation, Oklahoma, including pay of necessary employees, the tribal attorney and his stenographer, one special attorney in tax and other matters, and pay of tribal officers; payment of damages to individual allottees; repairs to buildings, rent of quarters for employees, traveling expenses, printing, telegraphing and telephoning, and purchase, repair, and operation of automobiles, \$161,000, payable from funds held by the United States in trust for the Osage Tribe of Indians in Oklahoma: *Provided*, That \$2,500 of the foregoing amount may be used to reimburse the heirs of Odell DeNoya Bighorse for attorneys' fees paid in the prosecution of a suit in the interest of the Osage Tribe as a whole.

Osages, Okla.  
Agency expenses from tribal funds.

*Proviso.*  
Payment to heirs of Odell DeNoya Bighorse.

Expenses of tribal councils or committees thereof (tribal funds): For traveling and other expenses of members of tribal councils, business committees, or other tribal organizations, when engaged on business of the tribes, including visits to Washington, District of Columbia, when duly authorized or approved in advance by the Commissioner of Indian Affairs, \$50,000, of which amount \$10,000 shall be immediately available, payable from funds on deposit to the credit of the particular tribe interested: *Provided*, That, except for the Navajo Tribe, not more than \$5,000 shall be expended from the funds of any one tribe or band of Indians for the purposes herein specified: *Provided further*, That no part of this appropriation shall be available for per diem in lieu of all other expenses of members of tribal councils, business committees or other tribal organizations, when in Washington, in excess of \$6, nor for more than a thirty-day period, unless the Secretary of the Interior shall in writing approve a greater amount or a longer period.

Tribal councils, traveling, etc., expenses.

*Provisos.*  
Tribal expenditure limited.

Per diem, etc., limitation.

Audit of the tribal funds of the Menominee Indians: For the purpose of making an audit of the tribal funds of the Menominee Indians, including, without limitation, an engineering audit of the timber operations on the Menominee Reservation in Wisconsin, to be immediately available, \$20,000, payable from funds on deposit to the credit of said Menominee Indians: *Provided*, That to accomplish said audit the tribal council or business committee of said Menominee Indians may enter into a contract or contracts, to be approved by the Secretary of the Interior, with a firm of certified public accountants, and, with a timber engineer: *Provided further*, That this appropriation shall be available for related investigations,

Menominee Indians, Wis.; audit of tribal funds.

Timber operations.

*Provisos.*  
Contracts authorized.

Availability.

for services, travel, and other expenses necessary to a complete engineering and general audit, expenditures for such purposes to be paid upon presentation by attorneys acting for said Menominee Indians of itemized vouchers approved by the Commissioner of Indian Affairs.

## Roads and bridges.

## ROADS AND BRIDGES

Gallup-Shiproek Highway, N. Mex., maintenance, etc.

For maintenance and repair of that portion of the Gallup-Shiproek Highway within the Navajo Reservation, New Mexico, including the purchase of machinery, \$20,000, reimbursable: *Provided*, That other than for supervision and engineering only Indian labor shall be employed for such maintenance and repair work.

Reservation road construction, etc.

For construction, improvement, repair, and maintenance of Indian reservation roads under the provisions of the Acts of May 26, 1928 (U. S. C., Supp. VII, title 25, sec. 318a), and June 19, 1934 (48 Stat., p. 1058) \$4,000,000, to remain available until expended.

Post, p. 376.

Vol. 45, p. 750; Vol. 48, p. 1058; U. S. C., p. 1016.

Annuities and per capita payments.

## ANNUITIES AND PER CAPITA PAYMENTS

Senecas, N. Y. Vol. 4, p. 442.

For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (Act of February 19, 1831, 4 Stat., p. 442), \$6,000.

Six Nations, N. Y. Vol. 7, p. 46.

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (article 6, treaty of November 11, 1794), \$4,500.

Choctaws, Okla. Vol. 7, pp. 99, 212, 213, 236; Vol. 11, p. 614.

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article 2, treaty of November 16, 1805, and article 13, treaty of June 22, 1855), \$3,000; for permanent annuity for support for light horsemen (article 13, treaty of October 18, 1820, and article 13, treaty of June 22, 1855), \$600; for permanent annuity for support of blacksmith (article 6, treaty of October 18, 1820, and article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), \$600; for permanent annuity for education (article 2, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), \$6,000; for permanent annuity for iron and steel (article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), \$320; in all, \$10,520.

Pawnees, Okla. Vol. 11, p. 729; Vol. 27, p. 644.

For fulfilling treaties with Pawnees, Oklahoma: For permanent annuity, (article 2, treaty of September 24, 1857, and article 3, agreement of November 23, 1892), \$30,000.

Indians of Sioux reservations. Vol. 25, p. 895.

For payment of Sioux benefits to Indians of the Sioux Reservations, as authorized by the Act of March 2, 1889 (25 Stat., p. 895), as amended, \$190,000.

Interest; Indian trust funds.

For payment of interest on moneys held in trust for the several Indian tribes, as authorized by various Acts of Congress, \$510,000.

Field service employees.

Funds for, available for supplies, etc.

When, in the judgment of the Secretary of the Interior, it is necessary for accomplishment of the purposes of appropriations herein made for the Indian field service, such appropriations shall be available for purchase of ice, rubber boots for use of employees, for travel expenses of employees on official business, and for the cost of packing, crating, drayage, and transportation of personal effects of employees upon permanent change of station.

Funds available for travel expenses.

The appropriations for education of natives of Alaska and medical relief in Alaska shall be available for the payment of traveling expenses of new appointees from Seattle, Washington, to their posts of duty in Alaska, and of traveling expenses, packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station within Alaska, under regulations to be prescribed by the Secretary of the Interior.

## BUREAU OF RECLAMATION

Reclamation Bureau.

The followings<sup>1</sup> sums are appropriated out of the special fund in the Treasury of the United States created by the Act of June 17, 1902 (U. S. C., title 43, secs. 391, 411), and therein designated "the reclamation fund", to be available immediately:

Salaries: For the Commissioner of Reclamation and other personal services in the District of Columbia, \$96,500; for office expenses in the District of Columbia, \$15,000; in all, \$111,500;

Administrative provisions and limitations: For all expenditures authorized by the Act of June 17, 1902, and Acts amendatory thereof or supplementary thereto, known as the "reclamation law", and all other Acts under which expenditures from said fund are authorized, including not to exceed \$100,000 for personal services and \$15,000 for other expenses in the office of the chief engineer, \$20,000 for telegraph, telephone, and other communication service, \$5,000 for photographing and making photographic prints, \$41,250 for personal services, and \$7,500 for other expenses in the field legal offices; examination of estimates for appropriations in the field; refunds of overcollections and deposits for other purposes; not to exceed \$18,000 for lithographing, engraving, printing, and binding; purchase of ice; purchase of rubber boots for official use by employees; maintenance and operation of horse-drawn and motor-propelled passenger vehicles; not to exceed \$20,000 for purchase and exchange of horse-drawn and motor-propelled passenger-carrying vehicles; packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior; payment of damages caused to the owners of lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of irrigation works, and which may be compromised by agreement between the claimant and the Secretary of the Interior, or such officers as he may designate; payment for official telephone service in the field hereafter incurred in case of official telephones installed in private houses when authorized under regulations established by the Secretary of the Interior; not to exceed \$1,000 for expenses, except membership fees, of attendance, when authorized by the Secretary, upon meetings of technical and professional societies required in connection with official work of the Bureau; payment of rewards, when specifically authorized by the Secretary of the Interior, for information leading to the apprehension and conviction of persons found guilty of the theft, damage, or destruction of public property: *Provided*, That no part of said appropriations may be used for maintenance of headquarters for the Bureau of Reclamation outside the District of Columbia except for an office for the chief engineer and staff and for certain field officers of the division of public relations: *Provided further*, That the Secretary of the Interior in his administration of the Bureau of Reclamation is authorized to contract for medical attention and service for employees and to make necessary pay-roll deductions agreed to by the employees therefor: *Provided further*, That no part of any sum provided for in this Act for operation and maintenance of any project or division of a project by the Bureau of Reclamation shall be used for the irrigation of any lands within the boundaries of an irrigation district which has contracted with the Bureau of Reclamation and which is in arrears for more than twelve months in the payment of any charges due the United States, and no part of any sum provided for in this Act for

Payments, from reclamation fund.  
Vol. 32, p. 388; U. S. C., pp. 1862, 1864.

*Ante*, p. 178.  
Commissioner, office personnel, and other expenses.

*Post*, p. 597.

Administrative provisions and limitations.  
Vol. 32, p. 388.

Expenses designated.

Vehicles.

Property damages.

Attendance at meetings, etc.

*Provisos*.  
Headquarters offices.

Medical services for employees.

Restriction on use where district is in arrears.

<sup>1</sup> So in original.

such purpose shall be used for the irrigation of any lands which have contracted with the Bureau of Reclamation and which are in arrears for more than twelve months in the payment of any charges due from said lands to the United States;

Examination and inspection of projects.

**Examination and inspection of projects:** For examination of accounts and inspection of the works of various projects and divisions of projects operated and maintained by irrigation districts or water users' associations, and bookkeeping, accounting, clerical, legal, and other expenses incurred in accordance with contract provisions for the repayment of such expenses by the districts or associations, the unexpended balance of the appropriation for this purpose for the fiscal year 1935 is continued available for the same purpose for the fiscal year 1936;

Balance available.  
Vol. 48, p. 380.

Maintenance, etc., of reserved works.

**Operation and maintenance of reserved works:** For operation and maintenance of the reserved works of a project or division of a project when irrigation districts, water-users' associations, or Warren Act contractors have contracted to pay in advance but have failed to pay their proportionate share of the cost of such operation and maintenance, to be expended under regulations to be prescribed by the Secretary of the Interior, the unexpended balance of the appropriation for this purpose for the fiscal year 1935 is continued available for the same purpose for the fiscal year 1936;

Balance available.  
Vol. 48, p. 380.

Yuma project, Ariz.-Calif.

Provisional operating commercial system.

Auxiliary fund to be covered into reclamation fund.  
Vol. 48, p. 1227; Vol. 39, p. 868.

**Yuma project, Arizona-California:** For operation and maintenance, Reservation division, \$45,000; Mesa division (Yuma auxiliary project), \$25,000; in all, \$70,000: *Provided*, That not to exceed \$25,000 from the power revenues shall be available during the fiscal year 1936 for the operation and maintenance of the commercial system: *Provided further*, That notwithstanding the provisions of section 4 (a) and (b) of the Act of June 26, 1934 (48 Stat., p. 1224), hereafter all moneys received under the provisions of the Act of January 25, 1917 (39 Stat., p. 868), as amended, shall be paid into the Treasury of the United States and be covered into the reclamation fund, special fund, and any unexpended balance in the auxiliary reclamation fund of the Yuma project shall be transferred to and consolidated with the general reclamation fund;

Orland, Calif.

**Orland project, California:** For operation and maintenance, \$36,000;

Boise, Idaho.

**Boise project, Idaho:** For operation and maintenance, \$30,000;

Minidoka, Idaho.

**Minidoka project, Idaho:** For operation and maintenance, reserved works, \$11,600: *Provided*, That not to exceed \$50,000 from the power revenues shall be available during the fiscal year 1936 for the operation of the commercial system; and not to exceed \$100,000 from power revenues shall be available during the fiscal year 1936 for continuation of construction, south side division;

Provisional operating commercial system.

North Platte, Nebr.-Wyo.  
Operating commercial system.

**North Platte project, Nebraska-Wyoming:** Not to exceed \$60,000 from the power revenues shall be available during the fiscal year 1936 for the operation and maintenance of the commercial system; and not to exceed \$6,000 from power revenues allocated to the Northport irrigation district under subsection I, section 4, of the Act of December 5, 1924 (U. S. C., title 43, sec. 501), shall be available during the fiscal year 1936 for payment on behalf of the Northport irrigation district, to the Farmers' irrigation district for carriage of water;

Payment to Farmers' district for water.  
Vol. 43, p. 703; U. S. C., p. 1873.

Rio Grande, N. Mex.-Tex.

**Rio Grande project, New Mexico-Texas:** For operation and maintenance, \$340,000;

Owyhee, Oreg.

**Owyhee project, Oregon:** For operation and maintenance, \$50,000;

Klamath, Oreg.-Calif.

**Klamath project, Oregon-California:** For operation and maintenance, \$50,000: *Provided*, That revenues received from the lease of marginal lands, Tule Lake division, shall be available for refunds to

Provisional Revenues from Tule Lake division.

the lessees in such cases where it becomes necessary to make refunds because of flooding or other reasons within the terms of such leases;

Yakima project, Washington: For operation and maintenance, \$265,000: *Provided*, That not to exceed \$25,000 from power revenues shall be available during the fiscal year 1936 for operation and maintenance of the power system;

Yakima, Wash.

*Proviso.*  
Power system.

Riverton project, Wyoming: For operation and maintenance, \$25,000: *Provided*, That not to exceed \$25,000 from the power revenues shall be available during the fiscal year 1936 for the operation and maintenance of the commercial system;

Riverton, Wyo.

*Proviso.*  
Operating commercial system.

Shoshone project, Wyoming: For operation and maintenance, Willwood division, \$13,000: *Provided*, That not to exceed \$25,000 from power revenues shall be available during the fiscal year 1936 for the operation and maintenance of the commercial system;

Shoshone project, Wyo.

*Proviso.*  
Operating commercial system.

Secondary and economic investigations: For cooperative and general investigations, including investigations necessary to determine the economic conditions and financial feasibility of projects and investigations and other activities relating to the reorganization, settlement of lands, and financial adjustments of existing projects, including examination of soils, classification of land, land-settlement activities, including advertising in newspapers and other publications, and obtaining general economic and settlement data, the unexpended balance of the appropriation for these purposes for the fiscal year 1935 shall remain available for the same purposes for the fiscal year 1936: *Provided*, That the expenditures from this appropriation for any reclamation project shall be considered as supplementary to the appropriation for that project and shall be accounted for and returned to the reclamation fund as other expenditures under the Reclamation Act: *Provided further*, That the expenditure of any sums from this appropriation for investigations of any nature requested by States, municipalities, or other interests shall be upon the basis of the State, municipality, or other interest advancing at least 50 per centum of the estimated cost of such investigation;

Secondary and economic investigations.

*Provisos.*  
Expenses considered supplementary; accounting.

Division of expense for investigations.

Giving information to settlers: For the purpose of giving information and advice to settlers on reclamation projects in the selection of lands, equipment, and livestock, the preparation of land for irrigation, the selection of crops, methods of irrigation and agricultural practice, and general farm management, the cost of which shall be charged to the general reclamation fund and shall not be charged as a part of the construction or operation and maintenance cost payable by the water users under the projects; \$20,000, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1935;

Information to settlers.

Balance available.  
Vol. 48, p. 381.

Limitation of expenditures: Under the provisions of this Act no greater sum shall be expended, nor shall the United States be obligated to expend during the fiscal year 1936, on any reclamation project appropriated for herein, an amount in excess of the sum herein appropriated therefor, nor shall the whole expenditures or obligations incurred for all of such projects for the fiscal year 1936 exceed the whole amount in the "reclamation fund" for the fiscal year;

Limitation of expenditures.

Interchange of appropriations: Ten per centum of the foregoing amounts shall be available interchangeably for expenditures on the reclamation projects named; but not more than 10 per centum shall be added to the amount appropriated for any one of said projects, except that should existing works or the water supply for lands under cultivation be endangered by floods or other unusual conditions an amount sufficient to make necessary emergency repairs shall

Interchange of appropriations.

Emergency flood repairs.

become available for expenditure by further transfer of appropriation from any of said projects upon approval of the Secretary of the Interior;

Total, from reclamation fund, \$1,022,100.

Yuma project, Ariz.-  
Calif.  
Colorado River front  
work and levee sys-  
tem.  
Vol. 44, p. 1016.

To defray the cost of operating and maintaining the Colorado River front work and levee system adjacent to the Yuma Federal irrigation project in Arizona and California, subject only to section 4 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved January 21, 1927 (44 Stat., p. 1010), \$50,000, together with the unexpended balance of the appropriation for the fiscal year 1935.

Balance available.  
Vol. 43, p. 382.  
Post, p. 1784.

Use for investigating  
new projects forbid-  
den.

No part of any appropriation in this Act for the Bureau of Reclamation shall be used for investigations to determine the economic and financial feasibility of any new reclamation project.

Geological Survey.

## GEOLOGICAL SURVEY

### SALARIES

Director, and office  
personnel.

For the Director of the Geological Survey and other personal services in the District of Columbia, \$128,060;

General expenses.  
Ante, p. 178.

### GENERAL EXPENSES

For every expenditure requisite for and incident to the authorized work of the Geological Survey, including personal services in the District of Columbia and in the field, including not to exceed \$30,000 for the purchase and exchange, and not to exceed \$55,000 for the hire, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for field use only by geologists, topographers, engineers, and land classifiers, and the Geological Survey is authorized to exchange unserviceable and worn-out passenger-carrying and freight-carrying vehicles as part payment for new freight-carrying vehicles, and including not to exceed \$2,000 for necessary traveling expenses of the director and members of the Geological Survey acting under his direction, for attendance upon meetings of technical, professional, and scientific societies when required in connection with the authorized work of the Geological Survey, to be expended under the regulations from time to time prescribed by the Secretary of the Interior, and under the following heads:

Topographic surveys.

Topographic surveys: For topographic surveys in various portions of the United States, \$400,000, of which amount not to exceed \$175,000 may be expended for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be expended in cooperation with States or municipalities except upon the basis of the State or municipality bearing all of the expense incident thereto in excess of such an amount as is necessary for the Geological Survey to perform its share of standard topographic surveys, such share of the Geological Survey in no case exceeding 50 per centum of the cost of the survey: *Provided further*, That \$225,000 of this amount shall be available only for such cooperation with States or municipalities;

*Provisos*.  
Cooperation with  
States, etc.

Allotment for cooper-  
ation.

Geologic surveys.  
Post, p. 1622.

Geologic surveys: For geologic surveys in the various portions of the United States and chemical and physical researches relative thereto, \$450,000, of which not to exceed \$270,000 may be expended for personal services in the District of Columbia;



Mineral resources of Alaska: For continuation of the investigation of the mineral resources of Alaska, \$70,000, to be available immediately, of which amount not to exceed \$20,000 may be expended for personal services in the District of Columbia;

Alaska, mineral resources.  
Post, p. 1622.

Gaging streams: For gaging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, \$650,000, of which amount not to exceed \$130,000 may be expended for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be expended in cooperation with States or municipalities except upon the basis of the State or municipality bearing all of the expense incident thereto in excess of such an amount as is necessary for the Geological Survey to perform its share of general water-resource investigations, such share of the Geological Survey in no case exceeding 50 per centum of the cost of the investigation: *Provided further*, That \$458,000 of this amount shall be available only for such cooperation with States or municipalities;

Gaging streams, investigations.

*Provisos.*  
Cooperation with States, etc.

Allotment for cooperation.

Classification of lands: For the examination and classification of lands with respect to mineral character, water resources, and agricultural and grazing utility as required by the public land laws and for related administrative operations; for the preparation and publication of land classification maps and reports; for engineering supervision of power permits and grants under the jurisdiction of the Secretary of the Interior; and for performance of work of the Federal Power Commission, \$150,000, of which amount not to exceed \$94,000 may be expended for personal services in the District of Columbia;

Classifying lands as to mineral character, etc.

Printing and binding, and so forth: For printing and binding, \$110,000; for preparation of illustrations, \$17,500; and for engraving and printing geologic and topographic maps, \$110,000; in all, \$237,500;

Printing and binding.

Mineral leasing: For the enforcement of the provisions of the Acts of October 20, 1914 (U. S. C., title 48, sec. 435), October 2, 1917 (U. S. C., title 30, sec. 141), February 25, 1920 (U. S. C., title 30, sec. 181), and March 4, 1921 (U. S. C., title 48, sec. 444), and other Acts relating to the mining and recovery of minerals on Indian and public lands and naval petroleum reserves; and for every other expense incident thereto, including supplies, equipment, expenses of travel and subsistence, the construction, maintenance, and repair of necessary camp buildings and appurtenances thereto, \$200,000 of which amount not to exceed \$56,000 may be expended for personal services in the District of Columbia;

Nonmetallic Mineral Acts.  
Enforcing provisions.  
Vol. 33, p. 741; Vol. 40, p. 297; Vol. 41, pp. 437, 1363.  
U. S. C., pp. 2140, 1341, 1342, 2141.

During the fiscal year 1936 the head of any department or independent establishment of the Government having funds available for scientific and technical investigations and requiring cooperative work by the Geological Survey on scientific and technical investigations within the scope of the functions of that bureau and which it is unable to perform within the limits of its appropriations may, with the approval of the Secretary of the Interior, transfer to the Geological Survey such sums as may be necessary to carry on such investigations. The Secretary of the Treasury shall transfer on the books of the Treasury Department any sums which may be authorized hereunder, and such amounts shall be placed to the credit of the Geological Survey for the performance of work for the department or establishment from which the transfer is made: *Provided*, That any sums transferred by any department or independent establishment of the Government to the Geological Survey for cooperative

Scientific, etc., investigations with departments, etc., by the bureau.

Credit of funds.

*Provisos.*  
Transfer of funds.

work in connection with this appropriation may be expended in the same manner as sums appropriated herein may be expended: *Provided further*, That any funds herein appropriated for the Geological Survey for cooperative work may be utilized prior to July 1, 1935, as required to enable the Geological Survey to continue its cooperative work pending reimbursement from cooperative agencies, the amount so utilized to be repaid to the appropriation from which advanced;

Cooperative work.

Aerial photographs for aviators, etc.

During the fiscal year 1936, upon the request of the Secretary of the Interior, the Secretary of War or the Secretary of the Navy is authorized to furnish aerial photographs required for mapping projects, insofar as the furnishing of such photographs will be economical to the Federal Government and does not conflict with military or naval operations or the other parts of the regular training program of the Army, Navy, and Marine Corps flying services, and the Secretary of the Interior is authorized to reimburse the War or Navy Department for the cost of making the photographs, such cost to be confined to the actual cost of gasoline, oil, film, paper, chemicals, and the labor performed in developing the photographic negatives and the printing of copies of photographs, and the per diem expenses of the personnel authorized by law, together with such incidental expenses as care and minor repairs to plane and transportation of personnel to and from projects, and the War Department or the Navy Department, on request of the Department of the Interior, is authorized to furnish copies to any State, county, or municipal agency cooperating with the Federal Government in the mapping project for which the photographs were taken. In the event that the Director of the Geological Survey deems it advantageous to the Government, the Geological Survey is authorized to contract with civilian aerial photographic concerns for the furnishing of such photographs;

Reimbursement.

Contracts with civilians.

Transporting effects of employees.

Appropriations herein made shall be available for payment of the costs of packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior;

Total, United States Geological Survey, \$2,285,560.

Bureau of Mines.

## BUREAU OF MINES

### SALARIES AND GENERAL EXPENSES

Salaries and expenses. *Ante*, p. 178.

Salaries and general expenses: For general expenses, including pay of the director and necessary assistants, clerks, and other employees, in the office of the District of Columbia, and in the field, and every other expense requisite for and incident to the general work of the Bureau in the District of Columbia, and in the field, to be expended under the direction of the Secretary of the Interior, \$62,190, of which amount not to exceed \$51,890 may be expended for personal services in the District of Columbia.

Mine rescue cars and stations. Investigations.

Operating mine rescue cars and stations and investigation of mine accidents: For the investigation and improvement of mine rescue and first-aid methods and appliances and the teaching of mine safety, rescue, and first-aid methods; investigations as to the causes of mine explosions, causes of falls of roof and coal, methods of mining, especially in relation to the safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, statistical studies and reports relating to mine accidents, and other inquiries

Preventing accidents.

and technologic investigations pertinent to the mining industry; the exchange in part payment for operation, maintenance, and repair of mine rescue trucks; the construction of temporary structures and the repair, maintenance, and operation of mine rescue cars and the Government-owned mine rescue stations and appurtenances thereto; personal services, traveling expenses and subsistence, equipment, and supplies; travel and subsistence, and other incidental expenses of employees in attendance at meetings and conferences held for the purpose of promoting safety and health in the mining and allied industries; purchase not exceeding \$5,000, exchange as part payment for, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work; purchase and exchange in part payment therefor of cooks' uniforms, goggles, gloves, rubber boots, aprons, and such other articles or equipment as may be necessary in connection with the purposes of this paragraph; including not to exceed \$80,000 for personal services in the District of Columbia, \$632,000: *Provided*, That of this amount not to exceed \$500 may be expended for the purchase and bestowal of trophies in connection with mine rescue and first-aid contests;

Attendance at meetings, etc.

*Proviso.*  
Rescue trophies.

Testing fuel.

Testing fuel: To conduct inquiries and scientific and technologic investigations concerning the mining, preparation, treatment, and use of mineral fuels, and for investigation of mineral fuels belonging to or for the use of the United States, with a view to their most efficient utilization; to recommend to various departments such changes in selection and use of fuel as may result in greater economy, and upon request of the Director of the Bureau of the Budget, to investigate the fuel-burning equipment in use by or proposed for any of the departments, establishments, or institutions of the United States in the District of Columbia, \$185,400, of which amount not to exceed \$27,600 may be expended for personal services in the District of Columbia;

Mineral mining investigations: For inquiries and scientific and technologic investigations concerning the mining, preparation, treatment, and utilization of ores and mineral substances, other than fuels, with a view to improving health conditions and increasing safety, efficiency, economic development, and conserving resources through the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; to inquire into the economic conditions affecting these industries; and including all equipment, supplies, expenses of travel and subsistence, and the purchase, not to exceed \$12,000, including exchange, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work, including not to exceed \$18,800 for personal services in the District of Columbia, \$288,860: *Provided*, That no part of this appropriation may be expended for an investigation in behalf of any private party;

Mineral mining investigations.

*Proviso.*  
Private work prohibited.

Oil and gas investigations: For inquiries and investigations and dissemination of information concerning the mining, preparation, treatment, and utilization of petroleum and natural gas, including economic conditions affecting the industry, with a view to economic development and conserving resources through the prevention of waste; for the purchase of newspapers relating to the oil, gas, and allied industries: *Provided*, That section 192 of the Revised Statutes (U. S. C., title 5, sec. 102) shall not apply to such purchase of newspapers from this appropriation; and for every other expense incident thereto, including supplies, equipment, expenses of travel and subsistence, purchase, not to exceed \$6,000, exchange as part payment for, maintenance, and operation of motor-propelled passenger-carrying vehicles for official use in field work, purchase of laboratory

Oil and gas investigations.

*Proviso.*  
Purchase of newspapers.  
R. S., sec. 192, p. 30.  
U. S. C., p. 43.

gloves, goggles, rubber boots and aprons, \$237,866, of which amount \$40,000 shall be immediately available and not to exceed \$17,500 may be expended for personal services in the District of Columbia;

Mining experiment stations.

Mining experiment stations: For the employment of personal services, purchase of laboratory gloves, goggles, rubber boots and aprons, the purchase not to exceed \$3,000, exchange as part payment for, maintenance and operation of motor-propelled passenger-carrying vehicles for official use in field work, and all other expenses in connection with the establishment, maintenance, and operation of mining experiment stations, as provided in the Act authorizing additional mining experiment stations, approved March 3, 1915 (U. S. C., title 30, sec. 8), \$195,450, of which amount not to exceed \$13,140 may be expended for personal services in the District of Columbia;

Vol. 38, p. 959.  
U. S. C., p. 1332.

Pittsburgh, Pa., station.

Buildings and grounds, Pittsburgh, Pennsylvania: For care and maintenance of buildings and grounds at Pittsburgh and Bruceton, Pennsylvania, including personal services, the purchase, exchange as part payment for, operation, maintenance, and repair of passenger automobiles for official use, and all other expenses requisite for and incident thereto, including not to exceed \$5,000 for additions and improvements, \$87,690;

Economics of mineral industries. Investigations, etc. *Anti*, p. 88; *Post*, p. 206.

Economics of mineral industries: For inquiries and investigations, and the dissemination of information concerning the economic problems of the mining, quarrying, metallurgical, and other mineral industries, with a view to assuring ample supplies and efficient distribution of the mineral products of the mines and quarries, including studies and reports relating to uses, reserves, production, distribution, stocks, consumption, prices, and marketing of mineral commodities and primary products thereof; preparation of the reports of the mineral resources of the United States, including special statistical inquiries; and including personal services in the District of Columbia and elsewhere; purchase of furniture and equipment; stationery and supplies; typewriting, adding and computing machines, accessories and repairs; newspapers; traveling expenses; purchase, not exceeding \$1,200, exchange as part payment for operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work; and for all other necessary expenses not included in the foregoing, \$262,855, of which amount not to exceed \$210,000 may be expended for personal services in the District of Columbia;

Reports.

Statistical inquiries.

Helium production and investigations. *Anti*, p. 134. *Post*, p. 413.

Helium production and investigations: The sums made available for the fiscal year 1936 in the Acts making appropriations for the War and Navy Departments for the acquisition of helium from the Bureau of Mines shall be transferred to the Bureau of Mines on July 1, 1935, for operation and maintenance of the plants for the production of helium for military and naval purposes, including laboratory gloves, goggles, rubber boots and aprons, purchase, not to exceed \$2,500, and exchange as part payment for maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use in field work, and all other necessary expenses, and including \$11,300 for personal services in the District of Columbia;

Gas production for helium plants.

Gas production for helium plants: For production of natural gas for helium plants, including construction, repair, maintenance, and operation of wells, pipe lines, and other facilities therefor, and including purchase, not to exceed \$750, and exchange as part payment for, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use in field work, \$18,000:

*Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934;

*Proviso.*  
Expenditure limitation.  
Vol. 48, p. 1227.

During the fiscal year 1936 the head of any department or independent establishment of the Government having funds available for scientific investigations and requiring cooperative work by the Bureau of Mines on scientific investigations within the scope of the functions of that bureau and which it is unable to perform within the limits of its appropriations may, with the approval of the Secretary of the Interior, transfer to the Bureau of Mines such sums as may be necessary to carry on such investigations. The Secretary of the Treasury shall transfer on the books of the Treasury Department any sums which may be authorized hereunder, and such amounts shall be placed to the credit of the Bureau of Mines for the performance of work for the department or establishment from which the transfer is made: *Provided*, That any sums transferred by any department or independent establishment of the Government to the Bureau of Mines for cooperative work in connection with this appropriation may be expended in the same manner as sums appropriated herein may be expended;

Scientific investigations for departments, etc.

*Proviso.*  
Expenditure of transferred funds.

The purchase of supplies and equipment or the procurement of services for the Bureau of Mines, at the seat of government, as well as in the field outside of the District of Columbia, may be made in open market without compliance with section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) of the United States, in the manner common among business men, when the aggregate amount of the purchase or the service does not exceed \$100 in any instance;

Minor purchases without advertising.

R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.

For necessary traveling expenses of the director and employees of the Bureau, acting under his direction, for attendance upon meetings of technical, professional, and scientific societies, when required in connection with the authorized work of the Bureau of Mines and incurred on the written authority of the Secretary of the Interior, there is hereby made available from any appropriations made to the Bureau of Mines not to exceed in all, \$2,000;

Attendance at meetings, etc.

Persons employed during the fiscal year 1936 in field work outside of the District of Columbia under the Bureau of Mines may be detailed temporarily for service in the District of Columbia for purposes of preparing results of their field work; all persons so detailed shall be paid in addition to their regular compensation only traveling expenses in going to and returning therefrom: *Provided*, That nothing herein shall prevent the payment to employees of the Bureau of Mines of their necessary expenses, or per diem in lieu of subsistence, while on temporary detail in the District of Columbia for purposes only of consultation or investigations on behalf of the United States. All details made hereunder, and the purposes of each, during the preceding fiscal year shall be reported in the annual estimates of appropriations to Congress at the beginning of each regular session thereof;

Detail of field employees.

*Proviso.*  
Paying employees' expenses.

Report to Congress.

The Secretary of the Treasury may detail medical officers of the Public Health Service for cooperative health, safety, or sanitation work with the Bureau of Mines, and the compensation and expenses of the officers so detailed may be paid from the applicable appropriations made herein for the Bureau of Mines;

Details from Public Health Service.

There is hereby transferred from the Department of Commerce, Bureau of Foreign and Domestic Commerce, to the Department of the Interior, Bureau of Mines, all those activities of the Minerals Division of the Bureau of Foreign and Domestic Commerce concerned with economic and statistical analyses of mineral commodities, domestic and foreign, together with all employees, records, files,

Mineral Division, Commerce Department; transfer.  
*Ante*, p. 88.

Appropriation.  
*Ante*, p. 88.

equipment, publications, and funds pertaining thereto, effective immediately; and there is hereby transferred from the appropriation, "Export Industries, Department of Commerce, 1936", to the appropriation, "Economics of Mineral Industries, Bureau of Mines, 1936", the sum of \$23,700;

Total, Bureau of Mines, \$1,970,311.

## NATIONAL PARK SERVICE

National Park Service.

Director, and office personnel.  
Accounting service.  
*Ante*, p. 178.

Salaries: For the Director of the National Park Service and other personal services in the District of Columbia, including accounting services in checking and verifying the accounts and records of the various operators, licensees, and permittees conducting utilities and other enterprises within the national parks and monuments, and including the services of specialists and experts for investigations and examinations of lands to determine their suitability for national park and national monument purposes and members of the commission appointed under the provisions of the Act of February 21, 1925 (43 Stat., p. 959): *Provided*, That such specialists and experts may be employed for temporary service at rates to be fixed by the Secretary of the Interior to correspond to those established by the Classification Act of 1923, as amended, and without reference to the Civil Service Act of January 16, 1883, \$175,380, of which amount not to exceed \$20,720 may be expended for the services of field employees engaged in examination of lands and in developing the educational work of the National Park Service.

Specialists and experts.  
Vol. 43, p. 958.

*Proviso*.  
Employment without reference to Classification, etc., Acts.  
U. S. C., pp. 81, 85.  
Vol. 22, p. 403.  
Field employees.

General expenses.

General expenses: For every expenditure requisite for and incident to the authorized work of the office of the Director of the National Park Service not herein provided for, including traveling expenses, telegrams, photographic supplies, prints, and motion-picture films, necessary expenses of attendance at meetings concerned with the work of the National Park Service when authorized by the Secretary of the Interior, and necessary expenses of field employees engaged in examination of lands and in developing the educational work of the National Park Service, \$25,000: *Provided*, That necessary expenses of field employees in attendance at such meetings, when authorized by the Secretary, shall be paid from the various park and monument appropriations.

*Proviso*.  
Field employees, expenses.

National Parks; administration.  
Acadia, Me.  
U. S. C., pp. 92, 93.

Acadia National Park, Maine: For administration, protection, and maintenance, including \$3,000 for George B. Dorr as superintendent without regard to the requirements of the provisions of the Civil Service Retirement Act approved May 22, 1920 (U. S. C., title 5, secs. 691-693, 697-731), as amended, \$3,000 for temporary clerical services for investigation of titles and preparation of abstracts thereof of lands donated to the United States for inclusion in the Acadia National Park, and not exceeding \$2,050 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$46,000.

Bryce Canyon, Utah.

Bryce Canyon National Park, Utah: For administration, protection, and maintenance, including not exceeding \$305 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with the general park work, \$12,000.

Carlsbad Caverns,  
N. Mex.

Carlsbad Caverns National Park, New Mexico: For administration, protection, and maintenance, including not exceeding \$1,550 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and

employees in connection with general park work, \$64,000: *Provided*, That any admission fee charged for entrance to Carlsbad Caverns and any fee charged for guide service therein, shall be exempt from all taxes on admissions.

*Proviso.*  
Admittance fees, tax  
exempt.

Crater Lake National Park, Oregon: For administration, protection, and maintenance, including not exceeding \$780 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work. \$62,600, of which \$5,000 shall be immediately available.

Crater Lake, Oreg.

General Grant National Park, California: For administration, protection, and maintenance, including not exceeding \$315 for the maintenance, operation, and repair of a motor-driven passenger-carrying vehicle, \$15,000.

General Grant, Calif.

Glacier National Park, Montana: For administration, protection, and maintenance, including necessary repairs to the roads from Glacier Park Station through the Blackfeet Indian Reservation to the various points in the boundary line of the Glacier National Park and the international boundary, including not exceeding \$1,800 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$175,000.

Glacier, Mont.

Grand Canyon National Park, Arizona: For administration, protection, and maintenance, including not exceeding \$1,060 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$113,500.

Grand Canyon, Ariz.

Grand Teton National Park, Wyoming: For administration, protection, and maintenance, including not exceeding \$1,250 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$19,900.

Grand Teton, Wyo.

Great Smoky Mountains National Park, North Carolina and Tennessee: For administration, protection, and maintenance, including not to exceed \$300 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for use in connection with general park work, \$59,900.

Great Smoky Moun-  
tains, N. C.-Tenn.

Hawaii National Park: For administration, protection, and maintenance, including not exceeding \$1,600 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$45,600.

Hawaii.

Hot Springs National Park, Arkansas: For administration, protection, maintenance, and improvement, including not exceeding \$715 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$71,200.

Hot Springs, Ark.

Lassen Volcanic National Park, California: For administration, protection, and maintenance, including not exceeding \$735 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$28,400.

Lassen, Calif.

Mesa Verde National Park, Colorado: For administration, protection, and maintenance, including not exceeding \$1,400 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$47,250.

Mesa Verde, Colo.  
*Post*, p. 1822.

Mount McKinley National Park, Alaska: For administration, protection, and maintenance, \$25,000.

Mount  
Alaska. McKinley,

- Mount Rainier, Wash. Mount Rainier National Park, Washington: For administration, protection, and maintenance, including not exceeding \$1,890 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$121,800.
- Platt, Okla. Platt National Park, Oklahoma: For administration, protection, and maintenance, including not exceeding \$300 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$20,600.
- Rocky Mountain, Colo. Rocky Mountain National Park, Colorado: For administration, protection, and maintenance, including not exceeding \$1,590 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$82,000.
- Sequoia, Calif. Sequoia National Park, California: For administration, protection, and maintenance, including not exceeding \$890 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$99,500.
- Shenandoah, Va., proposed. Proposed Shenandoah National Park, Virginia: For administration, protection, and maintenance, including not exceeding \$2,000 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$39,800: *Provided*, That no part of this appropriation shall be available for expenditure in advance of the acceptance on behalf of the United States of title to a minimum area of one hundred and sixty thousand acres of land within the proposed Shenandoah National Park, as prescribed in the Act approved February 4, 1932 (U. S. C., Supp. VII, title 16, secs. 403b, 403d).
- Vol. 47, p. 37.  
U. S. C., p. 636. .
- Wind Cave, S. Dak. Wind Cave National Park, South Dakota: For administration, protection, and maintenance, including not exceeding \$255 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$15,900.
- Yellowstone, Wyo. Yellowstone National Park, Wyoming: For administration, protection, and maintenance, including not exceeding \$5,000 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, not exceeding \$15,000 for maintenance of the roads in the national forests leading out of the park from the east and south boundaries, and including feed for buffalo and other animals and salaries of buffalo keepers, \$394,100.
- Yosemite, Calif. Yosemite National Park, California: For administration, protection, and maintenance, including not exceeding \$2,550 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, not exceeding \$2,000 for maintenance of the road in the Stanislaus National Forest connecting the Tioga Road with the Hetch Hetchy Road near Mather Station, and including necessary expenses of a comprehensive study of the problems relating to the use and enjoyment of the Yosemite National Park and the preservation of its natural features, \$286,100.
- Zion, Utah. Zion National Park, Utah: For administration, protection, and maintenance, including not exceeding \$620 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles



for the use of the superintendent and employees in connection with general park work, \$39,800.

National monuments: For administration, protection, maintenance, and preservation of national monuments, including not exceeding \$2,175 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the custodians and employees in connection with general monument work, \$111,660.

National monuments.  
Administration, etc.

National historical parks and monuments: For administration, protection, maintenance, and improvement, including not exceeding \$2,000 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, \$92,300.

National historical  
parks and monuments.

National military parks, battlefields, monuments, and cemeteries: For administration, protection, maintenance, and improvement, including not exceeding \$6,800 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, \$239,600.

National military  
parks, battlefields, etc.

Big Dry Wash Battlefield: For erection by the National Park Service in cooperation with the United States Forest Service, of a marker to commemorate the battle at Big Dry Wash, Arizona, during the Indian wars on ground owned by the United States, \$500, to be immediately available.

Big Dry Wash Bat-  
tlefield, Ariz.

Emergency reconstruction and fighting forest fires in national parks: For reconstruction, replacement, and repair of roads, trails, bridges, buildings, and other physical improvements and of equipment in national parks or national monuments that are damaged or destroyed by flood, fire, storm, or other unavoidable causes during the fiscal year 1936, and for fighting or emergency prevention of forest fires in national parks or other areas administered by the National Park Service, or fires that endanger such areas, the unexpended balance for this purpose for the fiscal year 1935 is continued available during the fiscal year 1936, together with not to exceed \$100,000 to be transferred upon the approval of the Secretary of the Interior from the various appropriations for national parks and national monuments herein contained, any such diversions of appropriations to be reported to Congress in the annual Budget: *Provided*, That the allotment of these funds to the various national parks or areas administered by the National Park Service as may be required for fire-fighting purposes shall be made by the Secretary of the Interior, and then only after the obligation for the expenditure has been incurred.

Emergency recon-  
struction and fighting  
forest fires, etc.  
*Post*, p. 1794.

Balance available.  
Vol. 48, p. 388.

*Proviso*.  
Restriction on allot-  
ments.

Forest protection and fire prevention: For the control and the prevention of spread of forest insects and tree diseases, including necessary personnel and equipment for such work; and for fire-prevention measures, including necessary personnel and fire-prevention equipment, \$75,000, to be immediately available.

Forest insect control,  
fire prevention, etc.

The total of the foregoing amounts shall be available in one fund for the National Park Service: *Provided*, That 10 per centum of the foregoing amounts shall be available interchangeably and shall be reported to Congress in the annual Budget.

Accounting.

*Proviso*.  
Sums interchange-  
able.

Appropriations made for the national parks, national monuments, and other reservations under the jurisdiction of the National Park Service, shall be available for the giving of educational lectures therein.

Lectures.

Hereafter cash collections and pay-roll deductions made for meals and quarters furnished by the National Park Service to employees of the Government in the field and to cooperating agencies may be credited as a reimbursement to the current appropriation for the administration of the park or monument in which the accommodations are furnished.

Credits of receipts for  
meals and quarters.

Roads and trails, construction, etc.

Roads and Trails, National Park Service: For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (U. S. C., title 16, sec. 8a and 8b), as amended, including the roads from Glacier Park Station through the Blackfeet Indian Reservation to various points in the boundary line of the Glacier National Park and the international boundary, \$7,500,000, to be immediately available and to remain available until expended: *Provided*, That not to exceed \$23,000 of the amount herein appropriated may be expended for personal services in the District of Columbia during the fiscal year 1936.

Vol. 46, p. 1053.  
U. S. C., p. 592.

*Proviso.*  
Services in the District.

Public buildings and grounds, D. C.  
Maintenance, etc.  
*Post*, p. 1623.

Vol. 46, p. 482.

Vol. 43, p. 174.

Miscellaneous expenses.

Salaries and general expenses, public buildings and grounds in the District of Columbia: For administration, protection, maintenance, and improvement of public buildings, monuments, memorials, and grounds in the District of Columbia under the jurisdiction of the National Park Service, including the National Archives Building, Arlington Memorial Bridge, the Mount Vernon Memorial Highway, and other Federal lands authorized by the Act of May 29, 1930 (46 Stat. 482), and including the pay and allowances in accordance with the provisions of the Act of May 27, 1924, as amended, of the police force of the Mount Vernon Memorial Highway, and the purchase, at not to exceed \$1,500, operation, maintenance, repair, exchange, and storage of revolvers, bicycles, motor-propelled passenger-carrying vehicles, ammunition, uniforms, and equipment necessary for this force; per diem employees at rates of pay approved by the Director, not exceeding current rates for similar services in the District of Columbia; rent of buildings; demolition of buildings; expenses incident to moving various executive departments and establishments in connection with the assignment, allocation, transfer, and survey of building space; traveling expenses and car fare; leather and rubber articles and gas masks for the protection of public property and employees; not exceeding \$13,000 for uniforms for employees; and the maintenance, repair, exchange, storage, and operation of two motor-propelled passenger-carrying vehicles; \$5,200,000, of which amount not to exceed \$3,988,370 shall be available for personal services in the District of Columbia.

Salaries and expenses within the District.

Salaries and general expenses, public buildings and grounds in the District of Columbia, National Park Service, fiscal year 1935: For an additional amount for administration, protection, and maintenance of public buildings and grounds in the District of Columbia, including the same objects specified under this head in the "Department of the Interior Appropriation Act, 1935", \$432,900, to be immediately available: *Provided*, That the limitation on expenditures for personal services in the District of Columbia is hereby increased from \$3,114,000 to \$3,231,000.

*Proviso.*  
Amount for personal services increased.

Administration, etc., outside the District.

Salaries and Expenses, Public Buildings Outside the District of Columbia: For administration, protection, and maintenance, including improvement, repair, cleaning, heating, lighting, rental of buildings and equipment, supplies, materials, personal services, and every expenditure requisite for and incidental to such maintenance and operation of public buildings outside of the District of Columbia under the jurisdiction of the National Park Service, \$415,000: *Provided*, That not to exceed \$5,040 of the amount herein appropriated may be expended for personal services in the District of Columbia.

*Proviso.*  
Services in the District.

Salaries and expenses, public buildings outside the District of Columbia, National Park Service, fiscal year 1935: For an additional amount for administration, protection, and maintenance of public buildings outside the District of Columbia, including the same objects specified under this head in the "Department of the Interior Appropriation Act, 1935," \$47,000, to be immediately available.

Public buildings outside the District, administration, etc.

Vol. 48, p. 389.

## OFFICE OF EDUCATION

Office of Education.

### SALARIES

Salaries.

For the Commissioner of Education and other personal services in the District of Columbia, \$251,720.

Commissioner and office personnel.

### GENERAL EXPENSES

General expenses.

For necessary traveling expenses of the commissioner and employees acting under his direction, including attendance at meetings of educational associations, societies, and other organizations; for compensation, not to exceed \$500, of employees in field service; for purchase, distribution, and exchange of educational documents, motion-picture films, and lantern slides; collection, exchange, and cataloging of educational apparatus and appliances, articles of school furniture and models of school buildings illustrative of foreign and domestic systems and methods of education, and repairing the same; and other expenses not herein provided for, \$15,000.

Travel, attendance at meetings, etc.

### VOCATIONAL EDUCATION

Vocational education.

Salaries and Expenses: For carrying out the provisions of section 7 of the Act entitled "An Act to provide for the promotion of vocational education, and so forth", approved February 23, 1917, as amended by the Act of October 6, 1917 (U. S. C., title 20, sec. 15), \$192,000.

Salaries and expenses. Vol. 40, p. 345. U. S. C., p. 906.

Salaries and expenses, further development of vocational education: 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 May 21, 1934 (48 Stat., p. 792), \$64,000.

Administration expenses; vocational education. Vol. 48, p. 792.

Further development of vocational education: 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 May 21, 1934 (48 Stat., p. 792), \$3,000,000: *Provided*, That the apportionment to the States shall be computed on the basis of not to exceed \$3,084,603 for the fiscal year 1936, as authorized by the Act approved May 21, 1934.

Further development expenses. Vol. 48, p. 792.

For extending to the Territory of Hawaii the benefits of the Act entitled "An Act to provide for the promotion of vocational education, and so forth", 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), \$30,000.

*Proviso*. Basis of apportionment.

Extending benefits to Hawaii. Vol. 1, 39, p. 929; U. S. C., p. 905.

Vol. 43, p. 18; U. S. C., p. 910.

Cooperative Vocational Rehabilitation of Persons Disabled in Industry: 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

Cooperative vocational rehabilitation of persons disabled in industry.

Vol. 41, p. 735; Vol. 43, p. 431; Vol. 46, p. 524; Vol. 47, p. 443.

U. S. C., p. 1320.  
*Proviso.*  
 Basis of apportionment.

the Acts of June 9, 1930, and June 30, 1932 (U. S. C., Supp. VII, title 29, secs. 31-40), \$1,050,000: *Provided*, That the apportionment to the States shall be computed on the basis of not to exceed \$1,097,000, as authorized by the Act approved June 2, 1920, as amended by the Acts approved June 5, 1924, June 9, 1930, and June 30, 1932.

Salaries and expenses; vocational rehabilitation.

Salaries and expenses, vocational rehabilitation: For carrying out the provisions of section 6 of the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry, and so forth", 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. VII, title 29, secs. 31, 40), \$63,500.

Cooperative rehabilitation of disabled residents of the District of Columbia.  
 Vol. 45, p. 1260.

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. VII, title 29, secs. 47-47f), \$15,000.

Extending benefits to Puerto Rico.  
 Vol. 39, p. 930; Vol. 46, p. 1489.  
 U. S. C., pp. 905, 1320, 910.

For extending to Puerto Rico the benefits of the Act entitled "An Act to provide for the promotion of vocational education, and so forth", 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. VII, title 20, sec. 30), \$100,000.

Attendance at meetings.

Not to exceed an aggregate of \$2,000 of appropriations available to the Office of Education for salaries and expenses for vocational education shall be used for expenses of attendance at meetings of educational associations and other organizations which in the discretion of the Commissioner of Education are necessary for the efficient discharge of its responsibilities.

Government in the Territories.

## GOVERNMENT IN THE TERRITORIES

Alaska.

### TERRITORY OF ALASKA

Governor and secretary.  
 Incidental and contingent expenses.

Salaries of the governor and of the secretary, \$15,600.

For incidental and contingent expenses of the offices of the governor and of the secretary of the Territory, clerk hire, not to exceed \$8,600; janitor service for the governor's office and the executive mansion, not to exceed \$3,180; traveling expenses of the governor while absent from the capital on official business and of the secretary of the Territory while traveling on official business under direction of the governor; repair and preservation of governor's house and furniture; for care of grounds and purchase of necessary equipment; stationery, lights, water, and fuel; in all, \$15,890, to be expended under the direction of the governor.

Reindeer; support of stations.

Reindeer for Alaska: For support of reindeer stations in Alaska and instruction in the care and management of reindeer, including salaries of necessary employees in Alaska, traveling expenses of employees, including expenses of new appointees from Seattle, Washington, to their posts of duty in Alaska, and expenses of packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station within Alaska, under regulations to be prescribed by the Secretary of the

Interior, purchase, erection, and repair of cabins for supervisors, herders, and apprentices, equipment, and all other necessary miscellaneous expenses, \$32,940, to be available immediately.

For the purchase and distribution of reindeer to natives in Alaska, \$755, to be expended under the direction of the Governor of Alaska: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

For the establishment and maintenance of public schools, Territory of Alaska, \$50,000, together with the unexpended balance on June 30, 1935, for this purpose in the special fund, public schools, Alaska fund, to continue available until expended: *Provided*, That expenditures under such \$50,000 shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Insane of Alaska: For care and custody of persons legally adjudged insane in Alaska, including compensation of medical supervisor detailed from Public Health Service or otherwise employed, transportation, burial, and other expenses, \$179,000: *Provided*, That authority is granted to the Secretary of the Interior to pay from this appropriation to the Sanitarium Company, of Portland, Oregon, or to other contracting institution or institutions, not to exceed \$564 per capita per annum to and including January 15, 1936, and, thereafter, the per capita rate of the lowest responsible bidder, for the care and maintenance of Alaskan insane patients during the fiscal year 1936: *Provided further*, That so much of this sum as may be required shall be available for all necessary expenses in ascertaining the residence of inmates and in returning those who are not legal residents of Alaska to their legal residence or to their friends, and the Secretary of the Interior shall, so soon as practicable, return to their places of residence or to their friends all inmates not residents of Alaska at the time they became insane, and the commitment papers for any person hereafter adjudged insane shall include a statement by the committing authority as to the legal residence of such person.

For the repair and maintenance of roads, tramways, ferries, bridges, and trails, Territory of Alaska, to be expended under the provisions of Public Resolution Numbered 218, approved June 30, 1932 (Supp. VII, title 48, secs. 321a-321d), \$500,000, including not to exceed \$3,000 for repair and maintenance of Government wharf at Juneau, Alaska, to be immediately available.

For the construction, repair, and maintenance of roads, tramways, bridges, and trails, Territory of Alaska, \$150,000, to be available until expended: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

The Alaska Railroad: For every expenditure requisite for and incident to the authorized work of the Alaska Railroad, including maintenance, operation, and improvements of railroads in Alaska; maintenance and operation of river steamers and other boats on the Yukon River and its tributaries in Alaska; operation and maintenance of ocean-going or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for the transportation of freight, passengers, or mail, when deemed necessary, for the benefit and development of industries and travel affecting territory tributary to the Alaska Railroad; stores for resale; payment of claims for losses and damages arising from operations, including

Purchase of.

*Proviso.*  
Limitation.  
Vol. 48, p. 1227.

Public schools.

*Proviso.*  
Limitation.

Care of insane.  
*Post*, p. 1623.

*Provisos.*  
Payments.

Returning non-Alaskan residents.

Roads, bridges, trails,  
etc.  
Vol. 47, p. 446.  
U. S. C., p. 2123.

*Proviso.*  
Limitation.

Alaska Railroad.  
Maintenance, etc.

Operation, etc., of  
vessels.

claims of employees of the railroad for loss and damage resulting from wreck or accident on the railroad, not due to negligence of the claimant, limited to clothing and other necessary personal effects used in connection with his duties and not exceeding \$100 in value; payment of amounts due connecting lines under traffic agreements; payment of compensation and expenses as authorized by section 42 of the Injury Compensation Act approved September 7, 1916 (U. S. C., title 5, sec. 793), to be reimbursed as therein provided, \$250,000, in addition to all amounts received by the Alaska Railroad during the fiscal year 1936, to continue available until expended: *Provided*, That not to exceed \$6,000 of this fund shall be available for personal services in the District of Columbia during the fiscal year 1936, and no one other than the general manager of said railroad shall be paid an annual salary out of this fund of more than \$6,000: *Provided further*, That not to exceed \$10,000 of such fund shall be available for printing and binding: *Provided further*, That \$50,000 of such fund shall be available only for such capital expenditures as are chargeable to capital account under accounting regulations prescribed by the Interstate Commerce Commission, which amount shall be available immediately.

Vol. 39, p. 750.  
U. S. C., p. 102.

*Provisos.*  
Services in the District.

Printing and binding.  
Sum available for capital expenditures.

Hawaii.

#### TERRITORY OF HAWAII

Governor and secretary.  
Contingent expenses.  
*Post*, p. 1623.

Salaries of the governor and of the secretary, \$15,800.

For contingent expenses, to be expended by the governor for stationery, postage, and incidentals, \$1,000; private secretary to the governor; temporary clerk hire, \$500; for traveling expenses of the governor while absent from the capital on official business, \$1,250; in all, \$5,850.

Virgin Islands.

#### TEMPORARY GOVERNMENT FOR THE VIRGIN ISLANDS

Governor and other personal services.  
Vol. 39, p. 1132;  
U. S. C., p. 2202.

For salaries of the governor and employees incident to the execution of the Act of March 3, 1917 (U. S. C., title 48, sec. 1391), traveling expenses of officers and employees while absent from place of duty on official business, necessary janitor service, care of Federal grounds, repair and preservation of Federal buildings and furniture, purchase of equipment, stationary,<sup>1</sup> lights, water, and other necessary miscellaneous expenses, including not to exceed \$5,000 for purchase, including exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, and not to exceed \$4,000 for personal services, household equipment and furnishings, fuel, ice, and electricity necessary in the operation of Government House at Saint Thomas and Government House at Saint Croix; \$131,500.

Miscellaneous expenses.

Agricultural experiment stations.

For salaries and expenses of the agricultural experiment station and the vocational school in the Virgin Islands, including technical personnel, clerks, and other persons; scientific investigations of plants and plant industries and diseases of animals; demonstrations in practical farming; official traveling expenses; fixtures, apparatus, and supplies; clearing and fencing of land; and other necessary expenses, including not to exceed \$2,000 for purchase, including exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, \$35,000.

Deficits of municipal governments.  
*Post*, p. 1623.

For defraying the deficits in the treasuries of the municipal governments because of the excess of current expenses over current revenues for the fiscal year 1936, municipality of Saint Thomas and Saint John, \$80,000, and municipality of Saint Croix, \$70,000; in all, \$150,000.

<sup>1</sup> So in original.

## SAINT ELIZABETHS HOSPITAL

For support, clothing, and treatment in Saint Elizabeths Hospital for the Insane of insane persons from the Army, Navy, Marine Corps, and Coast Guard, insane inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States, insane civilians in the quartermaster service of the Army, insane persons transferred from the Canal Zone who have been admitted to the hospital and who are indigent, American citizens legally adjudged insane in the Dominion of Canada whose legal residence in one of the States, Territories, or the District of Columbia it has been impossible to establish, insane beneficiaries of the United States Employees' Compensation Commission, insane beneficiaries of the United States Veterans' Administration, and insane Indian beneficiaries of the Bureau of Indian Affairs, including not exceeding \$27,000 for the purchase, exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for the use of the superintendent, purchasing agent, and general hospital business, and including not to exceed \$185,000 for repairs and improvements to buildings and grounds, \$1,185,840, including maintenance and operation of necessary facilities for feeding employees and others (at not less than cost), and the proceeds therefrom shall reimburse the appropriation for the institution; and not exceeding \$1,500 of this sum may be expended in the removal of patients to their friends; not exceeding \$1,500 in the purchase of such books, periodicals, and newspapers, as may be required for the purposes of the hospital and for the medical library, and not exceeding \$1,500 for the actual and necessary expenses incurred in the apprehension and return to the hospital of escaped patients: *Provided*, That so much of this sum as may be required shall be available for all necessary expenses in ascertaining the residence of inmates who are not or who cease to be properly chargeable to Federal maintenance in the institution and in returning them to such places of residence: *Provided further*, That no part of this appropriation shall be expended for the purchase of oleomargarine or butter substitutes except for cooking purposes: *Provided further*, That during the fiscal year 1936 the District of Columbia, or any branch of the Government requiring Saint Elizabeths Hospital to care for patients for which they are responsible, shall pay by check to the superintendent, upon his written request, either in advance or at the end of each month, all or part of the estimated or actual cost of such maintenance, as the case may be, and bills rendered by the Superintendent of Saint Elizabeths Hospital in accordance herewith shall not be subject to audit or certification in advance of payment; proper adjustments on the basis of the actual cost of the care of patients paid for in advance shall be made monthly or quarterly, as may be agreed upon between the Superintendent of Saint Elizabeths Hospital and the District of Columbia government, department, or establishments concerned. All sums paid to the Superintendent of Saint Elizabeths Hospital for the care of patients that he is authorized by law to receive shall be deposited to the credit on the books of the Treasury Department of the appropriation made for the care and maintenance of the patients at Saint Elizabeths Hospital for the year in which the support, clothing, and treatment is provided, and be subject to requisition by the disbursing agent of Saint Elizabeths Hospital, upon the approval of the Secretary of the Interior.

Saint Elizabeths Hospital.

Maintenance, etc.  
*Ante*, p. 178.

Insane citizens in Canada.

Vehicles.

Repairs and improvements.

Return of escaped patients.

*Provisos.*  
Returning inmates  
no longer Federal  
charges.

Butter substitutes.

Patients in the District.

Credit of sums paid for patients.

Columbia Institution for the Deaf.

COLUMBIA INSTITUTION FOR THE DEAF

Maintenance, etc.

For support of the institution, including salaries and incidental expenses, books and illustrative apparatus, and general repairs and improvements, and including not to exceed \$5,850 for power plant, laundry, and kitchen improvements and replacement of equipment, \$135,850.

Howard University.

HOWARD UNIVERSITY

Salaries.

Salaries: For payment in full or in part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance to be paid from privately contributed funds, \$450,000;

General expenses. Post, p. 1623.

General expenses: For equipment, supplies, apparatus, furniture, cases and shelving, stationery, ice, repairs to buildings and grounds, and for other necessary expenses, including reimbursement to the appropriation for Freedmen's Hospital of actual cost of heat and light furnished, \$215,000;

Total, Howard University, \$665,000.

Freedmen's Hospital.

FREEDMEN'S HOSPITAL

Salaries, etc.

For officers and employees and compensation for all other professional and other services that may be required and expressly approved by the Secretary of the Interior, \$204,140; for subsistence, fuel and light, clothing, to include white duck suits and white canvas shoes for the use of internes, and rubber surgical gloves, bedding, forage, medicine, medical and surgical supplies, surgical instruments, electric lights, repairs, replacement of X-ray apparatus, furniture, and maintenance and operation of passenger-carrying vehicles, including not exceeding \$300 for the purchase of books, periodicals, and newspapers; and not to exceed \$1,200 for the special instruction of pupil nurses, and other absolutely necessary expenses, \$100,260, of which sum not to exceed 12 per centum may be transferred, with the approval of the Director of the Bureau of the Budget, to the sum herein appropriated for personal services; in all, for Freedmen's Hospital, \$304,400, including reimbursement to the appropriation for Howard University of actual cost of heat and light furnished, of which amount of \$304,400 one-half shall be chargeable to the District of Columbia and paid in like manner as other appropriations of the District of Columbia are paid.

Division of expenses.

SEC. 2. Appropriations herein made for field work under the General Land Office, the Bureau of Indian Affairs, the Bureau of Reclamation, the Geological Survey, the Bureau of Mines, and the National Park Service shall be available for the hire, with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment.

Field work appropriations available for work animals, etc.

Approved, May 9, 1935.

[CHAPTER 102.]

AN ACT

To alter the amount apportioned to certain States for public employment offices affiliated with the United States Employment Service.

May 10, 1935.

[S. 147.]

[Public, No. 54.]

United States Employment Service. Vol. 48, p. 114. U. S. C., p. 1324.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5 (a) of the so-called "Wagner-Peyser Act" (Act of June 6, 1933, ch. 49; 48 Stat. 113, 114; U. S. Code, title 30,<sup>1</sup> sec. 49 (d)) be amended by adding at the end of the second sentence thereof the following

<sup>1</sup> So in original.



clause: “: *Provided, however,* That in apportioning said 75 per centum of amounts appropriated after January 1, 1935, under this Act, the Director shall apportion not less than \$10,000 to each State.” so that, as amended, section 5 (a) shall read as follows:

“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: *Provided, however,* That in apportioning said 75 per centum of amounts appropriated after January 1, 1935, under this Act, the director shall apportion not less than \$10,000 to each State. 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 each 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.”

Allotment for fiscal year 1934; thereafter.

Apportionment to States.

Purpose.

*Proviso.*  
Minimum apportionment.

States to provide equal sums.

Maintenance of public employment offices; minimum.

Availability for other expenses.

Approved, May 10, 1935.

[CHAPTER 103.]

JOINT RESOLUTION

To enable the Commissioners of the District of Columbia to defray certain expenses incident to the convention of the Imperial Council of the Mystic Shrine, June 8 to June 17, 1935, both inclusive.

May 10, 1935.  
[H. J. Res. 272.]  
[Pub. Res., No. 17.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That for carrying out the provisions of Public Resolution Numbered 14, Seventy-fourth Congress, approved April 24, 1935, within the limitations and for the several purposes therein expressed, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$54,000, to be payable from the revenues of the District of Columbia.

District of Columbia, Mystic Shrine Convention.  
Sum appropriated to maintain order.  
*Ante*, pp. 34, 161.

Approved, May 10, 1935.

[CHAPTER 108.]

AN ACT

To add certain public-domain land in Montana to the Rocky Boy Indian Reservation.

May 14, 1935.  
[S. 613.]  
[Public, No. 55.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That approximately five hundred and fifty-seven acres of public-domain land in the State of Montana, described as lots 2, 4, 6, and 8, section 25; lots 2, 4, 6, and 8, section 26; lots 2, 4, 6, and 8, section 27; lots 2, 3, and 4, section 28; lot 5, section 29, township 28 north, range 15 east; lots 2,

Rocky Boy Indian Reservation, Mont.  
Addition to, authorized.  
Vol. 30, p. 739; Vol. 44, p. 1347.

4, 6, and 8, section 27; lots 2, 4, 6, and 8, section 28; lots 2, 4, 6, and 8, section 29, lots 5, 7, 9, and 11, section 30, township 28 north, range 16 east, of the Montana meridian, in Montana, be, and the same are hereby, withdrawn from the public domain and added to the Rocky Boy Indian Reservation: *Provided*, That the rights and claims of bona fide settlers initiated under the public-land laws prior to January 6, 1934, shall not be affected by this Act.

Approved, May 14, 1935.

*Proviso.*  
Prior rights not affected.

[CHAPTER 109.]

AN ACT

May 14, 1935.

[S. 707.]

[Public, No. 56.]

To amend the Act of May 19, 1926, entitled "An Act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin-American Republics in military and naval matters."

Commonwealth of the Philippine Islands. Army, etc., details authorized to. Vol. 44, p. 565, amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Act of May 19, 1926 (Public, Numbered 247), be, and the same is hereby, amended by striking out the word "and" preceding the words "Santo Domingo" and inserting after the words "Santo Domingo" the words "and the Commonwealth of the Philippine Islands."

Approved, May 14, 1935.

[CHAPTER 110.]

AN ACT

May 14, 1935.

[H. R. 4442.]

[Public, No. 57.]

Making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1936, and for other purposes.

Treasury and Post Office Departments Appropriation Act, 1936.

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

Title I—Treasury Department.

TITLE I—TREASURY DEPARTMENT

Appropriation for fiscal year, 1936.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department for the fiscal year ending June 30, 1936, namely:

Secretary's office.

OFFICE OF THE SECRETARY

Secretary, Under Secretary, Assistants, and office personnel.

Division of Research and Statistics included.

Experts.

*Proviso.*

Salaries limited to average rates under Classification Act; exceptions.

Vol. 42, p. 1488; Vol. 46, p. 1003.

U. S. C., p. 85.

Salaries: Secretary of the Treasury, Under Secretary of the Treasury, three Assistant Secretaries of the Treasury, and other personal services in the District of Columbia including the Division of Research and Statistics and the temporary employment of experts, \$258,320: *Provided*, That in expending appropriations or portions of appropriations contained in this Act for the payment of personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretaries of the Treasury and the Assistant Postmasters General 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, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year, and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical

Advances in meritorious cases.

Not applicable to clerical-mechanical service.

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 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.

No reduction in fixed salaries.

Vol. 42, p. 1490; Vol. 46, p. 1005.

Transfers to another position without reduction.

Higher salary rates permitted.

No reduction if only one position in a grade.

#### OFFICE OF GENERAL COUNSEL

Salaries: For the General Counsel, and other personal services in the District of Columbia, \$43,000.

General Counsel's office.

General Counsel, and office personnel. Vol. 48, p. 759.

#### OFFICE OF CHIEF CLERK AND SUPERINTENDENT

Chief Clerk's office.

Salaries: For the chief clerk, and other personal services in the District of Columbia, including the operating force of the Treasury, Liberty Loan, and Auditors' Buildings and the Treasury Department Annex, Pennsylvania Avenue and Madison Place, and of other buildings under the control of the Treasury Department, \$520,000.

Chief clerk, and office personnel.

Operating force of designated buildings.

#### MISCELLANEOUS AND CONTINGENT EXPENSES, TREASURY DEPARTMENT

For miscellaneous and contingent expenses of the office of the Secretary and the bureaus and offices of the Department, including operating expenses of the Treasury, Treasury Annex, Auditors' and Liberty Loan Buildings; newspaper clippings, financial journals, books of reference, law books, technical and scientific books, newspapers and periodicals, expenses incurred in completing imperfect series, library cards, supplies, and all other necessary expenses connected with the library; not exceeding \$10,000 for traveling expenses, including the payment of actual transportation and subsistence expenses to any person whom the Secretary of the Treasury may from time to time invite to the city of Washington or elsewhere for conference and advisory purposes in furthering the work of the Department; freight, expressage, telegraph and telephone service; purchase and exchange of motor trucks and maintenance and repair of motor trucks and three passenger automobiles (one for the Secretary of the Treasury and two for general use of the Department), all to be used for official purposes only; file holders and cases; fuel, oils, grease, and heating supplies and equipment; gas and electricity for lighting, heating, and power purposes, including material, fixtures, and equipment therefor; purchase, exchange, and repair of typewriters and labor-saving machines and equipment and supplies for same; floor covering and repairs thereto; furniture and office equipment, including supplies therefor and repairs thereto; awnings, window shades, and fixtures; cleaning supplies and equipment; drafting equipment; ammonia for ice plant; flags; hand trucks, ladders; miscellaneous hardware; street-car fares not exceeding \$500; thermometers; laboratory equipment and supplies; tools and sharpening same; laundry service; laboratory supplies and equipment, removal of rubbish; postage; uniforms for Treasury guards not exceeding \$1,200; custody, care, protection, and expenses of sales of lands and other property of the United States, acquired and held under sections 3749 and 3750 of the Revised Statutes (U. S. C., title 40, secs. 301, 302), the examination of titles, recording of deeds, advertising, and auctioneers' fees in connection therewith; and other absolutely necessary

Department contingent expenses.

Operating expenses, Department buildings.

Books, periodicals, etc.

Traveling expenses.

Freight.

Fuel, lights, heat, etc.

Furniture, etc.

Sales of public property.

R. S., secs. 3749, 3750, p. 739.

U. S. C., p. 1790.

articles, supplies, and equipment not otherwise provided for; \$150,300: *Provided*, That the appropriations for the Public Debt Service, Internal Revenue Service, and Division of Disbursement for the fiscal year 1936 are hereby made available for the payment of items otherwise properly chargeable to this appropriation, the provisions of section 6, Act of August 23, 1912 (U. S. C., title 31, sec. 669), to the contrary notwithstanding: *Provided further*, 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 Treasury Department when the aggregate amount involved does not exceed the sum of \$50.

## Supply Division.

## DIVISION OF SUPPLY

Chief and other personal services.

Salaries: For the Chief, Division of Supply, and other personal services in the District of Columbia, \$171,000.

Printing and binding.  
*Post*, p. 1636.

Printing and binding: For printing and binding for the Treasury Department, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, including materials for the use of the bookbinder located in the Treasury Department, but not including work done at the New York customhouse bindery authorized by the Joint Committee on Printing in accordance with the Act of March 1, 1919 (U. S. C., title 44, sec. 111), \$630,000.

Work excluded.  
Vol. 40, p. 1270.  
U. S. C., p. 1935.

Stationery.  
*Post*, p. 1636.

Stationery: For stationery for the Treasury Department and its several bureaus and offices, and field services thereof, including tags, labels, and index cards, printed in the course of manufacturing, packing boxes and other materials necessary for shipping stationery supplies, and cost of transportation of stationery supplies purchased free on board point of shipment and of such supplies shipped from Washington to field offices, \$375,000.

Accounts and Deposits office.

## OFFICE OF COMMISSIONER OF ACCOUNTS AND DEPOSITS

Commissioner, and office personnel.

Salaries: For Commissioner of Accounts and Deposits and other personal services in the District of Columbia, including the Division of Bookkeeping and Warrants, \$285,920.

Division of Disbursement, salaries and expenses.

Division of Disbursement, salaries and expenses: For personal services in the District of Columbia and in the field, stationery, travel, rental of equipment, and all other necessary miscellaneous and contingent expenses, \$710,700: *Provided*, That with the approval of the Director of the Bureau of the Budget there may be transferred to this appropriation from funds available for new activities or for the expansion of existing activities such sums as may be necessary to cover the additional expense incurred in performing the function of disbursement therefor.

*Proviso*.  
Transfer of funds available for new activities.

Contingent expenses, public moneys.  
R. S., sec. 3653, p. 719; U. S. C., p. 1396.

Contingent expenses, public moneys: For contingent expenses under the requirements of section 3653 of the Revised Statutes (U. S. C., title 31, sec. 545), for the collection, safe-keeping, transfer, and disbursement of the public money, transportation of notes, bonds, and other securities of the United States, salaries of special agents, actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several depositories, including national banks acting as depositories under the requirements of section 3649 of the Revised Statutes (U. S. C., title 31, sec. 548), also including examinations of cash accounts at mints and cost of insurance on shipments of money by registered mail when necessary, \$175,000.

Examination of depositories.

R. S., sec. 3649, p. 718; U. S. C., p. 1397.

Recoinage of minor coins: To enable the Secretary of the Treasury to continue the recoinage of worn and uncurrent minor coins of the United States now in the Treasury or hereafter received, and to reimburse the Treasurer of the United States for the difference between the nominal or face value of such coins and the amount the same will produce in new coins, \$45,000.

Recoinage of minor coins.

Recoinage of silver coins: To enable the Secretary of the Treasury to continue the recoinage of worn and uncurrent subsidiary silver coins of the United States now in the Treasury or hereafter received, and to reimburse the Treasurer of the United States for the difference between the nominal or face value of such coins and the amount the same will produce in new coins, \$700,000.

Recoinage of silver coins.

Relief of the indigent, Alaska: For the payment to the United States district judges in Alaska but not to exceed 10 per centum of the receipts from licenses collected outside of incorporated towns in Alaska, to be expended for the relief of persons in Alaska who are indigent and incapacitated through nonage, old age, sickness or accident, \$20,000.

Relief of the indigent, Alaska.

Refund of moneys erroneously received and covered: To enable the Secretary of the Treasury to meet any expenditures of the character formerly chargeable to the appropriation accounts abolished under section 18 of the Permanent Appropriation Repeal Act of 1934, approved June 26, 1934, and any other collections erroneously received and covered which are not properly chargeable to any other appropriation, \$76,850.

Refunding moneys erroneously received and covered.  
Vol. 43, p. 1231.  
U. S. C., p. 1413.

#### PUBLIC DEBT SERVICE

Public Debt Service.

Salaries and expenses: For necessary expenses connected with the administration of any public debt issues and United States paper currency issues with which the Secretary of the Treasury is charged, including the purchase of law books, directories, books of reference, pamphlets, periodicals, and newspapers, and the purchase, maintenance, operation, repair, and exchange of a motor-propelled bus or station wagon, for use of the Destruction Committee, and including the Commissioner of the Public Debt and other personal services in the District of Columbia, \$2,075,000: *Provided*, That the amount to be expended for personal services in the District of Columbia shall not exceed \$2,050,000: *Provided further*, That the indefinite appropriation "Expenses of loans, Act of September 24, 1917, as amended and extended" (U. S. C., title 31, secs. 760, 761), shall not be used during the fiscal year 1936 to supplement the appropriation herein made for the current work of the Public Debt Service.

Salaries and expenses.

Reference books, etc.

Bus service for Destruction Committee.

Services in the District.  
*Provisos.*  
Limitation.

Restriction on using indefinite appropriation.  
Vol. 40, p. 292; U. S. C., p. 1422.

Distinctive paper for securities.  
Expenses.

Distinctive paper for United States securities: For distinctive paper for United States currency, national-bank currency, and Federal Reserve bank currency, including transportation of paper, traveling, mill, and other necessary expenses, and salaries of employees, and allowance, in lieu of expenses, of officer or officers detailed from the Treasury Department, not exceeding \$50 per month each when actually on duty; in all, \$531,990: *Provided*, That in order to foster competition in the manufacture of distinctive paper for United States securities, the Secretary of the Treasury is authorized, in his discretion, to split the award for such paper for the fiscal year 1936 between the two bidders whose prices per pound are the lowest received after advertisement.

*Proviso.*  
Award may be divided.

#### DIVISION OF APPOINTMENTS

Appointments Division.

Salaries: For the chief of the division, and other personal services in the District of Columbia, \$43,880.

Chief, and office personnel.

## Customs Bureau.

## BUREAU OF CUSTOMS

Salaries and expenses.  
*Post*, p. 1636.

Transfer of receipts  
from points lacking  
Government deposi-  
tories.

Living quarters.  
Vol. 46, p. 818; U. S.  
C., p. 45.

Vehicles, etc.

Quarters along bor-  
ders.  
Vol. 46, p. 817; U. S.  
C., p. 799.

Seizures under cus-  
toms laws.

Services in the Dis-  
trict.  
Vol. 46, p. 741.

*Provisos.*  
Motor vehicle re-  
striction.

Advance payment re-  
striction waived.  
R. S., sec. 3648, p.  
718; U. S. C., p. 1395.

Refunds and draw-  
backs.  
*Post*, p. 1636.

Bureau of the Bud-  
get.

Director, Assistant,  
personnel, and other  
expenses.  
*Post*, p. 563.

Printing and binding.  
*Post*, p. 1636.

Treasurer's office.

Treasurer, Assistant,  
and office personnel.

Redeeming Federal  
Reserve and national  
currency.

Office of Comptroller  
of the Currency.

Comptroller, and of-  
fice personnel.

Salaries and expenses: For collecting the revenue from customs, for the detection and prevention of frauds upon the customs revenue, and not to exceed \$100,000 for the securing of evidence of violations of the customs laws; for expenses of transportation and transfer of customs receipts from points where there are no Government depositories; not to exceed \$80,000 for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U. S. C., Supp. VII, title 5, sec. 118a), but not to exceed \$1,700 for any one person; not to exceed \$5,000 for the hire of motor-propelled passenger-carrying vehicles; not to exceed \$500 for subscriptions to newspapers; not to exceed \$1,500 for improving, repairing, maintaining, or preserving buildings, inspection stations, office quarters, including living quarters for officers, sheds, and sites along the Canadian and Mexican borders acquired under authority of the Act of June 26, 1930 (U. S. C., Supp. VII, title 19, sec. 68); and including the purchase (not to exceed \$150,000), exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles when necessary for official use in field work; \$20,255,410, of which such amount as may be necessary shall be available for the cost of seizure, storage, and disposition of any merchandise, vehicle and team, automobile, boat, air or water craft, or any other conveyance seized under the provisions of the customs laws, for the purchase of arms, ammunition, and accessories, and \$449,980 shall be available for personal services in the District of Columbia exclusive of ten persons from the field force authorized to be detailed under section 525 of the Tariff Act of 1930: *Provided*, That no part of this appropriation shall be expended for maintenance or repair of motor-propelled passenger-carrying vehicles for use in the District of Columbia except one for use in connection with the work of the customhouse in Georgetown: *Provided further*, That section 3648 of the Revised Statutes (U. S. C., title 31, sec. 529) shall not apply to payments made for the Bureau of Customs in foreign countries.

Refunds and drawbacks: For the refund or payment of customs collections or receipts, and for the payment of debentures or drawbacks, bounties, and allowances, as authorized by law, \$14,000,000.

## BUREAU OF THE BUDGET

Salaries and expenses: Director, Assistant Director, and all other necessary expenses of the Bureau, including compensation of attorneys and other employees in the District of Columbia; contract stenographic reporting services, telegrams, telephone service, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, traveling expenses, street-car fares; \$160,000.

For printing and binding, \$32,000.

## OFFICE OF TREASURER OF THE UNITED STATES

Salaries: For Treasurer of the United States, Assistant Treasurer, and for other personal services in the District of Columbia, \$1,160,000.

For personal services in the District of Columbia, in redeeming Federal Reserve and national currency, \$309,700, to be reimbursed by the Federal Reserve and national banks.

## OFFICE OF THE COMPTROLLER OF THE CURRENCY

Salaries: Comptroller of the Currency and other personal services in the District of Columbia, \$232,520.

For personal services in the District of Columbia in connection with Federal Reserve and national currency, \$51,280, to be reimbursed by the Federal Reserve and national banks.

Personal services, etc.; reimbursable.

BUREAU OF INTERNAL REVENUE

Internal Revenue Bureau.

Salaries and expenses: For expenses of assessing and collecting the internal-revenue taxes and to administer the applicable provisions of the Act of October 28, 1919, as amended and supplemented (U. S. C., title 27), the Act of March 22, 1933 (U. S. C., Supp. VII, title 27, secs. 64-a to 64-o), the Act of January 11, 1934 (48 Stat. 313), Public Resolutions Numbered 40 and 41, approved June 18, 1934, (48 Stat. 1020-1021); and the internal-revenue laws pursuant to the Act of March 3, 1927 (U. S. C., Supp. VII, title 5, secs. 281-281-e), the Act of May 27, 1930 (U. S. C., Supp. VII, title 27, secs. 103-108), and Executive Order Numbered 6639, dated March 10, 1934; including the Commissioner of Internal Revenue, Assistant General Counsel for the Bureau of Internal Revenue, an assistant to the Commissioner, a special deputy commissioner, four deputy commissioners, one stamp agent (to be reimbursed by the stamp manufacturers), and the necessary officers, collectors, deputy collectors, attorneys, experts, agents, accountants, inspectors, investigators, chemists, supervisors, storekeeper-gaugers, guards, clerks, janitors, and messengers in the District of Columbia, the several collection districts, the several divisions of internal-revenue agents and the several supervisory districts, to be appointed as provided by law; the securing of evidence of violations of the Acts, the cost of chemical analyses made by others than employees of the United States and expenses incident to such chemists testifying when necessary; telegraph and telephone service, rent in the District of Columbia and elsewhere, postage, freight, express, necessary expenses incurred in making investigations in connection with the enrollment or disbarment of practitioners before the Treasury Department in internal-revenue matters, expenses of seizure and sale, and other necessary miscellaneous expenses, including stenographic reporting services; cost of acquisition and maintenance of automobiles seized for violations of internal revenue laws delivered to the Secretary of the Treasury for use in administration of the law under his jurisdiction; for the purchase (not exceeding \$150,000), exchange, hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary, for official use of the Alcohol Tax Unit in field work; and the purchase of such supplies, equipment, furniture, mechanical devices, laboratory supplies, law books and books of reference; and such other articles as may be necessary for use in the District of Columbia, the several collection districts, the several divisions of internal-revenue agents, and the several supervisory districts, \$48,000,000, of which amount not to exceed \$9,588,000 may be expended for personal services in the District of Columbia: *Provided*, That no part of this amount shall be used in defraying the expenses of any officer designated above, subpoenaed by the United States court to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts": *Provided further*, That not more than \$100,000 of the total amount appropriated herein may be expended by the Commissioner of Internal Revenue for detecting and bringing to trial persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violation: *Provided further*, That for the purpose of concentration, upon the initiation

Salaries and expenses. *Post*, p. 1636. Vol. 41, p. 305; Vol. 48, p. 16. U. S. C., p. 1217.

Vol. 48, pp. 313, 1020.

Vol. 44, p. 1381. U. S. C., p. 59. Vol. 46, p. 428; U. S. C., p. 1222.

Commissioner, Assistant General Counsel, and other personal services. Vol. 48, p. 1061.

Securing of evidence.

Vehicles.

Purchase, for field agents.

*Provisos*. Witness fees. *Ante*, p. 82.

Detection and prosecution of violations.

Concentration of distilled spirits in bonded warehouses.

of the Commissioner of Internal Revenue and under regulations prescribed by him, distilled spirits may be removed from any internal-revenue bonded warehouse to any other such warehouse, and may be bottled in bond in any such warehouse before or after payment of the tax, and the commissioner shall prescribe the form and penal sum of bond covering distilled spirits in internal-revenue bonded warehouses and in transit between such warehouses.

That the proviso to the paragraph under the heading "Bureau of Internal Revenue" contained in the Emergency Appropriation Act, fiscal year 1935, approved June 19, 1934, be amended to read as follows: "*Provided*, That from and after May 15, 1935, no part of the appropriation made herein, or heretofore made, shall be used to pay the salaries of persons who were dropped from the service under the Executive Order Numbered 6166 of June 10, 1933, and reinstated, transferred, or promoted to positions in the Bureau of Industrial Alcohol, or in the Alcohol Tax Unit upon certificates issued by the Civil Service Commission between January 30, 1934, and May 10, 1934, unless such persons shall have passed an appropriate open competitive examination held by the Civil Service Commission after June 19, 1934, such persons being those who were separated from the service by Executive Order of June 10, 1933, and who, under the terms of such order, were ineligible for reappointment unless such reappointments were made before December 10, 1933: *Provided further*, That inasmuch as the Treasury Department under the advice of the Attorney General, has given the proviso referred to above a construction including other employees not intended by the Congress to be included in that proviso and advising the Treasury Department that it could retain such employees without pay, there are hereby made available for salaries from December 1, 1934, to May 15, 1935, both dates inclusive, from the unexpended balances under the following titled appropriations, the sums, respectively, enumerated after each: 'Collecting the Revenue from Customs, 1935', \$2,357.14, 'Collecting the Internal Revenue, 1935', \$1,367,006.91, 'Salaries and Expenses, Bureau of Narcotics, 1935', \$8,642.85, and 'Suppressing Counterfeiting and Other Crimes, 1935', \$7,857.14, in all, \$1,385,864.04, to pay all of said employees up to and including May 15, 1935: *Provided further*, That the employees, other than those heretofore designated may be retained by the Treasury Department, but those designated in the first proviso hereof shall not be retained after May 15, 1935, by the Treasury Department unless they pass an appropriate noncompetitive examination to be held by the Civil Service Commission and, if retained without having passed such noncompetitive examination, shall not be paid out of this appropriation or any other appropriation made by this Act."

Refunding internal-revenue collections: For refunding internal-revenue collections, as provided by law, including the payment of claims for the fiscal year 1936 and prior years and accounts arising under "Allowance or drawback (Internal Revenue)", "Redemption of stamps (Internal Revenue)", "Refunding legacy taxes, Act of March 30, 1928", and "Repayment of taxes on distilled spirits destroyed by casualty", \$35,000,000: *Provided*, That a report shall be made to Congress by internal-revenue districts and alphabetically arranged of all disbursements hereunder in excess of \$500 as required by section 3 of the Act of May 29, 1928 (U. S. C., Supp. VII, title 26, sec. 1676), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each.

Vol. 48, p. 1061.

Restriction on salary payments.

Competitive appointments required.

Sums made available for salaries.

Separation of employees failing to qualify.

Refunding taxes. Vol. 45, p. 398.

Proviso. Detailed report to Congress. Vol. 45, p. 996. U. S. C., p. 1202.



Additional income tax on railroads in Alaska: For the payment to the Treasurer of Alaska of an amount equal to the tax of 1 per centum collected on the gross annual income of all railroad corporations doing business in Alaska, on business done in Alaska, which tax is in addition to the normal income tax collected from such corporations on net income, and the amount of such additional tax to be applicable to general Territorial purposes, \$4,700.

Alaska railroads, additional tax.

## BUREAU OF NARCOTICS

Narcotics Bureau.

Salaries and expenses: For expenses to enforce the Act of December 17, 1914 (U. S. C., title 26, sec. 211), as amended by the Revenue Act of 1918 (U. S. C., title 26, secs. 691-708), the Act approved February 9, 1909, as amended by the Act of May 26, 1922 (U. S. C., title 21, secs. 171-184), known as the Narcotic Drugs Import and Export Act, pursuant to the Act of March 3, 1927 (U. S. C., Supp. VII, title 5, secs. 281-281e) and the Act of June 14, 1930 (U. S. C., Supp. VII, title 5, secs. 282-282c), including the employment of executive officers, attorneys, agents, inspectors, chemists, supervisors, clerks, messengers, and other necessary employees in the field and in the Bureau of Narcotics in the District of Columbia, to be appointed as authorized by law; the securing of evidence of violations of the Acts; the costs of chemical analyses made by others than employees of the United States; the purchase of such supplies, equipment, mechanical devices, books, and such other expenditures as may be necessary in the several field offices; cost incurred by officers and employees of the Bureau of Narcotics in the seizure, storage, and disposition of property under the internal revenue laws when the same is disposed of under section 3460, Revised Statutes (U. S. C., title 26, sec. 1193); purchase (not to exceed \$7,500), exchange, hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary for official use in field work; purchase of arms and ammunition, and for rental of necessary quarters in the District of Columbia and elsewhere; in all, \$1,249,470, of which amount not to exceed \$187,080 may be expended for personal services in the District of Columbia: *Provided*, That the Secretary of the Treasury may authorize the use by narcotic agents of motor vehicles confiscated under the provisions of the Act of March 3, 1925 (U. S. C., title 27, sec. 43), as amended, and to pay the cost of acquisition, maintenance, repair, and operation thereof: *Provided further*, That not exceeding \$10,000 may be expended for the collection and dissemination of information and appeal for law observance and law enforcement, including cost of printing, purchase of newspapers, and other necessary expenses in connection therewith and not exceeding \$1,500 for attendance at meetings concerned with the work of the Bureau of Narcotics: *Provided further*, That moneys expended from this appropriation for the purchase of narcotics and subsequently recovered shall be reimbursed to the appropriation for enforcement of the narcotic Acts current at the time of the deposit.

Salaries and expenses. Vol. 38, p. 785; Vol. 40, p. 1130; Vol. 35, p. 614; Vol. 42, p. 596. U. S. C., pp. 932, 1124.

Vol. 44, p. 1331; Vol. 46, p. 585. U. S. C., p. 59. Executive officers, etc.

Securing evidence of law violations.

Seizures, etc. R. S., sec. 3460, p. 685. U. S. C., p. 1199.

*Provisos.* Use of forfeited vehicles. Vol. 43, p. 1116. U. S. C., p. 823.

Law observance information.

Attendance at meetings.

Credits for sums expended.

## COAST GUARD

Coast Guard.

Office of the Commandant: For personal services in the District of Columbia, \$359,620.

Office personnel.

For every expenditure requisite for and incident to the authorized work of the Coast Guard, including the expense of maintenance, repair, and operation of vessels forfeited to the United States and

Service expenditures.

Vol. 43, p. 1116.  
U. S. C., p. 823.

delivered to the Treasury Department under the terms of the Act approved March 3, 1925 (U. S. C., title 27, sec. 41), and the maintenance, repair, exchange, and operation of motor-propelled passenger-carrying vehicles, to be used only for official purposes in the field, as follows:

Pay, etc., officers and enlisted men.  
*Post*, p. 1637.

Retired members, Life Saving Service.  
Vol. 46, p. 164; U. S. C., p. 506.  
Cash prizes.

Death allowance.  
Vol. 41, p. 824; U. S. C., p. 1570.  
Traveling expenses.

Fuel and water.  
*Post*, p. 1637.

Outfits, stores, etc.  
*Post*, p. 1637.

Stations, houses of refuge, etc.  
*Post*, p. 1637.

Coastal communication lines.  
*Post*, p. 1637.

Civilian field employees.

Contingent expenses.

Vessel, etc., repairs.  
*Post*, p. 1637.

Payment of reenlistment allowances.  
Vol. 47, p. 1519.

Pay and allowances: For pay and allowances prescribed by law for commissioned officers, cadets, warrant officers, petty officers, and other enlisted men, active and retired, temporary cooks, surfmen, substitute surfmen, and two civilian instructors, including not to exceed \$96,575 for retired pay for certain members of the former Life Saving Service authorized by the Act approved April 14, 1930 (U. S. C., title 14, sec. 178 a), and not exceeding \$6,000 for cash prizes for men for excellence in gunnery, target practice, and engineering competitions, for carrying out the provisions of the Act of June 4, 1920 (U. S. C., title 34, sec. 943), rations or commutation thereof for cadets, petty officers, and other enlisted men, mileage and expenses allowed by law for officers; and traveling expenses for other persons traveling on duty under orders from the Treasury Department, including transportation of enlisted men and applicants for enlistment, with subsistence and transfers en route, or cash in lieu thereof, expenses of recruiting for the Coast Guard, rent of rendezvous, and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; transportation and packing allowances for baggage or household effects of commissioned officers, warrant officers, and enlisted men, \$17,000,000;

Fuel and Water: For fuel, lubricating oil, kerosene, and water for vessels, stations, and houses of refuge, \$1,532,650;

Outfits: For outfits, including repairs to portable equipment at shore units, ship chandlery, engineers' stores, and draft animals and their maintenance, \$1,304,455;

Rebuilding and Repairing Stations: For rebuilding and repairing stations and houses of refuge, temporary leases, rent, and improvements of property for Coast Guard purposes, including use of additional land where necessary, \$292,500;

Communication Lines: For coastal communication lines and facilities and their maintenance, and communication service, \$138,120;

Civilian Employees: For compensation of civilian employees in the field, including clerks to district commanders, \$245,080;

Contingent expenses: For contingent expenses, including subsistence of shipwrecked and destitute persons succored by the Coast Guard and of prisoners while in the custody of the Coast Guard; for the recreation, amusement, comfort, contentment, and health of the enlisted men of the Coast Guard, to be expended in the discretion of the Secretary of the Treasury, not exceeding \$40,000; instruments and apparatus, supplies, technical books and periodicals, services necessary to the carrying on of scientific investigation, and not exceeding \$4,000 for experimental and research work; care, transportation, and burial of deceased officers and enlisted men, including those who die in Government hospitals; wharfage, towage, freight, storage, advertising, surveys, medals, labor, newspapers, and periodicals for statistical purposes; not to exceed \$5,000 for cost of special instruction including maintenance of students; and all other necessary expenses which are not included under any other headings; \$175,000;

Repairs to vessels: For repairs to Coast Guard vessels and boats, \$1,713,890;

Total, Coast Guard, exclusive of commandant's office, \$22,401,695.

Section 18 of the Treasury-Post Office Appropriation Act, fiscal year 1934, is hereby continued in full force and effect during the

fiscal year ending June 30, 1936; and for the purpose of making such section applicable to such latter fiscal year, the figures "1934" shall be read as "1936".

BUREAU OF ENGRAVING AND PRINTING

For the work of engraving and printing, exclusive of repay work, during the fiscal year 1936 United States currency and national-bank currency, internal-revenue stamps including opium orders and special-tax stamps required under the Act of December 17, 1914 (U. S. C., title 26, sec. 211), checks, drafts, and miscellaneous work, as follows:

Salaries and expenses: For the director, two assistant directors, and other personal services in the District of Columbia, including wages of rotary press plate printers at per diem rates and all other plate printers at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work; for engravers' and printers' materials and other materials, including distinctive and nondistinctive paper, except distinctive paper for United States currency, national-bank currency and Federal Reserve bank currency; equipment of, repairs to, and maintenance of buildings and grounds and for minor alterations to buildings; directories, technical books and periodicals, and books of reference, not exceeding \$300; rent of warehouse in the District of Columbia; traveling expenses not to exceed \$2,000; equipment, maintenance, and supplies for the emergency room for the use of all employees in the Bureau of Engraving and Printing who may be taken suddenly ill or receive injury while on duty; miscellaneous expenses, including not to exceed \$1,500 for articles approved by the Secretary of the Treasury as being necessary for the protection of the person of employees; for transfer to the Bureau of Standards for scientific investigations in connection with the work of the Bureau of Engraving and Printing, not to exceed \$15,000; and for the maintenance and driving of two motor-propelled passenger-carrying vehicles; \$5,988,247, to be expended under the direction of the Secretary of the Treasury.

During the fiscal year 1936 all proceeds derived from work performed by the Bureau of Engraving and Printing, by direction of the Secretary of the Treasury, not covered and embraced in the appropriation for such Bureau for such fiscal year, instead of being covered into the Treasury as miscellaneous receipts, as provided by the Act of August 4, 1886 (U. S. C., title 31, sec. 176), shall be credited when received to the appropriation for said Bureau for the fiscal year 1936.

SECRET SERVICE DIVISION

Salaries: For the chief of the division and other personal services in the District of Columbia, \$37,940.

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money and persons engaged in counterfeiting, forging, and altering United States notes, bonds, national-bank notes, Federal Reserve notes, Federal Reserve bank notes, and other obligations and securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other crimes against the laws of

Engraving and Printing Bureau.

Work authorized for fiscal year 1936.

Vol. 33, p. 786.  
U. S. C., p. 1125.

Salaries and expenses.  
*Post*, p. 593.

Materials, etc.

Reference books, etc.

Miscellaneous expenses.

Scientific investigations.

Vehicles.

Proceeds of work to be credited to Bureau.

Vol. 24, p. 227.  
U. S. C., p. 1366.

Secret Service Division.

Chief, and office personnel.  
*Post*, p. 594.

Suppressing counterfeiting, etc.

the United States relating to the Treasury Department and the several branches of the public service under its control; purchase (not to exceed \$57,000), exchange, hire, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles when necessary; purchase of arms and ammunition; traveling expenses; and for no other purpose whatsoever, except in the performance of other duties specifically authorized by law, and in the protection of the person of the President and the members of his immediate family and of the person chosen to be President of the United States, \$675,000, of which sum \$57,000 shall be immediately available: *Provided*, That no part of the amount herein appropriated shall be used in defraying the expenses of any person subpoenaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts": *Provided further*, That of the amount herein appropriated, not to exceed \$10,000 may be expended in the discretion of the Secretary of the Treasury for the purpose of securing information concerning violations of the laws relating to the Treasury Department, and for services or information looking toward the apprehension of criminals.

Protecting the President, etc.

*Provisos.*  
Witness fees.

Violation of laws relating to Treasury Department, etc.

White House police. Salaries. *Post*, p. 594.  
Uniforms and equipment. *Post*, p. 594.

White House police: Captain, lieutenant, three sergeants, and for forty-three privates, at rates of pay provided by law; in all, \$117,700.  
For uniforming and equipping the White House police, including the purchase, issue, and repair of revolvers and the purchase and issue of ammunition and miscellaneous supplies, to be procured in such manner as the President in his discretion may determine, \$3,000.

## PUBLIC HEALTH SERVICE

Public Health Service.  
Office personnel. Salaries, office of Surgeon General: For personal services in the District of Columbia, \$304,570.  
Commissioned officers, pay, and so forth: For pay, allowance, and commutation of quarters for regular commissioned medical officers, including the Surgeon General and assistant surgeons general and for other regular commissioned officers, \$1,728,734.  
Acting assistant surgeons. Acting assistant surgeons, pay: For pay of acting assistant surgeons (noncommissioned medical officers), \$335,000.  
Other employees. Pay of other employees: For pay of all other employees (attendants, and so forth), \$1,000,000.  
Freight, transportation, etc. Freight, transportation, etc.: For freight, transportation, and traveling expenses, including allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U. S. C., Supp. VII, title 5, sec. 118a), not to exceed \$5,000 but not to exceed \$1,700 for any one person; the expenses, except membership fees, of officers when officially detailed to attend meetings of associations for the promotion of public health, and the packing, crating, drayage, and transportation of the personal effects of commissioned officers, scientific personnel, pharmacists, and nurses of the Public Health Service, upon permanent change of station, \$25,000: *Provided*, That funds expendable for transportation and traveling expenses may also be used for preparation for shipment and transportation to their former homes of remains of officers who die in line of duty.  
*Proviso.*  
Transporting remains of officers.

National Institute of Health, maintenance. National Institute of Health, maintenance: For maintaining the National Institute of Health, \$64,000.  
Books. Books: For journals and scientific books, office of Surgeon General, \$450.

Pay of personnel and maintenance of hospitals: For medical examinations, including the amount necessary for the medical inspection of aliens, as required by section 16 of the Act of February 5, 1917 (U. S. C., title 8, sec. 152), medical, surgical, and hospital services and supplies, including prosthetic and orthopedic supplies to be furnished under regulations approved by the Secretary of the Treasury, for beneficiaries (other than patients of the Veterans' Administration) of the Public Health Service and persons detained in hospitals of the Public Health Service under the immigration laws and regulations, including necessary personnel and reserve commissioned officers of the Public Health Service, personal services in the District of Columbia and elsewhere, including the furnishing and laundering of white duck coats, trousers, smocks, aprons, and caps to employees whose duties make necessary the wearing of same, maintenance, minor repairs, equipment, leases, fuel, lights, water, freight, transportation and travel, the maintenance, exchange, and operation of motor trucks and passenger motor vehicles for official use in field work (including not to exceed \$3,000 for the purchase of motor-propelled passenger-carrying vehicles) and one for use in connection with the administrative work of the Public Health Service in the District of Columbia, purchase of ambulances, transportation, care, maintenance, and treatment of lepers, including transportation to their homes in the continental United States of recovered indigent leper patients, court costs, and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane, and reasonable burial expenses (not exceeding \$100 for any patient dying in hospital), \$5,658,460: *Provided*, That the Immigration Service shall permit the Public Health Service to use the hospitals at Ellis Island Immigration Station for the care of Public Health Service patients free of expense for physical upkeep, but with a charge of actual cost of fuel, light, water, telephone, and similar supplies and services, to be covered into the proper Immigration Service appropriations; and money collected by the Immigration Service on account of hospital expenses of persons detained in hospitals of the Public Health Service under the immigration laws and regulations shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That no part of this sum shall be used for the quarantine service, the prevention of epidemics, or scientific work of the character provided for under the appropriations which follow.

Hereafter all collections of the Public Health Service for the care and treatment of foreign seamen or other private pay patients shall be covered in the Treasury as miscellaneous receipts.

Quarantine service: For maintenance and ordinary expenses, exclusive of pay of officers and employees, of United States quarantine stations, including the exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in field work and not to exceed \$3,500 for the purchase of motor-propelled passenger-carrying vehicles, \$322,150.

Prevention of epidemics: To enable the President, in case only of threatened or actual epidemic of infectious or contagious disease, to aid State and local boards or otherwise in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, \$261,668, of which \$8,000 shall be immediately available for the suppression of an epidemic of typhus fever, including the purchase of newspapers and clippings from newspapers containing information relating to the prevalence of disease and the public health.

Hospital maintenance, medical examinations, etc.  
Vol. 39, p. 885; U. S. C., p. 191.  
*Post*, p. 1637.

Services in the District.  
General expenses.

Lepers, care, transportation, etc.

Insane, etc.

*Provisos.*  
Use of Ellis Island hospitals.

Receipts covered into Treasury.

Uses forbidden.

Collections for treatment of pay patients covered into Treasury.

Quarantine service.

Prevention of epidemics.

- Field investigations.** Field investigations: For investigations of diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage, and the pollution of navigable streams and lakes of the United States, including personal service, and including the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in field work, and not to exceed \$2,250 for the purchase and exchange of motor-propelled passenger-carrying vehicles, \$240,000.
- Interstate quarantine service.** Interstate quarantine service: For cooperation with State and municipal health authorities in the prevention of the spread of contagious and infectious diseases in interstate traffic, \$36,535.
- Rural sanitation.** Rural sanitation: For special studies of, and demonstration work in, rural sanitation, including personal services, and including the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in field work, \$25,000: *Provided*, That no part of this appropriation shall be available for demonstration work in rural sanitation in any community unless the State, county, or municipality in which the community is located agrees to pay one-half of the expenses of such demonstration work.
- Proviso, Local contribution required.** Biologic products: To regulate the propagation and sale of viruses, serums, toxins, and analogous products, including arsphenamine, and for the preparation of curative and diagnostic biologic products, including personal services of reserve commissioned officers and other personnel, \$45,000.
- Biologic products. Regulating sale of viruses, etc.** Division of Venereal Diseases: For the maintenance and expenses of the Division of Venereal Diseases, established by sections 3 and 4, chapter XV, of the Act approved July 9, 1918 (U. S. C., title 42, secs. 24, 25), including personal and other services in the field and in the District of Columbia, \$80,000, of which amount not to exceed \$19,420 may be expended for personal services in the District of Columbia.
- Venereal Diseases Division. Maintenance, etc. Vol. 40, p. 886; U. S. C., p. 1812.** Division of Mental Hygiene: For carrying out the provisions of section 4 of the Act of June 14, 1930 (U. S. C., Supp. VII, title 21, secs. 196 and 225); for maintenance and operation of the Narcotic Farm, Lexington, Kentucky, in accordance with the provisions of the Act of January 19, 1929 (U. S. C., Supp. VII, title 21, secs. 221-237), including personal services in the District of Columbia and elsewhere; traveling expenses; necessary supplies and equipment; subsistence and care of inmates; expenses incurred in pursuing and identifying escaped inmates and of interment or transporting remains of deceased inmates; purchase and exchange of farm products and livestock; law books, books of reference, newspapers and periodicals; furnishing and laundering of uniforms and other distinctive wearing apparel necessary for employees in the performance of their official duties; tobacco for inmates; purchase and exchange, not to exceed \$800, and maintenance, operation, and repair of motor-propelled passenger-carrying vehicles; \$650,000.
- Services in the District. Mental Hygiene Division. Vol. 46, pp. 587, 819. U. S. C., pp. 934, 937.** Educational exhibits: For the preparation of public-health exhibits designed to demonstrate the cause, prevalence, methods of spread, and measures for preventing diseases dangerous to the public health, including personal services and the cost of acquiring, transporting, and displaying exhibit material, \$1,000.
- Narcotic Farm, Lexington, Ky. Vol. 45, p. 1085; U. S. C., p. 937.**
- Educational exhibits; preventing spread of diseases.**

Bureau of the Mint.

## BUREAU OF THE MINT

## OFFICE OF DIRECTOR OF THE MINT

Director, and office personnel.

Salaries: For the Director of the Mint and other personal services in the District of Columbia, \$37,200.

Transportation of bullion and coin: For transportation of bullion and coin, by registered mail or otherwise, between mints and assay offices, \$10,000.

Transporting bullion and coin.

Contingent expenses: For assay laboratory chemicals, fuel, materials, balances, weights, and other necessities, including books, periodicals, specimens of coins, ores, and incidentals, \$700.

Contingent expenses.

For examination of mints, expense in visiting mints for the purpose of superintending the annual settlements, and for special examinations and for the collection of statistics relative to the annual production and consumption of the precious metals in the United States, \$4,700.

Mint examinations.

Salaries and expenses, mints and assay offices: For compensation of officers and employees of the mints at Philadelphia, Pennsylvania, San Francisco, California, Denver, Colorado, and New Orleans, Louisiana, and assay offices at New York, New York, and Seattle, Washington, and for incidental and contingent expenses, including traveling expenses, new machinery, and repairs, cases and enameling for medals manufactured, net wastage in melting and refining and in coining departments, loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, not to exceed \$500 for the expenses of the annual assay commission, and not exceeding \$1,000 in value of specimen coins and ores for the cabinet of the mint at Philadelphia, \$1,204,000.

Mints and assay offices.  
Salaries and expenses.  
*Post*, pp. 594, 1637.

#### PROCUREMENT DIVISION—PUBLIC WORKS BRANCH

For carrying into effect the provisions of the Public Building Acts, as provided in section 6 of the Act of May 30, 1908 (U. S. C., title 31, sec. 683), and for the repair, preservation, and upkeep of all completed public buildings, the mechanical equipment and the grounds thereof, and sites acquired for buildings, maintained by the Treasury Department, and for the operation of certain completed and occupied Treasury buildings, including furniture and repairs thereof, but exclusive, with respect to operation, of marine hospitals, quarantine stations, narcotic farms, mints, branch mints, and assay offices, the Treasury, Treasury Annex, Liberty Loan, and Auditors' buildings:

Procurement Division; Public Works Branch.

Repairs, preservation, etc., of completed buildings.  
Vol. 35, p. 537; Vol. 42, p. 21.  
U. S. C., p. 1407.

General administrative expenses: For architectural, engineering, mechanical, administrative, clerical, and other personal services, traveling expenses, including expenses of employees directed by the Secretary of the Treasury to attend meetings of technical and professional societies in connection with subjects related to the work of the Division of Procurement, Public Works Branch, and transportation of household goods, incident to change of headquarters of all employees engaged in field activities, not to exceed five thousand pounds at any one time, together with the necessary expenses incident to packing and draying same; advertising, testing instruments, law books, books of reference, technical periodicals and journals, drafting materials, especially prepared paper, typewriting machines, adding machines and other mechanical labor-saving devices, and exchange of same, carpets, electric-light fixtures, furniture, equipment, and repairs thereto, telegraph and telephone service, freight, expressage, and postage incident to the transportation of drawings to and from the office and such other contingencies, articles, services, or supplies as the Secretary of the Treasury may deem necessary and specially order or approve in connection with any of the work of the Procurement Division, Public Works Branch; rent in the District of Columbia and elsewhere, including ground rent of the Federal building at Salamanca, New York, for which payment may be made in

General administrative expenses.

Salamanca, N. Y., ground rent.

advance; \$920,000, of which amount not to exceed \$494,940 may be expended for personal services in the District of Columbia and not to exceed \$289,060 for personal services in the field: *Provided*, That the foregoing appropriations shall not be available for the cost of surveys, plaster models, progress photographs, test pits and borings, or mill and shop inspections, but the cost thereof shall be construed to be chargeable against the construction appropriations of the respective projects to which they relate: *Provided further*, That no expenditures shall be made hereunder for transportation of operating supplies for public buildings: *Provided further*, That in no case shall the rates of compensation for the mechanical labor force in the field under this appropriation be in excess of the rates current at the time and in the place where such services are employed.

*Provisos.*  
Cost of surveys, models, etc.

Not available for transporting supplies.

Pay rates.

Repair, preservation, etc., completed buildings.

Repair, preservation, and equipment, public buildings: For repairs, alterations, improvement, and preservation of completed Federal buildings (including Marcus Hook), the grounds and approaches thereof, wharves and piers, together with the necessary dredging adjacent thereto, and care and safeguarding, not otherwise provided for, of sites acquired for Federal buildings, including tools and materials for the use of the custodial and mechanical force, wire partitions and insect screens, installation and repair of mechanical equipment, gas and electric-light fixtures, conduits, wiring, platform scales, and tower clocks; vaults and lock-box equipment in all buildings under construction or completed, and for necessary safe equipments in buildings under the administration of the Treasury Department, including repairs thereto, and changes in, maintenance of, and repairs to the pneumatic-tube system in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and the payment of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat., p. 120), and May 15, 1928 (45 Stat., p. 533), \$1,586,700: *Provided*, That the appropriation herein made shall not be available for the payment of personal services, except for work done under contract, or for temporary job labor under exigency in an amount not to exceed \$100 at one time at any one building: *Provided further*, That the total expenditures for the fiscal year for the repair and preservation of buildings not reserved by the vendors on sites acquired for buildings or the enlargement of buildings and the installation and repair of the mechanical equipment thereof shall not exceed 20 per centum of the annual rental of such buildings.

Pneumatic tube, New York City.

Vol. 36, p. 120; Vol. 45, p. 533.

*Provisos.*  
Personal service restriction.

Limitation on repairs, etc.

Construction of public buildings.

Vol. 44, p. 632; Vol. 45, p. 137; Vol. 46, p. 1164; U. S. C., pp. 1792-1796.

*Provisos.*  
Coast Guard, etc., buildings discontinued.  
Vol. 46, p. 1605.

Bremerton, Wash., Navy Yard Hotel site transferred to Treasury.

Vol. 48, p. 1062.  
Post, p. 1639.

Construction of Public Buildings: For commencement, continuation, or completion of construction in connection with any or all projects authorized under the provisions of sections 3 and 5 of the Public Buildings Act, approved May 25, 1926 (U. S. C., Supp. VII, title 40, secs. 343, 345), and the Acts amendatory thereof approved February 24, 1928 (U. S. C., Supp. VII, title 40, sec. 345), and March 31, 1930 (U. S. C., Supp. VII, title 40, secs. 341-349), within the respective limits of cost fixed for such projects, \$2,000,000: *Provided*, That no part of this appropriation shall be used for work on the building for the Coast Guard or some other Government activity (Apex Building), authorized by the Act of March 4, 1931 (46 Stat., p. 1605): *Provided further*, That the Government property located on the south side of Fourth Street opposite the terminus of Park Avenue in the city of Bremerton, Washington, known as the "Navy Yard Hotel site", is hereby transferred to the Treasury Department for use as a site for the post-office building authorized under the provisions of the Emergency Appropriation Act, fiscal year 1935.



Outside professional services, public buildings: To enable the Secretary of the Treasury to obtain outside professional and technical services, as provided by the Public Buildings Act approved May 25, 1926 (U. S. C., Supp. VII, title 40, sec. 342), and by the Act approved March 31, 1930 (46 Stat., p. 137), and to pay reasonable compensation for such services, and to employ appraisers, when necessary, by contract or otherwise, \$100,000, to remain available until expended.

Outside professional services.  
Vol. 44, p. 631; Vol. 46, p. 137.  
U. S. C., p. 1794.

Operating force for public buildings: For personal services, including also telephone operators for the operation of telephone switchboards or equivalent telephone switching equipment jointly serving in each case two or more governmental activities, \$1,300,000: *Provided*, That in no case shall the rates of compensation for the mechanical labor force under this appropriation be in excess of the rates current at the time and in the place where such services are employed.

Operating force.  
Personal services.

*Proviso.*  
Pay rates.

Furniture and repairs of furniture, public buildings: For furniture, carpets, and repairs of same, for certain completed and occupied Treasury buildings, and for public buildings in course of construction which are to be operated by the Public Works branch, \$45,000: *Provided*, That the foregoing appropriation shall not be used for personal services except for work done under contract or for temporary job labor under exigency and not exceeding at one time the sum of \$100 at any one building: *Provided further*, That all furniture now owned by the United States in other public buildings or in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not.

Furniture, etc.

*Provisos.*  
Personal services, restriction.

Use of present furniture.

Operating supplies, public buildings: For fuel, steam, gas for lighting and heating purposes, water, ice, lighting supplies, electric current for lighting, heating, and power purposes, telephone service for custodial forces; removal of ashes and rubbish, snow, and ice; cutting grass and weeds, washing towels, and miscellaneous items for use of the custodial forces in the care and maintenance of such public buildings, the grounds thereof, and the equipment and furnishings therein; temporary job labor under exigency not exceeding at one time the sum of \$100 at any one building; miscellaneous supplies, tools, and appliances required in the operation (not embracing repairs) of the mechanical equipment, including heating, plumbing, hoisting, gas piping, ventilating, vacuum-cleaning, air-conditioning and refrigerating apparatus, electric-light plants, meters, interior pneumatic tube and intercommunicating telephone systems, conduit wiring, call bell and signal systems in such buildings, and for the transportation of articles or supplies, authorized herein; \$425,000: *Provided*, That this appropriation shall be available for contracts for telephone switchboards or equivalent telephone-switching equipment jointly serving in each case two or more governmental activities in buildings under the Treasury Department where it is found that joint service is economical and in the interest of the Government, and this appropriation shall be reimbursed for the cost of such joint service from available appropriations of the offices receiving the service.

Operating supplies.  
Fuel, light, power,  
etc.

*Proviso.*  
Contracts for joint telephone switchboards.

#### PROCUREMENT DIVISION—SUPPLY BRANCH

Supply Branch.

Salaries and expenses: For the Director of Procurement and other personal services in the District of Columbia and in the field service, and for miscellaneous expenses, including two three-and-one-half-ton and two one-and-one-half-ton motor trucks, office sup-

Director, office and field personnel.

plies and materials, maintenance of motor trucks, telegrams, telephone service, traveling expenses, office equipment, inspection, fuel, light, electric current, and other expenses for carrying into effect regulations governing the procurement, warehousing, and distribution by the Procurement Division of the Treasury Department of property, equipment, stores, and supplies in the District of Columbia (including not to exceed \$500 to settle claims for damages caused to private property by motor vehicles used by the Procurement Division), \$460,000: *Provided*, That the Secretary of the Treasury is authorized and directed during the fiscal year 1936 to transfer to this appropriation from any appropriations or funds available to the several departments and establishments of the Government such amounts as may be approved by the Director of the Bureau of the Budget, not to exceed the amount of the annual compensation of employees heretofore or hereafter transferred or detailed to the Procurement Division, Branch of Supply, respectively, from any such department or establishment, where the transfer or detail of such employees was or will be incident to a transfer of a function or functions to that Division: *Provided further*, That during the fiscal year 1936 and thereafter the general supply fund established by the Act approved February 27, 1929 (U. S. C., Supp. VII, title 41, sec. 7c) and increased by the Treasury Department Appropriation Act, 1936, shall be charged with expenditures for the purchase and transportation of fuel, storing and handling of fuel, maintenance and operation of yards and equipment, including two motor-propelled passenger-carrying vehicles for inspectors, purchase of equipment, rentals, and all other expenses requisite for and incident to the operation of the Government fuel yards, including personal services in the District of Columbia, and for the payment of outstanding obligations for such purposes previously incurred: *Provided further*, That payments during the fiscal year 1936 to the general supply fund for materials, supplies (including fuel), and services, and overhead expenses, for all issues shall be made on the books of the Treasury Department by transfer and counterwarrants prepared by the Procurement Division of the Treasury Department and countersigned by the Comptroller General, such warrants to be based solely on itemized invoices prepared by the Procurement Division at issue prices to be fixed by the Director of Procurement: *Provided further*, That advances received pursuant to law (U. S. C., Supp. VII, title 31, sec. 686) from departments and establishments of the United States Government and the Government of the District of Columbia during the fiscal year 1936 shall be credited to the general supply fund: *Provided further*, That the term "fuel" shall be held to include "fuel oil": *And provided further*, That the requirements of sections 3711 and 3713 of the Revised Statutes (U. S. C., title 40, sec. 109) relative to the weighing of coal and wood and the separate certificate as to the weight, measurement, or quantity of coal and wood purchased shall not apply to purchases by the Procurement Division at free-on-board destination outside of the District of Columbia: *Provided further*, That the reconditioning and repair of surplus property and equipment, for disposition or reissue to government service may be made at cost by the Procurement Division, payment therefor to be effected by charging the proper appropriation and crediting the appropriation "Salaries and expenses, Supply Branch, Procurement Division." Repairs to typewriting machines (except bookkeeping and billing machines) in the Government service in the District of Columbia may be made at cost by the Procurement Division, payment therefor

*Provisos.*  
Transfer of available funds to Branch of Supply.

Functions transferred to.  
Vol. 45, p. 1342.  
U. S. C., p. 1804.

Payments for materials, etc., issued.

Advances credited to fund.  
Vol. 47, p. 417.  
U. S. C., p. 1407.

"Fuel" construed.  
Inspection certificate, waived.  
R. S., secs. 3711, 3713, pp. 733, 734.  
U. S. C., p. 1776.

Cost of reconditioning equipment, etc.

Typewriter repairs.

to be effected by charging the proper appropriation and crediting the appropriation "Salaries and expenses, Procurement Division, Supply Branch."

No part of any money appropriated by this or any other Act shall be used during the fiscal year 1936 for the purchase of any standard typewriting machines, except bookkeeping and billing machines, at a price in excess of the following for models with carriages which will accommodate paper of the following widths, to wit: Ten inches (correspondence models), \$70; twelve inches, \$75; fourteen inches, \$77.50; sixteen inches, \$82.50; eighteen inches, \$87.50; twenty inches, \$94; twenty-two inches, \$95; twenty-four inches, \$97.50; twenty-six inches, \$103.50; twenty-eight inches, \$104; thirty inches, \$105; thirty-two inches, \$107.50; or, for standard typewriting machines distinctively quiet in operation, the maximum prices shall be as follows for models with carriages which will accommodate paper of the following widths, to wit: Ten inches, \$80; twelve inches, \$85; fourteen inches, \$90; eighteen inches, \$95: *Provided*, That standard typewriting machines distinctively quiet in operation purchased during such fiscal year by any such department, establishment, or municipal government shall only be purchased on the written order of the head thereof.

Prices of standard machines established.

*Proviso.*  
Quiet machines.

#### MISCELLANEOUS ITEMS, TREASURY DEPARTMENT

Miscellaneous items.

#### AMERICAN PRINTING HOUSE FOR THE BLIND

To enable the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind in accordance with the provisions of the Act approved February 8, 1927 (U. S. C., Supp. VII, title 20, sec. 101), \$65,000.

American Printing House for the Blind, expenses.  
Vol. 44, p. 1060; U. S. C., p. 913.

This title may be cited as the "Treasury Department Appropriation Act, 1936."

Short title.

#### TITLE II—POST OFFICE DEPARTMENT

Title II—Post Office Department.

The following sums are appropriated in conformity with the Act of July 2, 1836 (U. S. C., title 5, sec. 380, title 39, sec. 786), for the Post Office Department for the fiscal year ending June 30, 1936, namely:

Appropriations for fiscal year 1936.  
Vol. 5, p. 80.  
U. S. C., pp. 66, 1763.

#### POST OFFICE DEPARTMENT, WASHINGTON, DISTRICT OF COLUMBIA

Department expenses.

#### OFFICE OF THE POSTMASTER GENERAL

Postmaster General's office.

Salaries: For the Postmaster General and other personal services in the office of the Postmaster General in the District of Columbia, \$228,344.

Postmaster General, and office personnel.

#### SALARIES IN BUREAUS AND OFFICES

Salaries; bureaus and offices.

For personal services in the District of Columbia in bureaus and offices of the Post Office Department in not to exceed the following amounts, respectively:

Amounts.

Office of the First Assistant Postmaster General, \$348,990.  
Office of the Second Assistant Postmaster General, \$566,040.  
Office of the Third Assistant Postmaster General, \$765,000.  
Office of the Fourth Assistant Postmaster General, \$441,000.  
Office of the Solicitor for the Post Office Department, \$81,280.  
Office of the chief inspector, \$192,000.  
Office of the purchasing agent, \$39,260.  
Bureau of Accounts, \$94,000.

## CONTINGENT EXPENSES, POST OFFICE DEPARTMENT

Department contin-  
gent expenses.  
*Post*, p. 1629.

For contingent and miscellaneous expenses; stationery and blank books, index and guide cards, folders and binding devices, including purchase of free penalty envelopes; telegraph and telephone service, furniture and filing cabinets and repairs thereto; purchase, exchange, maintenance, and repair of tools, electrical supplies, typewriters, adding machines, and other labor-saving devices; maintenance of motor trucks and of two motor-driven passenger-carrying vehicles, to be used only for official purposes (one for the Postmaster General and one for the general use of the Department); street-car fares; floor coverings; postage stamps for correspondence addressed abroad, which is not exempt under article 47 of the London Convention of the Universal Postal Union; purchase and exchange of law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the Department; newspapers, not exceeding \$200; expenses, except membership fees, of attendance at meetings or conventions concerned with postal affairs, when incurred on the written authority of the Postmaster General, not exceeding \$2,000; expenses of the purchasing agent and of the Solicitor and attorneys connected with his office while traveling on business of the Department, not exceeding \$800; and other expenses not otherwise provided for; \$75,750.

Vehicles, etc.

Correspondence  
addressed abroad.  
Vol. 44, pp. 2243, 2245.

Attendance at meet-  
ings.

Printing and binding.  
*Post*, p. 1629.

For printing and binding for the Post Office Department, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, \$875,000.

Field service appro-  
priations not to be used  
for department.

Appropriations hereinafter made for the field service of the Post Office Department, except as otherwise provided, shall not be expended for any of the purposes hereinbefore provided for on account of the Post Office Department in the District of Columbia: *Provided*, That the actual and necessary expenses of officials and employees of the Post Office Department and Postal Service, when traveling on official business, may continue to be paid from the appropriations for the service in connection with which the travel is performed, and appropriations for the fiscal year 1936 of the character heretofore used for such purposes shall be available therefor: *Provided further*, That appropriations hereinafter made, except such as are exclusively for payment of compensation, shall be immediately available for expenses in connection with the examination of estimates for appropriations in the field including per diem allowances in lieu of actual expenses of subsistence.

*Provisos.*  
Travel expenses, pay-  
able from service ap-  
propriations.

Use in examining  
field estimates.

Field Service.

## FIELD SERVICE, POST OFFICE DEPARTMENT

Postmaster General.

## OFFICE OF THE POSTMASTER GENERAL

Rewards to employ-  
ees for inventions im-  
proving the service.

Rewards to postal employees for inventions: The Postmaster General is hereby authorized to pay a cash reward for any invention, suggestion, or series of suggestions for an improvement or economy in device, design, or process applicable to the Postal Service submitted by one or more employees of the Post Office Department or the Postal Service which shall be adopted for use and will clearly effect a material economy or increase efficiency, and for that purpose the sum of \$500 is hereby appropriated: *Provided*, That the sums so paid to employees in accordance with this Act shall be in addition to their usual compensation: *Provided further*, That no employee shall be paid a reward under this appropriation until he has properly executed an agreement to the effect that the use by the United States of the invention, suggestion, or series of suggestions made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns.

*Provisos.*  
Additional to regular  
pay.

Agreement for Gov-  
ernment use required.

Travel expenses, Postmaster General and Assistant Postmasters General: For travel and miscellaneous expenses in the Postal Service, offices of the Postmaster General and Assistant Postmasters General, \$5,000.

Travel, etc.

Personal or property damage claims: To enable the Postmaster General to pay claims for damages, occurring during the fiscal year 1936, or in prior fiscal years, to persons or property in accordance with the provisions of the Deficiency Appropriation Act approved June 16, 1921 (U. S. C., title 5, sec. 392), as amended by the Act approved June 22, 1934 (48 Stat. 1207), \$65,000.

Damage claims.

Vol. 42, p. 63; Vol. 48, p. 1207.  
U. S. C., p. 67.

Adjusted losses and contingencies, postal funds: To enable the Postmaster General to pay to postmasters, Navy mail clerks, and assistant Navy mail clerks or credit them with the amount ascertained to have been lost or destroyed during the fiscal year 1936, or prior fiscal years, through burglary, fire, or other unavoidable casualty resulting from no fault or negligence on their part, as authorized by the Act approved March 17, 1882, as amended, \$50,000.

Adjusted losses and contingencies.

OFFICE OF CHIEF INSPECTOR

Salaries of Inspectors: For salaries of fifteen inspectors in charge of divisions and five hundred and forty inspectors, \$2,112,000.

Chief Inspector's office.

Inspectors.

Traveling and miscellaneous expenses: For traveling expenses of inspectors, inspectors in charge, the chief post-office inspector, and the assistant chief post-office inspector, and for the traveling expenses of four clerks performing stenographic and clerical assistance to post-office inspectors in the investigation of important fraud cases, and for tests, exhibits, documents, photographs, office and other necessary expenses incurred by post-office inspectors in connection with their official investigations, including necessary miscellaneous expenses of division headquarters, \$535,000: *Provided*, That not exceeding \$18,000 of this sum shall be available for transfer by the Postmaster General to other departments and independent establishments for chemical and other investigations.

Traveling expenses, investigations, etc.

*Proviso.*  
Allotment for chemical, etc., investigations.

Clerks, division headquarters: For compensation of one hundred and fifty-nine clerks at division headquarters, \$390,000.

Clerks at division headquarters.

Payment of rewards: For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, \$55,000: *Provided*, That rewards may be paid in the discretion of the Postmaster General, when an offender of the class mentioned was killed in the act of committing the crime or in resisting lawful arrest: *Provided further*, That no part of this sum shall be used to pay any rewards at rates in excess of those specified in Post Office Department Order 9955, dated February 28, 1930: *Provided further*, That of the amount herein appropriated not to exceed \$20,000 may be expended, in the discretion of the Postmaster General, for the purpose of securing information concerning violations of the postal laws and for services and information looking toward the apprehension of criminals.

Rewards for detecting law violations.

*Provisos.*  
Death of offender.

Rates.

Securing information.

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL

Compensation to postmasters: For compensation to postmasters, including compensation as postmaster to persons who, pending the designation of an acting postmaster, assume and properly perform the duties of postmaster in the event of a vacancy in the office of postmaster of the third or fourth class, and for allowances for rent, light, fuel, and equipment to postmasters of the fourth class, \$44,500,000.

First Assistant Postmaster General.

Compensation of postmasters.  
*Post*, p. 1630.

Compensation to assistant postmasters: For compensation to assistant postmasters at first- and second-class post offices, \$6,590,000.

Assistant postmasters.

Clerks and other employees, first- and second-class offices.

Clerks, first- and second-class post offices: For compensation to clerks and employees at first- and second-class post offices, including auxiliary clerk hire at summer and winter post offices, printers, mechanics, skilled laborers, watchmen, messengers, laborers, and substitutes, \$163,000,000.

Contract station clerks.

Clerks, contract stations: For compensation to clerks in charge of contract stations, \$1,450,000.

Separating mails.

Separating mails: For separating mails at third- and fourth-class post offices, \$480,000.

Unusual conditions.

Unusual conditions: For unusual conditions at post offices, \$75,000.

Clerks, third-class offices.

Clerks, third-class post offices: For allowances to third-class post offices to cover the cost of clerical services, \$7,500,000.

Miscellaneous, first- and second-class offices.

Miscellaneous items, first- and second-class post offices: For miscellaneous items necessary and incidental to the operation and protection of post offices of the first and second classes, and the business conducted in connection therewith, not provided for in other appropriations, \$1,990,000.

Village delivery.

Village delivery service: For village delivery service in towns and villages having post offices of the second or third class, and in communities adjacent to cities having city delivery, \$1,595,000.

Detroit River service.

Detroit River service: For Detroit River postal service, \$15,995.

Car fare and bicycle allowance.

Car fare and bicycle allowance: For car fare and bicycle allowance, including special-delivery car fare, \$1,200,000.

City delivery, carriers.

City Delivery carriers: For pay of letter carriers, City Delivery Service, \$117,750,000.

Special delivery.  
*Post*, p. 1630.

Special-delivery fees: For fees to special-delivery messengers, \$6,250,000.

Second Assistant Postmaster General.

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

Star routes, except Alaska.

Star-route service: For inland transportation by star routes (excepting service in Alaska), including temporary service to newly established offices, and not to exceed \$100,000 for Government-operated star-route service \$11,500,000.

Alaska.

Star-route service, Alaska: For inland transportation by star routes in Alaska, \$190,000.

Power-boat service.

Power-boat service: For inland transportation by steamboat or other power-boat routes, including ship, steamboat, and way letters, \$1,220,000.

Railroad routes and messenger service.  
*Post*, p. 1630.

Railroad transportation and mail messenger service: For inland transportation by railroad routes and for mail messenger service, \$100,000,000: *Provided*, That not to exceed \$1,500,000 of this appropriation may be expended for pay of freight and incidental charges for the transportation of mails conveyed under special arrangement in freight trains or otherwise: *Provided further*, That separate accounts be kept of the amount expended for mail messenger service: *Provided further*, That there may be expended from this appropriation for clerical and other assistance in the District of Columbia not exceeding the sum of \$60,922 to carry out the provisions of section 5 of the Act of July 28, 1916 (U. S. C., title 39, sec. 562) (the space basis Act), and not exceeding the sum of \$31,550 to carry out the provisions of section 214 of the Act of February 28, 1925 (U. S. C., title 39, sec. 826) (cost ascertainment).

*Provisos*.  
Freight-train conveyance.

Separate accounting, messenger service.

Services in the District.

Vol. 39, p. 429; Vol. 43, p. 1069.  
U. S. C., pp. 1749, 1766.

Railway Mail Service.  
*Post*, p. 1630.  
Division superintendents.

Railway Mail Service, salaries: For fifteen division superintendents, fifteen assistant division superintendents, two assistant superintendents at large, one assistant superintendent in charge of car construction, one hundred and twenty-one chief clerks, one hundred and twenty-one assistant chief clerks, clerks in charge of sections in the

offices of division superintendents, railway postal clerks, substitute railway postal clerks, joint employees, and laborers in the Railway Mail Service, \$52,500,000.

Railway postal clerks, travel allowance: For travel allowance to railway postal clerks and substitute railway postal clerks, \$3,250,000.

Travel allowance to railway clerks.

Railway Mail Service, traveling expenses: For actual and necessary expenses, general superintendent and assistant general superintendent, division superintendents, assistant division superintendents, assistant superintendents, chief clerks, and assistant chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post Office Department and away from their several designated headquarters, \$60,000.

Miscellaneous.

Railway Mail Service, miscellaneous expenses: For rent, light, heat, fuel, telegraph, miscellaneous and office expenses, telephone service, badges for railway postal clerks, for the purchase or rental of arms and miscellaneous items necessary for the protection of the mails, and rental of space for terminal railway post offices for the distribution of mails when the furnishing of space for such distribution cannot, under the Postal Laws and Regulations, properly be required of railroad companies without additional compensation, and for equipment and miscellaneous items necessary to terminal railway post offices, \$575,000.

Arms for mail protection.  
Terminal offices, rent.

Electric and cable car service: For electric and cable car service, \$360,000.

Electric and cable car service.

Foreign mail transportation: For transportation of foreign mails by steamship, aircraft, or otherwise (exclusive of mail carried under contracts awarded under the provisions of the Merchant Marine Act of 1928), \$8,575,000: *Provided*, That not to exceed \$7,000,000 of this sum may be expended for carrying foreign mail by aircraft under contracts which will not create obligations for the fiscal year 1937 in excess of \$7,000,000: *Provided further*, That the Postmaster General is authorized to expend such sums as may be necessary, not to exceed \$175,000, to cover the cost to the United States for maintaining sea post service on ocean steamships conveying the mails to and from the United States including the salary of the Assistant Director, Division of International Postal Service, with headquarters at New York City: *Provided further*, That not to exceed \$7,500 of this sum may be available for expenses of delegates designated from the Post Office Department by the Postmaster General to the Congress of the Postal Union of the Americas and Spain to be held during the fiscal year 1936, to be expended in the discretion of the Postmaster General and accounted for on his certificate notwithstanding the provisions of any other law.

Foreign mails.  
Vol. 41, p. 998; Vol. 45, p. 639.  
U. S. C., p. 2067.

Proviso.  
Aircraft allowance; restriction.

Sea post service.

Assistant Director, International Postal Service.

Delegates to Postal Union.

Foreign Mail Service, Merchant Marine Act: For transportation of foreign mails under contracts authorized by the Merchant Marine Act of 1928 (U. S. C., title 46, secs. 861-889; Supp. VII, title 46, secs. 886-891x), including the cost of advertising in connection with the award of contracts authorized by said Act, \$28,850,000: *Provided*, That no part of the money herein appropriated shall be paid on contract numbered 56 to the Seatrains Company.

Foreign Mail Service, Merchant Marine Act.  
Vol. 41, p. 988; Vol. 45, p. 639.  
U. S. C., p. 2062.

Proviso.  
Payment to Seatrains Company forbidden.

Balances due foreign countries: For balances due foreign countries, fiscal year 1936 and prior years, \$1,000,000.

Balances due foreign countries.

Contract Air Mail Service: For the inland transportation of mail by aircraft, as authorized by law, and for the incidental expenses thereof, including not to exceed \$19,100 for supervisory officials and clerks at air-mail transfer points, and not to exceed \$39,965 for personal services in the District of Columbia and incidental and travel expenses, \$10,700,000.

Aircraft contract, inland service.  
Post, p. 1630.

Indemnities, international mail.

**Indemnities, international mail:** For payment of limited indemnity for the injury or loss of international mail in accordance with convention, treaty, or agreement stipulations, \$15,000.

Rural Delivery Service.

**Rural Delivery Service:** For pay of rural carriers, auxiliary carriers, substitutes for rural carriers on annual and sick leave, clerks in charge of rural stations, and tolls and ferriage, Rural Delivery Service, and for the incidental expenses thereof, \$94,300,000.

Third Assistant Postmaster General.

OFFICE OF THE THIRD ASSISTANT POSTMASTER GENERAL

Stamps, stamped envelopes, postal cards.

**Manufacture and distribution of stamps and stamped paper:** For manufacture of adhesive postage stamps, special-delivery stamps, books of stamps, stamped envelopes, newspaper wrappers, postal cards, and for coiling of stamps, and including not to exceed \$22,100 for pay of agent and assistants to examine and distribute stamped envelopes and newspaper wrappers, and for expenses of agency, \$4,207,150.

Indemnities, lost domestic mail.

**Indemnities, domestic mail:** For payment of limited indemnity for the injury or loss of pieces of domestic registered matter, insured and collect-on-delivery mail, and for failure to remit collect-on-delivery charges, \$625,000.

Unpaid money orders, more than one year old.

**Unpaid money orders more than one year old:** For payment of domestic money orders after one year from the last day of the month of issue of such orders, \$250,000.

Fourth Assistant Postmaster General.

OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL

Stationery, etc.

**Post office stationery, equipment, and supplies:** For stationery for the Postal Service, including the money-order and registry system; and also for the purchase of supplies for the Postal Savings System, including rubber stamps, canceling devices, certificates, envelopes, and stamps for use in evidencing deposits, and free penalty envelopes; and for the reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized by the Act of June 25, 1910 (U. S. C., title 39, sec. 760); for miscellaneous equipment and supplies, including the purchase and repair of furniture, package boxes, posts, trucks, baskets, satchels, straps, letter-box paint, baling machines, perforating machines, duplicating machines, printing presses, directories, cleaning supplies, and the manufacture, repair, and exchange of equipment, the erection and painting of letter-box equipment, and for the purchase and repair of presses and dies for use in the manufacture of letter boxes; not to exceed \$10,000 for the salvage, repair, assembly, and installation in units of lock boxes obtained from public buildings demolished or no longer used for post offices and for the purchase and installation of new lock boxes to complete and supplement such units, to be furnished to post offices of the second and third classes; for postmarking, rating, money-order stamps, and electrotype plates and repairs to same; metal, rubber, and combination type, dates and figures, type holders, ink pads for canceling and stamping purposes, and for the purchase, exchange, and repair of typewriting machines, envelop-opening machines, and computing machines, copying presses, numbering machines, time recorders, letter balances, scales (exclusive of dormant or built-in platform scales in Federal buildings), test weights, and miscellaneous articles purchased and furnished directly to the Postal Service, including complete equipment and furniture for post offices in leased and rented quarters; for miscellaneous expenses in the preparation and publication of post-route maps and rural delivery maps or blueprints, including tracing for photolithographic reproduction; for other expenditures necessary and inci-

Postal Savings System, supplies.

Bond expenses.  
Vol. 36, p. 817.  
U. S. C., p. 1761.

Miscellaneous equipment and supplies.

Letter boxes.

Postmarking, etc., stamps.

Post route maps.



dental to post offices of the first, second, and third classes, and offices of the fourth class having or to have rural delivery service, and for letter boxes; for the purchase of atlases and geographical and technical works not to exceed \$1,500; for wrapping twine and tying devices; for expenses incident to the shipment of supplies, including hardware, boxing, packing, and not exceeding \$44,500 for the pay of employees in connection therewith in the District of Columbia; for rental, purchase, exchange, and repair of canceling machines and motors, mechanical mail-handling apparatus, and other labor-saving devices, including cost of power in rented buildings and miscellaneous expenses of installation and operation of same, including not to exceed \$28,000 for salaries of ten traveling mechanics, and for traveling expenses, \$2,260,000: *Provided*, That the Postmaster General may authorize the sale to the public of post-route maps and rural delivery maps or blueprints at the cost of printing and 10 per centum thereof added: *Provided further*, That no part of this appropriation shall be expended for the purchase of furniture and complete equipment for third-class post offices except lock boxes, as herein provided and miscellaneous equipment of the general character furnished such offices during the fiscal year 1931.

Twine, etc.

*Provisos.*  
Sale of maps, etc.

Furniture, etc., third-class offices.

Equipment shops, materials, etc.

Equipment Shops, Washington, District of Columbia: For the purchase, manufacture, and repair of mail bags and other mail containers and attachments, mail locks, keys, chains, tools, machinery, and material necessary for same, and for incidental expenses pertaining thereto; material, machinery, and tools necessary for the manufacture and repair of such other equipment for the Postal Service as may be deemed expedient; for the expenses of maintenance and repair of the mail bag equipment shops building and equipment, including fuel, light, power, and miscellaneous supplies and services; for compensation to labor employed in the equipment shops and in the operation, care, maintenance, and protection of the equipment shops building, \$850,000, of which not to exceed \$539,000 may be expended for personal services in the District of Columbia: *Provided*, That out of this appropriation the Postmaster General is authorized to use as much of the sum, not exceeding \$15,000, as may be deemed necessary for the purchase of material and the manufacture in the equipment shops of such small quantities of distinctive equipments as may be required by other executive departments; and for service in Alaska, Puerto Rico, Philippine Islands, Hawaii, or other island possessions.

Services in the District.  
*Proviso.*  
Distinctive equipment for departments, Alaska, and island possessions.

Rent, light, and fuel: For rent, light, fuel, and water, for first, second, and third class post offices, and the cost of advertising for lease proposals for such offices, \$14,150,000.

Rent, light, etc., first-, second-, and third-class offices.

Pneumatic tube service: For the transmission of mail by pneumatic tubes or other similar devices in the city of New York, including the Borough of Brooklyn of the city of New York, at an annual rate not in excess of \$19,500 per mile of double line of tubes, including power, labor, and all other operating expenses, \$558,260.

Pneumatic tube service.

For the rental of not exceeding two miles of pneumatic tubes, not including labor and power in operating the same, for the transmission of mail in the city of Boston, Massachusetts, \$24,000: *Provided*, That the provisions not inconsistent herewith of the Acts of April 21, 1902 (U. S. C., title 39, sec. 423), and May 27, 1908 (U. S. C., title 39, sec. 423), relating to the transmission of mail by pneumatic tubes or other similar devices shall be applicable hereto.

*Proviso.*  
Provisions applicable. Vol. 32, p. 114; Vol. 35, p. 412.  
U. S. C., p. 1737.

Vehicle service: For vehicle service; the hire of vehicles; the rental of garage facilities; the purchase, exchange, and maintenance of motor vehicles; the hire of supervisors, clerical assistance,

Vehicle service.  
*Post*, p. 1630.

Provisos. Rentals.	mechanics, drivers, garage men, and such other employees as may be necessary in providing vehicles and vehicle service for use in the collection, transportation, and delivery of the mail, \$14,200,000: <i>Provided</i> , That the Postmaster General may, in his disbursement of this appropriation, apply a part thereof to the leasing of quarters for the housing of Government-owned motor vehicles at a reasonable annual rental for a term not exceeding ten years: <i>Provided further</i> ,
Tractors and trailer trucks.	That the Postmaster General, during the fiscal year 1936, may purchase and maintain from the appropriation "Vehicle service" such tractors and trailer trucks as may be required in the operation of the vehicle service: <i>Provided further</i> , That no part of this appropriation shall be expended for maintenance or repair of motor-propelled passenger-carrying vehicles for use in connection with the administrative work of the Post Office Department in the District of Columbia.
Motor vehicle restriction.	Transportation of equipment and supplies: For the transportation and delivery of equipment, materials, and supplies for the Post Office Department and Postal Service by freight, express, or motor transportation, and other incidental expenses, \$265,000.
Transportation of equipment and supplies.	Operating force, public buildings: For personal services in connection with the operation of public buildings, including the Washington Post Office and the Customhouse Building in the District of Columbia, operated by the Post Office Department, together with the grounds thereof and the equipment and furnishings therein, including telephone operators for the operation of telephone switchboards or equivalent telephone switchboard equipment in such buildings jointly serving in each case two or more governmental activities, \$12,825,000: <i>Provided</i> , That in no case shall the rates of compensation for the mechanical labor force be in excess of the rates current at the time and in the place where such services are employed.
Public buildings. Operating force.	Operating supplies, public buildings: For fuel, steam, gas, and electric current for lighting, heating, and power purposes, water, ice, lighting supplies, removal of ashes and rubbish, snow and ice, cutting grass and weeds, washing towels, telephone service for custodial forces, and for miscellaneous services and supplies, tools and appliances, for the operation of completed and occupied public buildings and grounds, including mechanical and electrical equipment, but not the repair thereof, operated by the Post Office Department, including the Washington Post Office and the Customhouse Building in the District of Columbia, and for the transportation of articles and supplies authorized herein, \$4,650,000: <i>Provided</i> , That the foregoing appropriation shall not be available for personal services except for work done by contract, or for temporary job labor under exigency not exceeding at one time the sum of \$100 at any one building: <i>Provided further</i> , That the Postmaster General is authorized to contract for telephone service in public buildings under his administration by means of telephone switchboards or equivalent telephone-switching equipment jointly serving in each case two or more governmental activities, where he determines that joint service is economical and in the interest of the Government, and to secure reimbursement for the cost of such joint service from available appropriations for telephone expenses of the Bureaus and offices receiving the same.
Proviso. Pay rates, etc.	Furniture, carpets, and safes, public buildings: For the procurement, including transportation, of furniture, carpets, safes, and repairs of same, for use in public buildings which are now, or may hereafter be, operated by the Post Office Department, \$575,000:
Operating supplies.	Furniture and equipment.
Provisos. Personal services restriction.	
Contracts for telephone service.	
Furniture and equipment.	

*Provided*, That the foregoing appropriation shall not be used for personal services except for work done under contract or for temporary job labor under exigency and not exceeding at one time the sum of \$100 at any one building: *Provided further*, That all furniture now owned by the United States in other public buildings or in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan of furniture or not.

*Proviso.*  
Personal services restriction.

Use of present furniture, etc.

Scientific investigations: In the disbursement of appropriations contained in this title for the field service of the Post Office Department the Postmaster General may transfer to the Bureau of Standards not to exceed \$20,000 for scientific investigations in connection with the purchase of materials, equipment, and supplies necessary in the maintenance and operation of the Postal Service.

Scientific investigations.  
Sums transferred to Standards Bureau.

Deficiency in postal revenues: If the revenues of the Post Office Department shall be insufficient to meet the appropriations made under title II of this Act, a sum equal to such deficiency in the revenues of such Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply such deficiency in the revenues of the Post Office Department for the fiscal year ending June 30, 1936, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General.

Sums from Treasury for field service to supply deficiencies.

SEC. 2. Appropriations for the fiscal year 1936 available for expenses of travel of civilian officers and employees of the executive departments and establishments shall be available also for expenses of travel performed by them on transfer from one official station to another when authorized by the head of the department or establishment concerned in the order directing such transfer or on reappointment heretofore or during the remainder of the fiscal year 1935 and during the fiscal year 1936 at another official station under the provisions of section 19 of Executive Order Numbered 6166 of June 10, 1933, and for the 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 so reappointed: *Provided*, That such expenses shall not be allowed for any transfer effected for the convenience of any officer or employee.

Appropriations for travel, etc., fiscal year 1936.

SEC. 3. No appropriation available for the executive departments and independent establishments of the Government for the fiscal year ending June 30, 1936, whether contained in this Act or any other Act, shall be expended—

*Proviso.*  
Transfers for convenience of officers.

Restrictions on expenditures by executive departments, etc.

(a) To purchase any motor-propelled passenger-carrying vehicle (exclusive of busses, ambulances, and station wagons), at a cost, completely equipped for operation, and including the value of any vehicle exchanged, in excess of \$750, unless otherwise specifically provided for in the appropriation.

Cost limitation of automobiles.

(b) For the maintenance, operation, and repair of any Government-owned motor-propelled passenger-carrying vehicle not used exclusively for official purposes; and "official purposes" shall not include the transportation<sup>1</sup> of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical services and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department or establishment concerned. The limitations of this subsection (b) shall not apply to any motor vehicles for official use of the President, or of the heads of the executive departments.

Maintenance, automobiles not used for official purposes.  
"Official purposes", construed.

Limitations not applicable.

<sup>1</sup> So in original.

Maintenance cost limit.

(c) For the maintenance, upkeep, and repair (exclusive of garage rent, pay of operators, tires, fuel, and lubricants) on any one motor-propelled passenger-carrying vehicle, except busses and ambulances, in excess of one-third of the market price of a new vehicle of the same make and class and in no case in excess of \$400.

Appointments after Senate rejections, etc.

SEC. 4. No part of the money appropriated under this Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate upon vote has failed to confirm the nomination of such person.

Citation of title.

SEC. 5. This title may be cited as the "Post Office Department Appropriation Act, 1936."

Approved, May 14, 1935.

[CHAPTER 111.]

JOINT RESOLUTION

May 14, 1935.  
[S. J. Res. 94.]  
[Pub. Res., No. 18.]

Establishing a commission for the participation of the United States in the observance of the three hundredth anniversary of the founding of the Colony of Connecticut, authorizing an appropriation to be utilized in connection with such observance, and for other purposes.

Connecticut.  
Commission to participate in observance of founding colony.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby established a commission to be known as the "United States Connecticut Tercentenary Commission" (hereinafter referred to as the "Commission") and to be composed of sixteen commissioners, as follows: Five persons to be appointed by the President of the United States, five Senators by the President of the Senate, and six Members of the House of Representatives by the Speaker of the House of Representatives. The Commission shall serve without compensation and shall select a chairman from among their number.

Composition.

No compensation.

Appropriation authorized.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000, to be expended by the Commission for actual and necessary traveling expenses and subsistence, while discharging its official duties outside the District of Columbia.

Approved, May 14, 1935.

[CHAPTER 112.]

AN ACT

May 15, 1935.  
[S. 2145.]  
[Public, No. 58.]

Extending the time for repayment of the revolving fund for the benefit of the Crow Indians.

Crow Indians.  
Time extended for repaying revolving fund.  
Vol. 41, p. 755; Vol. 43, p. 1301.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the time for repayment to the tribe of the \$50,000 revolving fund for the benefit of the Crow Indians, created by the Act of June 4, 1920 (41 Stat. 755), for the purchase of seed, animals, machinery, tools, implements, and other equipment is hereby extended from June 30, 1935, to June 30, 1945, and said fund is hereby made available for such purposes for the further period of ten years from and after June 30, 1935.

Availability of fund.

Approved, May 15, 1935.

[CHAPTER 113.]

## AN ACT

To authorize the city of Ketchikan, Alaska, to issue bonds in any sum not to exceed \$1,000,000 for the purpose of acquiring the electric light and power, water, and telephone properties of the Citizens' Light, Power and Water Company, and to finance and operate the same, and validating the preliminary proceedings with respect thereto, and for other purposes.

May 15, 1935.  
[H. R. 6084.]  
[Public, No. 59.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the city of Ketchikan, Alaska, is hereby authorized to issue and sell its bonds in any sum not to exceed \$1,000,000 for the purpose of acquiring for the said city of Ketchikan, electric light, power, water, and telephone properties of the Citizens' Light, Power and Water Company, Incorporated, and to finance and operate the same by the said city of Ketchikan. The bonds herein authorized to be issued and sold are the bonds referred to in the Act entitled "An Act to authorize the incorporated town of Ketchikan, Alaska, to issue bonds in any sum not to exceed \$1,000,000 for the purpose of acquiring public-utility properties, and for other purposes", approved July 3, 1930 (46 Stat. 1011), in which Act the said city of Ketchikan, Alaska, was erroneously referred to as the "incorporated town of Ketchikan, Alaska." Such bonds when issued shall be legal and valid in all respects as general obligations of the said city of Ketchikan, Alaska, notwithstanding any defects or irregularities in the submission to a vote of the people of said city of the question with respect to the issuance or sale of said bonds, in the ordinance calling the election, in the notice of election, in the form of ballot, in taking the vote, or in any of the proceedings had or taken in connection with the issuance or sale of such bonds, and all such proceedings are hereby declared to be legal and valid, and the city is also authorized to levy any taxes which may be necessary for the payment of said bonds for which the full faith and credit of the city shall be pledged. The revenues derived from said electric light, power, water, and telephone properties, over and above the expense of maintenance, operation, and depreciation reserve thereof, shall be pledged to the payment of principal and interest of said bonds.

SEC. 2. The bonds herein referred to and authorized to be issued and sold shall be issued in such form and detail and with such maturities as have been or hereafter shall be determined by resolution of the Common Council of the City of Ketchikan. Such bonds shall be issued in coupon form, registerable as to principal, or as to principal and interest. In case any of the officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser, such signatures or countersignatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until delivery of the bonds. The proceeds of the sale of such bonds shall be disbursed only for the purposes hereinbefore mentioned, and for which such bonds were authorized to be issued under the provisions of such Act of July 3, 1930.

SEC. 3. The bonds herein authorized, when issued, are hereby declared to be valid and legally binding obligations of said city of Ketchikan, Alaska.

Approved, May 15, 1935.

Ketchikan, Alaska.  
Bond issue authorized; purpose.

Previous authority.

Vol. 46, p. 1011.

Bonds deemed municipal obligations.

Tax levy authorized.

Revenues pledged.

Bonds; form, maturities, etc.

Signatures.

Disbursement of proceeds of sale.

Bonds declared obligations.

## [CHAPTER 114.]

## AN ACT

May 15, 1935.

[S. 1616.]

[Public, No. 60.]

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 and supplementary thereto.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (b), as amended and supplemented, of section 4 of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, is amended to read as follows:

Bankruptcy Act of 1898 amendments. Vol. 30, p. 547; Vol. 47, p. 47. U. S. C., p. 321. Involuntary bankruptcy; who may be adjudged.

"(b) Any natural person, except a wage earner or a farmer, any unincorporated company, and any moneyed, business, or commercial corporation (except a municipal, railroad, insurance or banking corporation, or a building and loan association) owing debts to the amount of \$1,000 or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this Act.

Liability of officers, etc., of corporation.

"The bankruptcy of a corporation or association shall not release its officers, directors, or stockholders, as such, from any liability under the laws of a State or Territory or of the United States."

Vol. 47, p. 1469. U. S. C., p. 333.

SEC. 2. That subsection (1) of section 74 of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended and supplemented, is amended to read as follows:

Trustee; when may be appointed.

(1) If (1) the debtor shall fail to comply with any of the terms required of him for the protection of and indemnity against loss by the estate; or (2) the debtor has failed to make the required deposit in case of a composition; or (3) the debtor's proposal has not been accepted by the creditors; or (4) confirmation has been denied; or (5) without sufficient reason the debtor defaults in any payment required to be made under the terms of an extension proposal when the court has retained jurisdiction of the debtor or his property, the court may appoint the trustee nominated by the creditors at the first meeting, and if the creditors shall have failed to so nominate, may appoint any other qualified person as trustee to liquidate the estate. The court shall in addition adjudge the debtor a bankrupt if satisfied that he commenced or prolonged the proceeding for the purpose of delaying creditors and avoiding an adjudication in bankruptcy, or if the confirmation of his proposal has been denied. No order of liquidation or adjudication shall be entered in any proceeding under this section instituted by or against a wage earner or a farmer unless the wage earner or farmer consents."

Nomination by creditors.

Vol. 47, p. 1473. U. S. C., p. 336.

SEC. 3. That subsection (r) of section 75 of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended and supplemented, is amended to read as follows:

Term "farmer" construed.

"(r) For the purposes of this section, section 4 (b), and section 74, the term 'farmer' includes not only an individual who is primarily bona fide personally engaged in producing products of the soil, but also any individual who is primarily bona fide personally engaged in dairy farming, the production of poultry or livestock, or the production of poultry products or livestock products in their unmanufactured state, or the principal part of whose income is derived from any one or more of the foregoing operations, and includes the personal representative of a deceased farmer; and a farmer shall be deemed a resident of any county in which such operations occur."

Approved, May 15, 1935.

[CHAPTER 115.]

AN ACT

To give proper recognition to the distinguished services of Colonel William L. Keller.

May 15, 1935.  
[S. 2024.]  
[Public, No. 61.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in recognition of the outstanding service and contribution made to the science of medicine and surgery by Colonel William L. Keller, Medical Corps, United States Army, and to provide that his mature professional judgment and long experience may continue to remain available to the public service, the President is hereby authorized to designate the said Colonel William L. Keller, upon his retirement from the active list, as Consultant in Surgery at the United States Army Medical Center (Walter Reed Hospital), Washington, District of Columbia: *Provided*, That such designation shall be subject to the said Colonel William L. Keller's acceptance and terminable at his pleasure; and it is further provided that he shall be entitled to the full active-duty pay and allowances of the grade held by him at the time of his retirement.

Colonel William L. Keller.  
May be designated Consultant in Surgery at Walter Reed Hospital.

*Proviso.*  
Optional acceptance.

Pay and allowances.

Approved, May 15, 1935.

[CHAPTER 131.]

AN ACT

Making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1936, and for other purposes.

May 17, 1935.  
[H. R. 6718.]  
[Public, No. 62.]

*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 Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1936, namely:

Department of Agriculture, Farm Credit Administration appropriations, fiscal year, 1936.

TITLE I—DEPARTMENT OF AGRICULTURE

Title I—Department of Agriculture.

OFFICE OF THE SECRETARY

Secretary's office.

SALARIES

For the Secretary of Agriculture, Under Secretary of Agriculture, Assistant Secretary, and for other personal services in the District of Columbia, and elsewhere, \$584,712: *Provided*, That 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, with the exception of the Assistant Secretary, 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 and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *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

Secretary, Under Secretary, Assistant, and other personal services.

*Provisos.*  
Salaries limited to average rates under Classification Act.  
Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.  
U. S. C., p. 85.

When only one position in grade.

Restriction not applicable to clerical-mechanical service.  
No reduction in fixed salaries.

Vol. 42, p. 1490; U. S. C., p. 85.  
Transfers to another position without reduction.

Higher rates permitted.

If only one position in a grade.

Contracts for stenographic reporting.

Purchasing options on lands.

Allowances for living quarters abroad.

Vol. 46, p. 818; U. S. C., p. 45.

Predicting future prices of cotton forbidden.

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: *Provided further*, That the Secretary of Agriculture is authorized to contract for stenographic reporting services, and the appropriations made in this Act shall be available for such purposes: *Provided further*, That the Secretary of Agriculture is authorized to expend from appropriations available for the purchase of lands not to exceed \$1 for each option to purchase any particular tract or tracts of land: *Provided further*, That not to exceed \$33,400 of the appropriations available for salaries and expenses of officers and employees of the Department of Agriculture permanently stationed in foreign countries may be used for payment of allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U. S. C., Supp. VII, title 5, sec. 118a), but the amount so used for any one person shall not exceed the amount permitted by law to be so used, during the fiscal year 1936, for any one person in the foreign service of the Department of Commerce: *Provided further*, That no part of the funds appropriated by this Act shall be used for the payment of any officer or employee of the Department of Agriculture who, as such officer or employee, or on behalf of the Department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast with respect to future prices of cotton or the trend of same.

#### MISCELLANEOUS EXPENSES, DEPARTMENT OF AGRICULTURE

Department contingent expenses.

Motorcycle.

Dispatch agent, New York.

Prorisos. Maintenance of stationery, etc., stocks.

Maximum allotment.

Available for miscellaneous expenses.

For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, furniture, carpets, and mattings; for freight, express charges, advertising and press clippings, telegraphing, telephoning, postage, washing towels; for the maintenance, repair, and operation of one motorcycle and not to exceed three motor-propelled passenger-carrying vehicles (including one for the Secretary of Agriculture, one for general utility needs of the entire Department, and one for the Forest Service) and purchase and exchange of one motor-propelled passenger-carrying vehicle, at a net cost of not to exceed \$1,500, for official purposes only; for the payment of the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses, including examination of estimates for appropriations in the field for any bureau, office, or service of the Department; and for other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, which are authorized by such officer as the Secretary may designate, \$116,448: *Provided*, That the Secretary of Agriculture, during the fiscal year 1936, may maintain stocks of stationery, supplies, equipment, and miscellaneous materials sufficient to meet, in whole or in part, requirements of the bureaus and offices of the Department in the city of Washington and elsewhere, but not to exceed in the aggregate, \$200,000 in value at the close of the fiscal year, and the appropriations made for such bureaus and offices for such stocks shall be available to reimburse the appropriation for miscellaneous expenses



current at the time supplies are issued: *Provided further*, That the appropriations made hereunder shall be available for the payment of salaries of employees engaged in purchasing, storing, handling, packing, or shipping of supplies and blank forms, and the amount of such salaries shall be charged proportionately as a part of the cost of supplies issued, and in the case of blank forms and supplies not purchased from this appropriation the amount of such salaries shall be charged proportionately to the proper appropriation: *Provided further*, That the facilities of the central storehouse of the Department shall to the fullest extent practicable be used to make unnecessary the maintenance of separate bureau storehouse activities in the Department: *Provided further*, That a separate schedule of expenditures, transfers of funds, or other transactions hereunder shall be included in the annual Budget.

Employees handling, etc., supplies.

Use of central storehouse.

Segregation of transactions.

#### RENT OF BUILDINGS IN THE DISTRICT OF COLUMBIA

Rent.

For rent of buildings and parts of buildings in the District of Columbia, for use of the various bureaus, divisions, and offices of the Department of Agriculture, \$63,000.

Buildings in the District.

Total, Office of the Secretary, \$764,160.

#### OFFICE OF INFORMATION

Information Office.

#### SALARIES AND EXPENSES

For necessary expenses in connection with the publication, indexing, illustration, and distribution of bulletins, documents, and reports, including labor-saving machinery and supplies, envelopes, stationery and materials, office furniture and fixtures, photographic equipment and materials, artists' tools and supplies, telephone and telegraph service, freight and express charges; purchase and maintenance of bicycles; purchase of manuscripts; traveling expenses; electrotypes, illustrations, and other expenses not otherwise provided for, \$363,282, of which not to exceed \$344,260 may be used for personal services in the District of Columbia.

Salaries and expenses.

Services in the District.

#### PRINTING AND BINDING

For all printing and binding for the Department of Agriculture, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, \$800,000, including the purchase of reprints of scientific and technical articles published in periodicals and journals; the Annual Report of the Secretary of Agriculture, as required by the Act approved January 12, 1895 (U. S. C., title 44, secs. 111, 212-220, 222, 241, 244, 257), and in pursuance of the Joint Resolution Numbered 13, approved March 30, 1906 (U. S. C., title 44, secs. 214, 224), and also including not to exceed \$250,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct, but not including work done at the field printing plants of the Weather Bureau and the Forest Service authorized by the Joint Committee on Printing, in accordance with the Act approved March 1, 1919 (U. S. C., title 44, secs. 111, 220).

Printing and binding.

Annual Report of the Secretary.  
Vol. 28, p. 612; Vol. 34, p. 825; U. S. C., pp. 1935, 1944.

Farmers' bulletins.

Exception.  
Vol. 40, p. 1276.  
U. S. C., pp. 1935, 1945.

Total, Office of Information, \$1,163,282.

## Library.

## LIBRARY, DEPARTMENT OF AGRICULTURE

## Salaries and expenses.

Salaries and expenses: For purchase and exchange of books of reference, law books, technical and scientific books, periodicals, and for expenses incurred in completing imperfect series; not to exceed \$1,200 for newspapers, and when authorized by the Secretary of Agriculture for dues for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; for salaries in the city of Washington and elsewhere; for official traveling expenses, and for library fixtures, library cards, supplies, and for all other necessary expenses, \$99,812, of which amount not to exceed \$70,520 may be expended for personal services in the District of Columbia.

## Experiment Stations Office.

## OFFICE OF EXPERIMENT STATIONS

## PAYMENTS TO STATES, HAWAII, ALASKA, AND PUERTO RICO FOR AGRICULTURAL EXPERIMENT STATIONS

Support of stations.  
Vol. 24, p. 440.  
U. S. C., p. 139.  
Vol. 12, p. 503.  
U. S. C., p. 135.

To carry into effect the provisions of an Act approved March 2, 1887 (U. S. C., title 7, secs. 362, 363, 365, 368, 377-379), entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July 2, 1862 (U. S. C., title 7, secs. 301-308), and of the Acts supplementary thereto"; the sums apportioned to the several States, to be paid quarterly in advance, \$720,000.

Allotment of additional appropriations.  
Vol. 34, p. 63.  
U. S. C., p. 139.

To carry into effect the provisions of an Act approved March 16, 1906 (U. S. C., title 7, sec. 369), entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof", and Acts supplementary thereto, the sums apportioned to the several States to be paid quarterly in advance, \$720,000.

Further allotments.  
Vol. 43, p. 970.  
U. S. C., p. 139.

To carry into effect the provisions of an Act entitled "An Act to authorize the more complete endowment of agricultural experiment stations", approved February 24, 1925 (U. S. C., title 7, secs. 361, 366, 370, 371, 373-376, 380, 382), \$2,880,000.

Extending benefits to Hawaii.  
Vol. 45, p. 571.  
U. S. C., p. 141.

Hawaii: To carry into effect the provisions of an Act entitled "An Act to extend the benefits of certain Acts of Congress to the Territory of Hawaii", approved May 16, 1928 (U. S. C., Supp. VII, title 7, secs. 386-386b), \$30,000.

Extension work in Alaska.  
Vol. 45, p. 1286.  
U. S. C., p. 141.

Alaska: To carry into effect the provisions of an Act entitled "An Act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska", approved February 23, 1929 (U. S. C., Supp. VII, title 7, sec. 386c), \$15,000.

Extending benefits to Puerto Rico.  
Vol. 46, p. 1520.  
U. S. C., p. 141.

Puerto Rico: To carry into effect the provisions of an Act entitled "An Act to coordinate the agricultural experiment station work and to extend the benefits of certain Acts of Congress to the Territory of Puerto Rico", approved March 4, 1931 (U. S. C., Supp. VII, title 7, secs. 386d-386f), \$30,000.

In all, payments to States, Hawaii, Alaska, and Puerto Rico for agricultural experiment stations, \$4,395,000.

## Salaries and expenses.

## SALARIES AND EXPENSES

Administration of stations, etc.  
Vol. 24, p. 440; Vol. 34, p. 63; Vol. 43, p. 970; Vol. 45, pp. 571, 1286; Vol. 46, p. 1520.  
U. S. C., p. 139.

To enable the Secretary of Agriculture to enforce the provisions of the Acts approved March 2, 1887 (U. S. C., title 7, secs. 362, 363, 365, 368, 377-379), March 16, 1906 (U. S. C., title 7, secs. 369, 375), February 24, 1925 (U. S. C., title 7, secs. 361, 366, 370, 371, 373-376, 380, 382), May 16, 1928 (U. S. C., Supp. VII, title 7, secs. 386-386b),

February 23, 1929 (U. S. C., Supp. VII, title 7, sec. 386c), and March 4, 1931 (U. S. C., Supp. VII, title 7, secs. 386d-386f), and Acts amendatory or supplementary thereto, relative to their administration and for the administration of agricultural experiment stations in Hawaii and Puerto Rico, including the employment of clerks, assistants, and other persons in the city of Washington and elsewhere, freight and express charges, official traveling expenses, office fixtures, supplies, apparatus, telegraph and telephone service, gas, electric current, and rent outside the District of Columbia, \$156,235; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above Acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the work of the Department of Agriculture with that of the State agricultural colleges and experiment stations in the lines authorized in said Acts, and make report thereon to Congress.

Insular experiment stations: To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Hawaii and Puerto Rico, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, \$69,311, as follows: \$32,066 for Hawaii, and \$37,245 for Puerto Rico: *Provided*, That the Secretary of Agriculture may, at his discretion, transfer such equipment, including the library, of the Hawaii Experiment Station, as he may deem necessary and advisable to the experiment station of the University of Hawaii, conducted jointly and in collaboration with the Federal station under the Act of May 16, 1928 (U. S. C., Supp. VII, title 7, secs. 386-386b); and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Hawaii and Puerto Rico, and the amount obtained from the sale thereof shall be covered into the Treasury of the United States as miscellaneous receipts.

In all, salaries and expenses, \$225,546.

Total, Office of Experiment Stations, \$4,620,546, of which amount not to exceed \$144,605 may be expended for personal services in the District of Columbia, and not to exceed \$1,500 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

## EXTENSION SERVICE

### PAYMENTS TO STATES, HAWAII, AND ALASKA

For cooperative agricultural extension work, to be allotted, paid, and expended in the same manner, upon the same terms and conditions, and under the same supervision as the additional appropriations made by the Act of May 8, 1914 (U. S. C., title 7, secs. 341-348), entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving benefits of an Act of Congress approved July 2, 1862 (U. S. C., title 7, secs. 301-308), and of Acts supplementary thereto, and the United States Department of Agriculture", \$1,580,000; and all sums appropriated by this Act for use for demonstration or extension work within any State shall be used and expended in accordance with plans mutually agreed upon by the Secretary of Agriculture and the proper officials of the college in such State which receives the benefits of said Act of May 8, 1914: *Provided*, That of the above appropriation not more than \$300,000 shall be expended for purposes other than salaries of county agents.

Territorial and insular possessions.

Outside rent.

Annual financial statements, forms.

Insular experiment stations.

Allotments.

*Proviso.*  
Transfer of equipment authorized.  
Vol. 45, p. 571.  
U. S. C., p. 141.

Sale of products; use of receipts.

Vehicles for field work.

Extension Service.

Cooperative extension work allotments.  
Vol. 33, p. 372; Vol. 45, pp. 571, 711.  
U. S. C., p. 137.

Use, as mutually agreed upon.

*Proviso.*  
County agents.

Further cooperation with State colleges. Vol. 12, p. 503; Vol. 33, p. 372; Vol. 45, p. 711. U. S. C., pp. 135, 138.

To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts', approved July 2, 1862 (U. S. C., title 7, secs. 301-308), and all Acts supplementary thereto, and the United States Department of Agriculture", approved May 22, 1928 (U. S. C., Supp. VII, title 7, secs. 343a, 343b), \$1,480,000.

Extension work in Alaska. Vol. 45, p. 1256. U. S. C., p. 141.

Alaska: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska", approved February 23, 1929 (U. S. C., Supp. VII, title 7, sec. 386c), \$12,000.

Additional cooperative extension work.

Additional cooperative agricultural extension work: For additional cooperative agricultural extension work, including employment of specialists in economics and marketing, to be allotted and paid by the Secretary of Agriculture to the several States and the Territory of Hawaii in such amounts as he may deem necessary to accomplish such purposes, \$1,000,000.

In all, payments to States, Hawaii, and Alaska for agricultural extension work, \$4,072,000.

#### SALARIES AND EXPENSES

Administrative expenses.

General administrative expenses: For necessary expenses for general administrative purposes, including personal services in the District of Columbia, \$13,668.

Farmers' cooperative work.

Farmers' cooperative demonstration work: For farmers' cooperative demonstration work, including special suggestions of plans and methods for more effective dissemination of the results of the work of the Department of Agriculture and the agricultural experiment stations and of improved methods of agricultural practice, at farmers' institutes and in agricultural instruction, and for such work on Government reclamation projects, and for personal services in the city of Washington and elsewhere, supplies, and all other necessary expenses, \$747,248: *Provided*, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies, associations of farmers, and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State.

*Proviso.* Voluntary contributions within State accepted.

Agricultural exhibits at fairs.

Agricultural exhibits at fairs: To enable the Secretary of Agriculture to make suitable agricultural exhibits at State, interstate, and international fairs held within the United States; for the purchase of necessary supplies and equipment; for telephone and telegraph service, freight and express charges; for travel, and for every other expense necessary, including the employment of assistance in or outside the city of Washington, \$85,000.

Cooperative farm forestry.

Cooperative farm forestry: For cooperation with appropriate officials of the various States or with other suitable agencies to assist the owners of farms in establishing, improving, and renewing wood lots, shelter belts, windbreaks, and other valuable forest growth, and in growing and renewing useful timber crops under the provisions of section 5 of the Act entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly

Timber growth. Vol. 43, p. 654. U. S. C., p. 669.

suitable therefor", approved June 7, 1924 (U. S. C., title 16, secs. 564-570), including personal services in the District of Columbia, \$56,838.

In all, salaries and expenses, \$902,754, of which amount not to exceed \$510,536 may be expended for personal services in the District of Columbia. Services in the District.

Total, Extension Service, \$4,974,754.

Grand total, office of the Secretary of Agriculture, \$11,622,554.

## WEATHER BUREAU

Weather Bureau.

### SALARIES AND EXPENSES

For carrying into effect in the District of Columbia and elsewhere in the United States, in the West Indies, in the Panama Canal, the Caribbean Sea, and on adjacent coasts, in the Hawaiian Islands, in Bermuda, and in Alaska the provisions of an Act approved October 1, 1890 (U. S. C., title 15, secs. 311-313, 317), so far as they relate to the weather service transferred thereby to the Department of Agriculture, and the amendment thereof contained in section 5 (e) of the Air Commerce Act of 1926 (U. S. C., Supp. VII, title 15, sec. 313), for the employment of professors of meteorology, district forecasters, local forecasters, meteorologists, section directors, observers, apprentices, operators, skilled mechanics, instrument makers, foremen, assistant foremen, proofreaders, compositors, pressmen, lithographers, folders and feeders, repair men, station agents, messengers, messenger boys, laborers, special observers, display men, and other necessary employees; for fuel, gas, electricity, freight and express charges, furniture, stationery, ice, dry goods, twine, mats, oil, paints, glass, lumber, hardware, and washing towels; for advertising; for purchase, subsistence, and care of horses and vehicles, the purchase and repair of harness, for official purposes only; for instruments, shelters, apparatus, storm-warning towers and repairs thereto; for rent of offices; for repair, alterations, and improvements to existing buildings and care and preservation of grounds, including the construction of necessary outbuildings and sidewalks on public streets, abutting Weather Bureau grounds; and the erection of temporary buildings for living quarters of observers; for official traveling expenses; for telephone rentals, and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreement with the companies performing the service; for the maintenance and repair of Weather Bureau telegraph, telephone, and cable lines; and for every other expenditure required for the establishment, equipment, and maintenance of meteorological offices and stations and for the issuing of weather forecasts and warnings of storms, cold waves, frosts, and heavy snows, the gaging and measuring of the flow of rivers and the issuing of river forecasts and warnings; for observations and reports relating to crops; and for other necessary observations and reports, including cooperation with other bureaus of the Government and societies and institutions of learning for the dissemination of meteorological information, as follows:

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, \$124,840.

General weather service and research: For necessary expenses incident to collecting and disseminating meteorological, climatological, and marine information, and for investigations in meteorology, climatology, seismology, evaporation, and aerology in the District

Salaries and expenses.

Vol. 26, p. 563.  
U. S. C., p. 562.

Air Service reports.  
Vol. 44, p. 571.  
U. S. C., p. 563.

Personal services.

Contingent expenses.

Telegraphing, etc.

Issuing forecasts and warnings.

Cooperation with other bureaus, etc.

Chief of bureau, and office personnel.

General weather service and research.

- Weather relationship of Columbia and elsewhere, including \$3,930 for investigations of the relationship of weather conditions to forest fires, under section 6 of the Act approved May 22, 1928 (U. S. C., Supp. VII, title 16, sec. 581e), \$2,040,968, of which not to exceed \$800 may be expended for the contribution of the United States to the cost of the office of the secretariat of the International Meteorological Committee, and not to exceed \$10,000 may be expended for the maintenance of a printing office in the city of Washington for the printing of weather maps, bulletins, circulars, forms, and other publications: *Provided*, That no printing shall be done by the Weather Bureau that can be done at the Government Office<sup>1</sup> without impairing the service of said Bureau.
- International Meteorological Committee.
- Proviso.*  
Printing restriction.
- Western Montana, meteorological station. Meteorological station, western Montana: For the establishment, equipment, and maintenance of a meteorological station upon a site to be selected by the Secretary for western Montana, \$10,000, to be immediately available.
- Horticultural protection. Horticultural protection: For investigations, observations, and reports, forecasts, warnings, and advices for the protection of horticultural interests, \$49,467.
- Aerological stations. Aerology: For the maintenance of stations for observing, measuring, and investigating atmospheric phenomena, including salaries and other expenses, in the city of Washington and elsewhere, \$1,213,929.
- Total, Weather Bureau, \$3,439,204, of which amount not to exceed \$494,419 may be expended for personal services in the District of Columbia.

Animal Industry Bureau.

## BUREAU OF ANIMAL INDUSTRY

### SALARIES AND EXPENSES

- General expenses. For carrying out the provisions of the Act approved May 29, 1884 (U. S. C., title 7, sec. 391; title 21, secs. 112-119, 130), establishing a Bureau of Animal Industry, and the provisions of the Act approved March 3, 1891 (U. S. C., title 45, secs. 75, 76), providing for the safe transport and humane treatment of export cattle from the United States to foreign countries, and for other purposes; the Act approved August 30, 1890 (U. S. C., title 21, secs. 101-105), providing for the importation of animals into the United States, and for other purposes; and the provisions of the Act approved February 2, 1903 (U. S. C., title 21, secs. 111-113, 120-122), to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of livestock, and for other purposes; and also the provisions of the Act approved March 3, 1905 (U. S. C., title 21, secs. 123-128), to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other livestock therefrom, and for other purposes; and for carrying out the provisions of the Act of June 29, 1906 (U. S. C., title 45, secs. 71-74), entitled "An Act to prevent cruelty to animals while in transit by railroad or other means of transportation"; and for carrying out the provisions of the Act approved March 4, 1913 (U. S. C., title 21, secs. 151-158), regulating the preparation, sale, barter, exchange, or shipment of any virus, serum, toxin, or analogous products manufactured in the United States and the importation of such products intended for use in the treatment of domestic animals; and for carrying out the provisions of the Packers and Stockyards Act, approved August 15, 1921 (U. S. C., title 7, secs. 181-229); and to enable the Secretary of Agri-
- Vol. 23, p. 31.  
U. S. C., pp. 142, 927.  
Vol. 28, p. 333.  
U. S. C., p. 1960.  
Vol. 26, p. 414; Vol. 32, p. 791.  
U. S. C., p. 923.
- Contagious diseases. Vol. 33, p. 1284.  
U. S. C., p. 929.
- Cattle quarantine.
- Twenty-eight hour law. Vol. 34, p. 607.  
U. S. C., p. 1960.
- Animal viruses, etc. Vol. 37, p. 332.  
U. S. C., p. 931.
- Packers and Stockyards Act. Vol. 42, p. 159.  
U. S. C., p. 125.

<sup>1</sup> So in original.

culture to collect and disseminate information concerning livestock and animal products; to prepare and disseminate reports on animal industry; to employ and pay from the appropriation herein made as many persons in the city of Washington or elsewhere as he may deem necessary; to purchase in the open market samples of all tuberculin, serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, to test the same, and to disseminate the results of said tests in such manner as he may deem best; to purchase and destroy diseased or exposed animals, including poultry, or quarantine the same whenever in his judgment essential to prevent the spread of pleuropneumonia, tuberculosis, contagious poultry diseases, or other diseases of animals from one State to another, as follows:

**General administrative expenses:** For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, \$178,220.

**Inspection and quarantine:** For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of livestock, and the inspection of vessels, the execution of the twenty-eight hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and repairs, alterations, improvements, or additions to buildings thereon; the inspection work relative to the existence of contagious diseases, and the mallein testing of animals, \$681,174.

**Eradicating tuberculosis:** For investigating the diseases of tuberculosis and paratuberculosis of animals, and avian tuberculosis, for their control and eradication, for the tuberculin testing of animals, and for researches concerning the causes of the diseases, their modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, or State, Territory, or county authorities, \$2,631,616, of which \$1,131,616 shall be set aside for administrative and operating expenses and \$1,500,000 for the payment of indemnities: *Provided*, That in carrying out the purpose of this appropriation, if in the opinion of the Secretary of Agriculture it shall be necessary to condemn and destroy tuberculous or paratuberculous cattle, if such animals have been destroyed, condemned, or die after condemnation, he may, in his discretion, and in accordance with such rules and regulations as he may prescribe, expend in the city of Washington or elsewhere such sums as he shall determine to be necessary, within the limitations above provided, for the payment of indemnities, for the reimbursement of owners of such animals, in cooperation with such States, Territories, counties, or municipalities, as shall by law or by suitable action in keeping with its authority in the matter, and by rules and regulations adopted and enforced in pursuance thereof, provide inspection of tuberculous or paratuberculous cattle and for compensation to owners of cattle so condemned, but no part of the money hereby appropriated shall be used in compensating owners of such cattle except in cooperation with and supplementary to payments to be made by State, Territory, county, or municipality where condemnation of such cattle shall take place, nor shall any payment be made hereunder as compensation for or on account of any such animal if at the time of inspection or test, or at the time of condemnation thereof, it shall belong to or be upon the premises of any person, firm, or corporation to which

Collecting, etc., livestock information.

Pay of employees.

Tuberculin, serums, etc.

Purchase and destruction of diseased animals.  
Pleuropneumonia, etc.

General administrative expenses.

Inspection and quarantine work.

Mallein testing of animals.

Eradicating tuberculosis, etc.

Methods, etc.

*Provides.*  
Indemnities for animals destroyed.

Cooperation with States, etc.

- Restriction on payments. it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further*, That out of the money hereby appropriated no payment as compensation for any cattle condemned for slaughter shall exceed one-third of the difference between the appraised value of such cattle and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, Territory, county, and municipality where the animal shall be condemned; that in no case shall any payment hereunder be more than \$25 for any grade animal or more than \$50 for any purebred animal, and that no payment shall be made unless the owner has complied with all lawful quarantine regulations.
- Eradicating cattle ticks. *Proviso.* Limitation on purchases. Eradicating cattle ticks: For all necessary expenses for the eradication of southern cattle ticks, \$613,940: *Provided*, That, except upon the written order of the Secretary of Agriculture, no part of this appropriation shall be used for the purchase of animals or in the purchase of materials for or in the construction of dipping vats upon land not owned solely by the United States, except at fairs or expositions where the Department of Agriculture makes exhibits or demonstrations; nor shall any part of this appropriation be used in the purchase of materials or mixtures for use in dipping vats except in experimental or demonstration work carried on by the officials or agents of the Bureau of Animal Industry.
- Mixtures for dipping vats. Animal husbandry. Animal husbandry: For all necessary expenses for investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations and other agencies, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including the employment of labor in the city of Washington and elsewhere, rent outside the District of Columbia, and all other necessary expenses, \$757,663, including \$12,500 for livestock experiments and demonstrations at Big Springs or elsewhere in Texas, to be available only when the State of Texas, or other cooperating agency in Texas shall have appropriated an equal amount or, in the opinion of the Secretary of Agriculture, shall have furnished its equivalent in value in cooperation for the same purpose during the fiscal year ending June 30, 1936: *Provided*, That of the sum thus appropriated \$231,180 may be used for experiments in poultry feeding and breeding, of which amount \$40,000 may be used in cooperation with State authorities in the administration of regulations for the improvement of poultry, poultry products, and hatcheries.
- Feeding, breeding, etc., experiments. Big Springs, Tex., demonstrations, etc. Condition. *Proviso.* Poultry feeding, etc. Diseases of animals: For all necessary expenses for scientific investigations of diseases of animals, including the construction of necessary buildings at Beltsville, Maryland, the maintenance of the bureau experiment station at Bethesda, Maryland, and the necessary expenses for investigations of tuberculin, serums, antitoxins, and analogous products, \$381,755: *Provided*, That of said sum \$74,480 may be used for researches concerning the cause, modes of spread, and methods of treatment and prevention of the disease of contagious abortion of animals.
- Animal disease investigations. Beltsville, Md., station. Bethesda, Md., station. *Proviso.* Contagious abortion of animals. Eradicating hog cholera: For investigating the disease of hog cholera and related swine diseases, and for their control or eradication by such means as may be necessary, including demonstrations, the formation of organizations, and other methods, either independently or in cooperation with farmers' associations, State or county authorities, \$373,424: *Provided*, That of said sum \$218,712 shall be available for expenditure in carrying out the provisions of the Act approved March 4, 1913 (U. S. C., title 21, secs. 151-158), regulating the preparation, sale, barter, exchange, or shipment of any
- Hog cholera investigations, etc. *Provisos.* Regulating trade in viruses, etc. Vol. 37, p. 832. U. S. C., p. 931.



virus, serum, toxin, or analogous product manufactured in the United States and the importation of such products intended for use in the treatment of domestic animals: *Provided further*, That of said sum \$27,520 shall be available for researches concerning the cause, modes of spread, and methods of treatment and prevention of these diseases.

Pathological re-  
searches.

Eradicating dourine: For all necessary expenses for the investigation, treatment, and eradication of dourine, \$8,613.

Eradicating dourine.

Packers and Stockyards Act: For necessary expenses in carrying out the provisions of the Packers and Stockyards Act, approved August 15, 1921 (U. S. C., title 7, secs. 181-229), \$331,879: *Provided*, That the Secretary of Agriculture may require reasonable bonds from every market agency and dealer, under such rules and regulations as he may prescribe to secure the performance of their obligations, and whenever, after due notice and hearing, the Secretary finds any registrant is insolvent or has violated any provisions of said Act he may issue an order suspending such registrant for a reasonable specified period. Such order of suspension shall take effect within not less than five days, unless suspended or modified or set aside by the Secretary of Agriculture or a court of competent jurisdiction: *Provided further*, That the Secretary of Agriculture may, whenever necessary, authorize the charging and collection from owners of a reasonable fee for the inspection of brands appearing upon livestock subject to the provisions of the said Act for the purpose of determining the ownership of such livestock: *Provided further*, That such fee shall not be imposed except upon written request made to the Secretary of Agriculture by the Board of Livestock Commissioners, or duly organized livestock association of the States from which such livestock have originated or been shipped to market.

Packers and Stock-  
yards Act.  
Vol. 42, p. 159.  
U. S. C., p. 125.

*Provisos.*  
Bonds from agencies  
and dealers.

Suspension for viola-  
tion.

Fee for inspecting  
brands.

Not imposed unless  
requested.

Meat inspection: For expenses in carrying out the provisions of the Meat Inspection Act of June 30, 1906 (U. S. C., title 21, sec. 95), as amended by the Act of March 4, 1907 (U. S. C., title 21, secs. 71-94), as extended to equine meat by the Act of July 24, 1919 (U. S. C., title 21, sec. 96), and as authorized by section 2 (a) of the Act of June 26, 1934 (48 Stat. 1224), including the purchase of tags, labels, stamps, and certificates printed in course of manufacture, \$5,355,135.

Meat inspection.  
Vol. 34, pp. 674, 1260.  
U. S. C., p. 926.

Equine meat.  
Vol. 41, p. 241.  
U. S. C., p. 923.

Vol. 48, p. 1225.

#### ERADICATION OF FOOT-AND-MOUTH AND OTHER CONTAGIOUS DISEASES OF ANIMALS

Contagious diseases  
of animals.

In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuro-pneumonia, or other contagious or infectious disease of animals, which, in the opinion of the Secretary of Agriculture, threatens the livestock industry of the country, he may expend, in the city of Washington or elsewhere, any unexpended balances of appropriations heretofore made for this purpose in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all lawful quarantine regulations: *Provided*, That the payment for animals hereafter purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value, and, except in case of an extraordinary emergency, to be determined by the Secretary of Agriculture, the payment by the United States Government

Emergency eradicat-  
ing foot-and-mouth,  
etc., diseases.

Use of balances.

Payment for de-  
stroyed animals.

*Provisos.*  
Appraisement based  
on meat, etc., value.

Eradicating Euro-  
pean fowl pest.  
Vol. 43, p. 682.

for any animals shall not exceed one-half of any such appraisements: *Provided further*, That the sum of \$5,000 of the unexpended balance of the appropriation of \$3,500,000, contained in the Second Deficiency Appropriation Act, fiscal year 1924, approved December 5, 1924, for the eradication of the foot-and-mouth disease and other contagious or infectious diseases of animals, is hereby made available during the fiscal year 1936 to enable the Secretary of Agriculture to control and eradicate the European fowl pest and similar diseases in poultry.

Services in the Dis-  
trict.  
Vehicles.

Total, Bureau of Animal Industry, \$11,313,419, of which amount not to exceed \$789,029 may be expended for departmental personal services in the District of Columbia, and not to exceed \$55,325 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Dairy Industry Bu-  
reau.

## BUREAU OF DAIRY INDUSTRY

Salaries and expenses.

### SALARIES AND EXPENSES

Vol. 43, p. 243.  
U. S. C., p. 142.

For carrying out the provisions of the Act approved May 29, 1924 (U. S. C., title 7, secs. 401-404), establishing a Bureau of Dairying, for salaries in the city of Washington and elsewhere, and for all other necessary expenses, as follows:

Administrative ex-  
penses.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of the chief of bureau and other personal services in the District of Columbia, \$66,075.

Investigations, dem-  
onstrations, etc.

Dairy investigations: For conducting investigations, experiments, and demonstrations in dairy industry, cooperative investigations of the dairy industry in the various States, and inspection of renovated-butter factories, including repairs to buildings, not to exceed \$5,000 for the construction of buildings, \$570,104.

Services in the Dis-  
trict.

Total, Bureau of Dairy Industry, \$636,179, of which amount not to exceed \$306,720 may be expended for personal services in the District of Columbia.

Plant Industry Bu-  
reau.

## BUREAU OF PLANT INDUSTRY

Salaries and expenses.

### SALARIES AND EXPENSES

Investigating fruits,  
plants, products, etc.

For all necessary expenses in the investigation of fruits, fruit trees, grain, cotton, tobacco, vegetables, grasses, forage, drug, medicinal, poisonous, fiber, and other plants and plant industries in cooperation with other branches of the department, the State experiment stations, and practical farmers, and for the erection of necessary farm buildings: *Provided*, That the cost of any building erected shall not exceed \$1,500; for field and station expenses, including fences, drains, and other farm improvements; for repairs in the District of Columbia and elsewhere; for rent outside the District of Columbia; and for the employment of all investigators, local and special agents, agricultural explorers, experts, clerks, illustrators, assistants, and all labor and other necessary expenses in the city of Washington and elsewhere required for the investigations, experiments, and demonstrations herein authorized, as follows:

*Proviso.*  
Cost limit for build-  
ings.  
Field, etc., expenses.

Administrative ex-  
penses.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, \$189,242.

Arlington, Va., farm.

Arlington Farm: For continuing the necessary improvements to establish and maintain a general experiment farm and agricultural

station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the Act of Congress approved April 18, 1900 (31 Stat., pp. 135, 136), \$49,414: *Provided*, That the limitations in this Act as to the cost of farm buildings shall not apply to this paragraph.

**Botany:** For investigation, improvement, and utilization of wild plants and grazing lands, and for determining the distribution of weeds and means of their control, \$76,635, of which \$40,000 shall be expended for scientific investigation concerning control and eradication of bind weed and other noxious weeds.

**Cereal crops and diseases:** For the investigation and improvement of cereals, including corn, and methods of cereal production and for the study and control of cereal diseases, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broomcorn and methods of broomcorn production, \$501,923.

**Cotton and other fiber crops and diseases:** For investigation of the production of cotton and other fiber crops, including the improvement by cultural methods, breeding, and selection, fiber yield and quality, and the control of diseases, \$406,435, of which sum not exceeding \$15,000 shall be used for experimenting in Sea Island cotton, including its hybridization with other varieties.

**Drug and related plants:** For the investigation, testing, and improvement of plants yielding drugs, spices, poisons, oils, and related products and byproducts, \$47,139.

**Dry-land agriculture:** For the investigation and improvement of methods of crop production under subhumid, semiarid, or dry-land conditions, \$215,578: *Provided*, That no part of this appropriation shall be used for the establishment of any new field station.

**Experimental greenhouse maintenance:** For maintenance and operation of experimental greenhouses and adjacent experimental grounds and plots, \$78,632.

**Forage crops and diseases:** For the purchase, propagation, testing and distribution of new and rare seeds; for the investigation and improvement of grasses, alfalfa, clover, and other forage crops, including the investigation and control of diseases, \$290,346.

**Forest pathology:** For the investigation of diseases of forest and ornamental trees and shrubs, including a study of the nature and habits of the parasitic fungi causing the chestnut-tree bark disease, the white-pine blister rust, and other epidemic tree diseases, for the purpose of discovering new methods of control and applying methods of eradication or control already discovered, and including \$127,357 for investigations of diseases of forest trees and forest products, under section 3 of the Act approved May 22, 1928 (U. S. C., Supp. VII, title 16, sec. 581b), \$252,092.

**Fruit and vegetable crops and diseases:** For investigation and control of diseases, for improvement of methods of culture, propagation, breeding, selection, and related activities concerned with the production of fruits, nuts, vegetables, ornamentals, and related plants, for investigation of methods of harvesting, packing, shipping, storing, and utilizing these products, and for studies of the physiological and related changes of such products during processes of marketing and while in commercial storage, \$1,151,192.

**Genetics and biophysics:** For biophysical investigations in connection with the various lines of work herein authorized, \$31,675.

**Mycology and disease survey:** For mycological collections and the maintenance of a plant-disease survey, \$42,818.

Vol. 31, p. 135.

*Proviso.*  
Cost limitation not applicable.

Wild plants and grazing lands.

Cereal crops and diseases, improvement, etc.

Flax, broomcorn, etc.

Cotton production and diseases.

Drug, etc., plants.

Dry-land agriculture.

*Proviso.*  
New field stations forbidden.

Experimental greenhouse.

Forage crops and diseases.

Forest pathology.

Vol. 45, p. 701.  
U. S. C., p. 672.

Fruit and vegetable crops and diseases.

Genetics and biophysics.

Plant disease survey, etc.

National Arboretum.  
Vol. 44, p. 1422.  
U. S. C., p. 914.

National Arboretum: For the maintenance of the National Arboretum established under the provisions of the Act entitled "An Act authorizing the Secretary of Agriculture to establish a National Arboretum, and for other purposes", approved March 4, 1927 (U. S. C., Supp. VII, title 20, secs. 191-194), including the erection of buildings, salaries in the city of Washington and elsewhere, traveling expenses of employees and advisory council, and other necessary expenses, \$19,307, of which such amounts as may be necessary may be expended by contract or otherwise for the services of consulting landscape architects without reference to the Classification Act of 1923, as amended, or civil service rules.

Landscape architects.

Nematology.

Nematology: For crop technological investigations, including the study of plant-infesting nematodes, \$43,961.

Plant exploration and introduction.

Plant exploration and introduction: For investigations in seed and plant introduction, including the study, collection, purchase, testing, propagation, and distribution of rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries and from our possessions, and for experiments with reference to their introduction and cultivation in this country, \$204,483.

Plant nutrition investigations.

Plant nutrition: For plant-nutrition investigations, \$16,024.

Reserve stations, investigations, etc.

Plant reserve stations: For investigations and production of plants for revegetation, soil protection, and related purposes, including the study, collection, purchase, testing, improvement, propagation, distribution and utilization of trees, shrubs, grasses, and other plants, and the maintenance of supplies of promising plants for revegetation, soil protection, and related uses, \$483,198.

Rubber, etc., plants.

Rubber and other tropical plants: For investigation of crops, from tropical regions, and for the study and improvement of rubber plants by cultural methods, breeding, acclimatization, adaptation, and selection, and for investigation of their diseases, \$46,749.

Seed investigations.  
Testing commercial seeds and grasses.

Seed investigations: For studying and testing commercial seeds, including the testing of samples of seeds of grasses, clover, or alfalfa, and lawn-grass seeds secured in the open market, and where such samples are found to be adulterated or misbranded the results of the tests shall be published, together with the names of the persons by whom the seeds were offered for sale, and for carrying out the provisions of the Act approved August 24, 1912 (U. S. C., title 7, secs. 111-114), entitled "An Act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes", as amended by the Act approved April 26, 1926 (U. S. C., Supp. VII, title 7, secs. 111, 115, 116), \$67,293: *Provided*, That not to exceed \$250 of this amount may be used for meeting the share of the United States in the expenses of the International Seed Testing Congress in carrying out plans for correlating the work of the various adhering governments on problems relating to seed analysis or other subjects which the congress may determine to be necessary in the interest of international seed trade.

Preventing admission, etc.  
Vol. 37, p. 506; Vol. 44, p. 325.  
U. S. C., p. 117.

*Proviso.*  
International Seed Testing Congress.

Soil fertility investigations.

Soil-fertility investigations: For soil investigations into causes of infertility; maintenance of productivity; effects of soil composition, cultural methods, fertilizers, and soil amendments on yield and quality of crops; and the properties, composition, formation, and transformation of soil organic matter, \$172,157.

Soil microbiology investigations.

Soil microbiology investigations: For investigations of the microorganisms of the soil and their activities, including the testing of samples procured in the open market, of cultures for inoculating legumes, other crops, or soil, and the publication of results, and if any such samples are found to be impure, nonviable, or misbranded, the results of the tests may be published, together with the names

Inoculating legumes, etc.

of the manufacturers and of the persons by whom the cultures were offered for sale, \$39,854.

Sugar-plant investigations: For sugar-plant investigations, including studies of diseases and the improvement of sugar beets and sugar-beet seed, \$312,079. Sugar plant investigations.

Tobacco investigations: For the investigation and improvement of tobacco and the methods of tobacco production and handling, \$137,744. Tobacco investigations.

Western irrigation agriculture: For investigations in connection with western irrigation agriculture, the utilization of lands reclaimed under the Reclamation Act, and other areas in the arid and semiarid regions, \$122,527. Western irrigation agriculture. Utilizing reclaimed lands.

Total, Bureau of Plant Industry, \$4,998,497, of which amount not to exceed \$1,691,221 may be expended for departmental personal services in the District of Columbia and not to exceed \$15,675 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia. Services in the District.

## FOREST SERVICE

Forest Service.

### SALARIES AND EXPENSES

General expenses.

To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water-supply or sanitary system and of connecting the same with any such building, and exclusive of the cost of any tower upon which a lookout house may be erected, shall not exceed \$2,500; to pay all expenses necessary to protect, administer, and improve the national forests, including tree planting in the forest reserves to prevent erosion, drift, surface wash, and soil waste and the formation of floods, and including the payment of rewards under regulations of the Secretary of Agriculture for information leading to the arrest and conviction for violation of the laws and regulations relating to fires in or near national forests, or for the unlawful taking of, or injury to Government property; to ascertain the natural conditions upon and utilize the national forests, to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests in the city of Washington and elsewhere; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase necessary supplies, apparatus, office fixtures, law books, reference and technical books and technical journals for officers of the Forest Service stationed outside of Washington, and for medical supplies and services and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service: *Provided further*, That the appropriations for the work of the Forest Service shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling

Experiments, etc.  
*Post*, p. 1617.

Restricted to United States.

*Provisos.*  
Cost of buildings.

Protecting, etc., national forests.

Care of fish and game.

Supplies, etc.

Warehouse maintenance.

of supplies and materials stored therein for distribution to projects under the supervision of the Forest Service and for sale and distribution to other Government activities, the cost of such supplies and materials, including the cost of supervision, transportation, and handling, to be reimbursed to appropriations current at the time additional supplies and materials are procured for warehouse stocks from the appropriations chargeable with the cost of stock issued; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, and washing towels, and official traveling and other necessary expenses, including traveling expenses for legal and fiscal officers while performing Forest Service work; and for rent outside the District of Columbia, as follows:

Outside rent.

Chief Forester and office personnel.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of the Chief Forester and other personal services in the District of Columbia, \$358,300.

National forests.

#### NATIONAL FOREST ADMINISTRATION

Administrative, etc., expenses.

For the administration, protection, and development of the national forests, including the compensation and traveling expenses of field personnel; the purchase of materials, supplies, and equipment; the establishment and maintenance of forest tree nurseries, including the procurement of tree seed and nursery stock by purchase, production, or otherwise, seeding and tree planting and the care of plantations and young growth; the maintenance and operation of aerial fire control by contract or otherwise, but not including the purchase of landing fields or aircraft; the maintenance of roads and trails and the construction and maintenance of all other improvements necessary for the proper and economical administration, protection, development, and use of the national forests:

*Proviso.*

Direct purchases.

*Provided*, That where, in the opinion of the Secretary of Agriculture, direct purchases will be more economical than construction, improvements may be purchased; the construction and maintenance of sanitary facilities and for fire preventive and other measures incident to recreational developments and use; control of destructive forest tree diseases and insects; timber cultural operations; development and application of fish and game management plans; propagation and transplanting of plants suitable for planting on semi-arid portions of the national forests; estimating and appraising of timber and other resources and development and application of plans for their effective management, sale and use; examination, classification, surveying, and appraisal of land incident to effecting exchanges authorized by law and of lands within the boundaries of the national forests that may be opened to homestead settlement and entry under the Act of June 11, 1906 (U. S. C., title 16, secs. 506-509), and the Act of August 10, 1912 (U. S. C., title 16, sec. 506), as provided by the Act of March 4, 1913 (U. S. C., title 16, sec. 512), and all other expenses necessary for the use, maintenance, improvement, protection, and general administration of the national forests and lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted under the Act of March 1, 1911 (U.S.C., title 16, sec. 521), and the Act of June 7, 1924 (U. S. C., title 16, secs. 471, 499, 505, 564-570).

Lands opened to entry, etc.

Vol. 34, p. 233; Vol. 37, pp. 287, 342.  
U. S. C., pp. 664, 665.

Purchase or acquisition.

Vol. 36, p. 963; Vol. 43, p. 665; U. S. C., pp. 657-670.

Allotments.

*Proviso.*  
Care of graves of fire fighters.

In national forest region 1, Montana, Washington, Idaho, and South Dakota, \$1,424,678: *Provided*, That the Secretary of Agriculture is authorized to use not to exceed \$200 in caring for the graves of fire fighters buried at Wallace, Idaho; Newport, Washington; and Saint Maries, Idaho;

In national forest region 2, Colorado, Wyoming, South Dakota, Nebraska, and Oklahoma, \$737,408: *Provided*, That not to exceed \$1,000 of this appropriation may be expended for the maintenance of the herd of longhorned cattle on the Wichita National Forest;

*Provisos.*  
Longhorned cattle,  
Wichita National For-  
est.

In national forest region 3, Arizona and New Mexico, \$618,279;

In national forest region 4, Utah, Idaho, Wyoming, Nevada, and Colorado, \$873,047;

In national forest region 5, California and Nevada, \$1,252,630;

In national forest region 6, Washington, Oregon, and California, \$1,274,647;

In national forest region 7, Pennsylvania, Virginia, West Virginia, New Hampshire, Maine, Puerto Rico, Kentucky, and Vermont, \$417,607;

In national forest region 8, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, \$743,945;

In national forest region 9, Michigan, Minnesota, Illinois, Iowa, Missouri, Ohio, Indiana, and Wisconsin, \$566,527: *Provided*, That not to exceed \$1,000 of this appropriation may be used for the repair and maintenance of the dam at Cass Lake, Minnesota;

Cass Lake, Minn.,  
repair, etc., of dam.

In national forest region 10, Alaska, \$100,809;

In all, for the use, maintenance, improvement, protection, and general administration of the national forests, \$8,009,577: *Provided*, That the foregoing amounts appropriated for such purposes shall be available interchangeably in the discretion of the Secretary of Agriculture for the necessary expenditures for fire protection and other unforeseen exigencies: *Provided further*, That the amounts so interchanged shall not exceed in the aggregate 10 per centum of all the amounts so appropriated.

Aggregate.  
*Provisos.*  
Interchangeable  
funds for fire protec-  
tion.

Limitation.

Fighting forest fires: For fighting and preventing forest fires on or threatening the national forests and for the establishment and maintenance of a patrol to prevent trespass and to guard against and check fires upon the lands revested in the United States by the Act approved June 9, 1916 (39 Stat., p. 218), and the lands known as the Coos Bay Wagon Road lands involved in the case of Southern Oregon Company against United States (numbered 2711), in the Circuit Court of Appeals of the Ninth Circuit, \$100,000, which amount shall be immediately available.

Fighting forest fires.  
*Post*, p. 1115.

Revested Oregon-  
California lands, etc.  
Vol. 39, p. 218.

#### FOREST RESEARCH

Forest research.

For forest research in accordance with the provisions of sections 1, 2, 7, 8, 9, and 10 of the Act entitled "An Act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects", approved May 22, 1928 (U. S. C., Supp. VII, title 16, secs. 581, 581a, 581f-581i), as follows:

Development of tim-  
ber, etc.  
Vol. 45, p. 699.  
U. S. C., p. 672.

Forest management: Fire, silvicultural, and other forest investigations and experiments under section 2, at forest experiment stations or elsewhere, \$504,494.

Forest management.  
Vol. 45, p. 701.

Range investigations: Investigations and experiments to develop improved methods of management of forest and other ranges under section 7, at forest or range experiment stations or elsewhere, \$154,435.

Management of  
ranges, etc.  
Vol. 45, p. 701.

Forest products experiments.  
Vol. 45, p. 701.

Forest products: Experiments, investigations, and tests of forest products under section 8, at the Forest Products Laboratory, or elsewhere, \$508,361.

Forest survey.  
Vol. 45, p. 701.

Forest survey: A comprehensive forest survey under section 9, \$250,000.

Forest economics.  
Vol. 45, p. 702.

Forest economics: Investigations in forest economics under section 10, \$73,295.

Aggregate; additional, from cooperative forest fund contributions.

In all, salaries and expenses, \$9,958,462; and in addition thereto there are hereby appropriated all moneys received as contributions toward cooperative work under the provisions of section 1 of the Act approved March 3, 1925 (U. S. C., title 16, sec. 572), which funds shall be covered into the Treasury and constitute a part of the special funds provided by the Act of June 30, 1914 (U. S. C., title 16, sec. 498): *Provided*, That not to exceed \$485,244 may be expended for departmental personal services in the District of Columbia: *Provided further*, That not to exceed \$1,000 may be expended for the contribution of the United States to the cost of the office of the secretariat of the International Union of Forest Research Stations.

Vol. 43, p. 1132.  
U. S. C., p. 670.  
Vol. 38, p. 430.  
U. S. C., p. 663.

*Proctors.*  
Services in the District.

International Union of Forest Research Stations, contribution.

Forest-fire prevention.

#### FOREST-FIRE COOPERATION

Cooperation with States, etc.

For cooperation with the various States or other appropriate agencies in forest-fire prevention and suppression and the protection of timbered and cut-over lands in accordance with the provisions of sections 1, 2, and 3 of the Act entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote continuous production of timber on lands chiefly valuable therefor", approved June 7, 1924 (U. S. C., title 16, secs. 564-570), as amended, including also the study of the effect of tax laws and the investigation of timber insurance as provided in section 3 of said Act, \$1,578,632, of which \$23,788 shall be available for departmental personal services in the District of Columbia and not to exceed \$1,500 for the purchase of supplies and equipment required for the purposes of said Act in the District of Columbia.

Vol. 43, p. 653.  
U. S. C., p. 669.

Tax laws and timber insurance.

Services in the District.  
Supplies and equipment.

Forest planting stock.

#### COOPERATIVE DISTRIBUTION OF FOREST PLANTING STOCK

Cooperation with States, etc., in reforestation.

For cooperation with the various States in the procurement, production, and distribution of forest-tree seeds and plants in establishing windbreaks, shelter belts, and farm wood lots upon denuded or nonforested lands within such cooperating States, under the provisions of section 4 of the Act entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor", approved June 7, 1924 (U. S. C., title 16, sec. 567), and Acts supplementary thereto, \$56,379, of which amount not to exceed \$1,000 may be expended for departmental personal services in the District of Columbia.

Vol. 43, p. 654.  
U. S. C., p. 669.

Services in the District.

National Forest Reservation Commission.

#### NATIONAL FOREST RESERVATION COMMISSION

Salaries and expenses.  
Vol. 36, p. 92.  
U. S. C., p. 665.

For the necessary expenses of the National Forest Reservation Commission established by section 4 of the Act approved March 1, 1911, and authorized by section 14 of said Act, including the employment of persons and means in the District of Columbia and elsewhere, \$7,500.

Vehicles.

Total, Forest Service, \$11,600,973, of which amount not to exceed \$41,885 shall be available for the purchase of motor-propelled and



horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia, and in addition thereto there is authorized for expenditure from funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (U. S. C., title 23, secs. 21, 23), not to exceed \$7,425 for the purchase of motor-propelled passenger-carrying vehicles for use by the Forest Service in the construction and maintenance of national forest roads.

Vol. 42, p. 217.  
U. S. C., p. 972.

## BUREAU OF CHEMISTRY AND SOILS

### SALARIES AND EXPENSES

For all necessary expenses connected with the investigations, experiments, and demonstrations hereinafter authorized, independently or in cooperation with other branches of the Department of Agriculture, other departments or agencies of the Federal Government, States, State agricultural experiment stations, universities and other State agencies and institutions, counties, municipalities, business or other organizations and corporations, individuals, associations, and scientific societies, including the employment of necessary persons and means in the city of Washington and elsewhere; rent outside the District of Columbia, and other necessary supplies and expenses, and for erection, alteration, and repair of buildings outside the District of Columbia at a total cost not to exceed \$5,000, as follows:

**General administrative expenses:** For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, \$90,241.

**Agricultural chemical investigations:** For conducting the investigations contemplated by the Act of May 15, 1862 (U. S. C., title 5, secs. 511, 512), relating to the application of chemistry to agriculture; for the biological, chemical, physical, microscopical, and technological investigation of foods, feeds, drugs, and insecticides and substances used in the manufacture thereof, including investigations of the physiological effects of such products; for the investigation and development of methods for the manufacture of sugars and sugar sirups and the utilization of new agricultural materials for such purposes; for investigation of the action and changes produced by micro-organisms, including molds and fungi; for investigation and development of methods for the utilization of agricultural wastes and residues, in cooperation with the Bureau of Standards, Department of Commerce, without duplication of work; for investigation and development of methods for the prevention of heating of agricultural products and the prevention of farm fires and fires in cotton gins, cotton-oil mills, grain elevators, and other structures, and to cooperate with associations and scientific societies in the development of methods of analysis, \$383,930.

**Color investigations:** For investigation and experiment in the utilization, for coloring, medicinal, and technical purposes, of raw materials grown or produced in the United States, \$69,757.

**Plant dust explosions:** For the investigation and development of methods for the prevention of grain-dust, smut-dust, and other dust explosions not otherwise provided for and resulting fires, including fires in cotton gins, cotton-oil mills, and grain elevators, \$34,881.

**Naval stores investigations:** For the investigation and demonstration of improved methods or processes of preparing naval stores, the weighing, handling, transportation, and the uses of same, \$76,741.

**Fertilizer investigations:** For investigations within the United States of fertilizers, fertilizer ingredients, including phosphoric acid

Chemistry and Soils Bureau.

General expenses.

Investigations, demonstrations, etc.

Employees, etc.

General administrative expenses.

Chemical investigations.

Vol. 12, p. 387.  
U. S. C., p. 74.

Biological, etc., investigations.

Methods of sugar manufacture, etc.

Utilizing wastes, etc.

Cooperation with scientific, etc., societies.

Utilizing raw materials for colorants, etc.

Plant dust explosions.

Methods for preventing.

Naval stores investigations.

Fertilizers.

and potash, and other soil amendments and their suitability for agricultural use, \$269,595.

Soil types, composition, etc., investigations.

Soil chemical and physical investigations: For chemical, physical, and physical-chemical investigations of soil types, soil composition, and soil minerals, the soil solution, solubility of soil, and all chemical and physical properties of soils in their relation to soil formation, soil texture, erodibility, and soil productivity, \$68,081.

Soil survey.

Soil survey: For the investigation of soils and their origin, for survey of the extent of classes and types, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations and surveys, \$286,208, of which \$10,000 shall be immediately available.

Services in the District.  
Vehicles.

Total, Bureau of Chemistry and Soils, \$1,279,434, of which amount not to exceed \$963,646 may be expended for personal services in the District of Columbia, and not to exceed \$1,770 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Entomology and Plant Quarantine Bureau.  
Salaries and expenses.

## BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

### SALARIES AND EXPENSES

Investigations, etc., of insects.

For necessary expenses connected with investigations, experiments, and demonstrations for the promotion of economic entomology, for investigating and ascertaining the best means of destroying insects and related pests injurious to agriculture, for investigating and importing useful and beneficial insects and bacterial, fungal, and other diseases of insects and related pests, for investigating and ascertaining the best means of destroying insects affecting man and animals, to enable the Secretary of Agriculture to carry into effect the provisions of the Plant Quarantine Act of August 20, 1912, as amended, to conduct other activities hereinafter authorized, and for the eradication, control, and prevention of spread of injurious insects and plant pests; independently or in cooperation with other branches of the Federal Government, States, counties, municipalities, corporations, agencies, individuals, or with foreign governments; including the employment of necessary persons and means in the District of Columbia and elsewhere, rent, construction, or repair of necessary buildings outside the District of Columbia: *Provided*, That the cost for the construction of any building shall not exceed \$1,500, and that the total amount expended for such construction in any one year shall not exceed \$7,000, as follows:

Plant Quarantine Act, enforcement.  
Vol. 37, p. 315; Vol. 39, p. 1165; Vol. 44, p. 250.  
U. S. C., p. 122.

General administrative expenses: For general administrative purposes, including the salary of chief of bureau and other personal services, \$162,288.

*Proviso.*  
Cost of buildings.

Fruit insects: For insects affecting fruits, grapes, and nuts, \$399,531.

Japanese beetle.

Japanese beetle control: For the control and prevention of spread of the Japanese beetle, \$350,000.

Mexican fruit fly.

Mexican fruit fly control: For the control and prevention of spread of the Mexican fruit fly, including necessary surveys and control operations in Mexico in cooperation with the Mexican Government or local Mexican authorities, \$140,460.

Citrus canker eradication.

Citrus-canker eradication: For determining and applying such methods of eradication or control of the disease of citrus trees known as "citrus canker" as in the judgment of the Secretary of Agriculture may be necessary, including cooperation with such authorities of the States concerned, organizations of growers, or individuals, as

he may deem necessary to accomplish such purposes, \$13,485: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

*Proviso.*  
No indemnity for destroyed trees.

Phony-peach eradication: For determining and applying such methods of eradication, control, and prevention of spread of the disease of peach trees known as "phony peach" as in the judgment of the Secretary of Agriculture may be necessary, including cooperation with such authorities of the States concerned, organizations of growers, or individuals, as he may deem necessary to accomplish such purposes, including the certification of products out of the infested areas to meet the requirements of State quarantines, \$49,828: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

Phony-peach eradication.

*Proviso.*  
No indemnity for destroyed trees.

Date scale control: For the control and prevention of spread of *Parlatoria* date scale, \$24,856.

Date scale control.

Forest insects: For insects affecting forests and forest products, under section 4 of the Act approved May 22, 1928 (U. S. C., Supp. VII, title 16, sec. 581c), entitled "An Act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects", and for insects affecting ornamental trees and shrubs, \$160,015, of which \$1,000 shall be immediately available.

Forest insects.  
Preventing infestation, etc.  
Vol. 45, p. 701.  
U. S. C., p. 672.

Gypsy and brown-tail moth control: For the control and prevention of spread of the gypsy and brown-tail moths, \$400,000.

Gypsy and brown-tail moth control.

Blister rust control: For applying such methods of eradication, control, and prevention of spread of the white pine blister rust as in the judgment of the Secretary of Agriculture may be necessary to accomplish such purposes, and in the discretion of the Secretary of Agriculture no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities, or by individuals or organizations concerned, \$250,000: *Provided*, That no part of this appropriation shall be used to pay the cost or value of trees or other property injured or destroyed.

Blister rust control.

*Proviso.*  
No indemnity for destroyed trees.

Dutch elm disease eradication: For control and prevention of spread of the Dutch elm disease in the United States, \$261,156, to be immediately available: *Provided*, That no part of this appropriation shall be used to pay the cost or value of trees or other property injured or destroyed.

Dutch elm disease, eradication.

*Proviso.*  
No indemnity for destroyed trees.

Truck crop and garden insects: For insects affecting truck crops, ornamental, and garden plants, including tobacco, sugar beets, and greenhouse and bulbous crops, \$361,418.

Truck and garden crops.

Cereal and forage insects: For insects affecting cereal and forage crops, including sugarcane and rice, and including research on the European corn borer, \$347,229, including not exceeding \$15,000 for investigation of the means of control of the Mormon cricket.

Cereal and forage insects.  
*Post*, p. 581.  
Mormon cricket control.

European corn borer control: For the control and prevention of spread of the European corn borer and for the certification of products out of the infested areas to meet the requirements of State quarantines on account of the European corn borer, \$32,939.

European corn borer.

Barberry eradication.	Barberry eradication: For the eradication of the common barberry and for applying such other methods of eradication, control and prevention of spread of cereal rusts as in the judgment of the Secretary of Agriculture may be necessary to accomplish such purposes, \$200,000: <i>Provided</i> , That \$30,000 of this amount shall be available for expenditure only when an equal amount shall have been appropriated, subscribed, or contributed by States, counties, or local authorities, or by individuals or organizations for the accomplishment of such purposes: <i>Provided further</i> , That no part of the money herein appropriated shall be used to pay the cost or value of property injured or destroyed.
<i>Provisos.</i> Local contributions required.	
No indemnity for property destroyed.	
Cotton insects.	Cotton insects: For insects affecting cotton, \$147,244.
Pink bollworm control.	Pink bollworm control: For the control and prevention of spread of the pink bollworm, including the establishment of such cotton-free areas as may be necessary to stamp out any infestation, and for necessary surveys and control operations in Mexico in cooperation with the Mexican Government or local Mexican authorities, \$276,839.
Cooperation with Mexico.	
Thurberia weevil.	Thurberia weevil control: For the control and prevention of spread of the Thurberia weevil, \$2,808.
Bee culture.	Bee culture: For bee culture and apiary management, \$68,000.
Insects affecting man and animals.	Insects affecting man and animals: For insects affecting man, household possessions, and animals, \$120,148.
Identification and classification of insects.	Insect pest survey and identification: For the identification and classification of insects, including taxonomic, morphological, and related phases of insect-pest control, the importation and exchange of useful insects, and the maintenance of an insect pest survey for the collection and dissemination of information to Federal, State, and other agencies concerned with insect-pest control, \$134,798.
Disseminating information.	
Control investigations.	Control investigations: For developing equipment or apparatus to aid in enforcing plant quarantines, eradication and control of plant pests, determining methods of disinfecting plants and plant products to eliminate injurious pests, determining the toxicity of insecticides, and related phases of insect pest control, \$62,518.
Insecticide and fungicide investigations.	Insecticide and fungicide investigations: For the investigation and development of methods of manufacturing insecticides and fungicides, and for investigating chemical problems relating to the composition, action, and application of insecticides and fungicides, \$168,984.
Transit inspection. Vol. 37, p. 315; Vol. 44, p. 250; Vol. 45, p. 468. U. S. C., p. 123.	Transit inspection: For the inspection in transit or otherwise of articles quarantined under the Act of August 20, 1912 (U. S. C., Supp. VII, title 7, secs. 161, 164a), as amended, and for the interception and disposition of materials found to have been transported interstate in violation of quarantines promulgated thereunder, \$29,059.
Foreign plant quarantines.	Foreign plant quarantines: For enforcement of foreign plant quarantines, at the port of entry and/or port of export, and to prevent the movement of cotton and cottonseed from Mexico into the United States, including the regulation of the entry into the United States of railway cars and other vehicles, and freight, express, baggage, or other materials from Mexico, and the inspection, cleaning, and disinfection thereof, including construction and repair of necessary buildings, plants, and equipment, for the fumigation, disinfection, or cleaning of products, railway cars, or other vehicles entering the United States from Mexico, \$625,956: <i>Provided</i> , That any moneys received in payment of charges fixed by the Secretary of Agriculture on account of such cleaning and disinfection shall be covered into the Treasury as miscellaneous receipts.
Mexican cotton, etc.	
Cleaning, etc.	
<i>Proviso.</i> Receipts covered in.	
Export inspection and certification.	Certification of exports: For the inspection, under such rules and regulations as the Secretary of Agriculture may prescribe, of

domestic plants and plant products when offered for export and to certify to shippers and interested parties as to the freedom of such products from injurious plant diseases and insect pests according to the sanitary requirements of the foreign countries affected and to make such reasonable charges and to use such means as may be necessary to accomplish this object, \$31,862: *Provided*, That moneys received on account of such inspection and certification shall be covered into the Treasury as miscellaneous receipts.

*Proviso.*  
Receipts covered in.

Chinch-bug control: For the application of such methods of control of chinch bugs as, in the judgment of the Secretary of Agriculture, may be necessary, in cooperation with authorities of the States concerned, organizations, or individuals, to accomplish such purposes, printing and binding, and for other expenses, to be immediately available and to remain available until December 31, 1935, \$2,500,000: *Provided*, That this appropriation shall be available for expenditures of general administration and supervision, purchase and transportation of materials used for the control of chinch bugs, and such other expenses as in the discretion of the Secretary of Agriculture may be deemed necessary, and that the cooperating State shall be responsible for the local distribution and utilization of such materials on privately owned lands, including full labor costs: *Provided further*, That, in the discretion of the Secretary of Agriculture, no part of this appropriation shall be expended for chinch-bug control in any State until such State has provided the necessary organization for the cooperation herein indicated: *Provided further*, That procurements under this appropriation may be made by open-market purchases notwithstanding the provisions of section 3709 Revised Statutes (U. S. C., title 41, sec. 5): *Provided further*, That no part of this appropriation shall be used to pay the cost or value of farm animals, farm crops, or other property injured or destroyed.

Chinch-bug control.

*Provisos.*  
Use of fund.  
Vol. 48, p. 926.

State cooperation required.

Open market purchases.  
R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.  
Payments forbidden.

Screw worm control: For the determination and application of such methods of control<sup>1</sup> of screw worms as, in the judgment of the Secretary of Agriculture, may be necessary, in cooperation with authorities of the States concerned, organizations, or individuals to accomplish such purposes; printing and binding; traveling expenses; research, education, and demonstration; purchase and transportation of materials; construction of treating pens and chutes, and such other expenses as may be deemed necessary, to be immediately available and to remain available until June 30, 1936, \$480,000: *Provided*, That the cooperating State, organization or individual shall be responsible for the handling and treatment of livestock, including full labor costs: *Provided further*, That, in the discretion of the Secretary of Agriculture, no part of this appropriation shall be expended for control of screw worms in any State until such State or organization or individuals therein have made provision for cooperation satisfactory to him: *Provided further*, That no part of this appropriation shall be used to pay the cost or value of animals, farm crops, or other property injured or destroyed: *Provided further*, 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 under this appropriation when the aggregate amount involved does not exceed the sum of \$100.

Screw worm control.

*Provisos.*  
Responsibility in handling, etc., livestock.

Local cooperation.

No payment for property destroyed, etc.

Minor purchases.  
R. S., sec. 3709, p. 733.  
U. S. C., p. 1803

Services in the District.

Vehicles.

Total, Bureau of Entomology and Plant Quarantine, \$7,801,421, of which amount not to exceed \$828,749 may be expended for personal services in the District of Columbia, and not to exceed \$44,375 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

<sup>1</sup> So in original.

Biological Survey  
Bureau.

## BUREAU OF BIOLOGICAL SURVEY

## General expenses.

## SALARIES AND EXPENSES

## Salaries, supplies, etc.

For salaries and employment of labor in the city of Washington and elsewhere, furniture, supplies, including the purchase of bags, tags, and labels printed in the course of manufacture, traveling, and all other expenses necessary in conducting investigations and carrying out the work of the Bureau, including cooperation with Federal, State, county, or other agencies or with farm bureaus, organizations, or individuals, as follows:

## General administrative expenses.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, \$79,595.

Mammal and bird reservations.  
Montana bison range.

Maintenance of mammal and bird reservations: For the maintenance of the Montana National Bison Range and other reservations and for the maintenance of game introduced into suitable localities on public lands, under supervision of the Biological Survey, including construction of fencing, wardens' quarters, shelters for animals, landings, roads, trails, bridges, ditches, telephone lines, rockwork, bulkheads, and other improvements necessary for the economical administration and protection of the reservations, and for the enforcement of section 84 of the Act approved March 4, 1909 (U. S. C., title 18, sec. 145), entitled "An Act to codify, revise, and amend the penal laws of the United States", and Acts amendatory thereto, and section 10 of the Migratory Bird Conservation Act of February 18, 1929 (U. S. C., Supp. VII, title 16, sec. 715i), \$56,727: *Provided*, That \$2,500 may be used for the purchase, capture, and transportation of game for national reservations.

Protection of reserves.  
Vol. 35, p. 1104; Vol. 43, p. 98.  
U. S. C., p. 731.  
Vol. 45, p. 1224.  
U. S. C., p. 688.*Proviso.*

## Game for reserves.

## Food habits of birds and animals.

Food habits of birds and animals: For investigating the food habits and economic value of North American birds and animals in relation to agriculture, horticulture, and forestry, including methods of conserving beneficial and controlling injurious birds and animals, \$60,640.

## Control of predatory animals, etc.

Control of predatory animals and injurious rodents: For investigations, demonstrations, and cooperation in destroying animals injurious to agriculture, horticulture, forestry, animal husbandry, and wild game; and in protecting stock and other domestic animals through the suppression of rabies and other diseases in predatory wild animals, \$600,000.

## Fur-bearing animals. Investigating production, etc.

Production of fur-bearing animals: For investigations, experiments, demonstrations, and cooperation in connection with the production and utilization of fur-bearing animals raised for meat and fur, in the United States and Alaska, \$56,112.

## Biological investigations.

Biological investigations: For biological investigations, including the relations, habits, geographic distribution, and migration of animals and plants, and the preparation of maps of the life zones, and including \$15,738 for investigations of the relations of wild animal life to forests, under section 5 of the Act approved May 22, 1928 (U. S. C., Supp. VII, title 16, sec. 581d), and for investigations, experiments, and demonstrations in the establishment, improvement, and increase of the reindeer industry and of musk oxen and mountain sheep in Alaska, including the erection of necessary buildings, and other structures, \$118,149.

Vol. 45, p. 701.  
U. S. C., p. 672.

## Reindeer, musk oxen, and mountain sheep in Alaska.

## Migratory bird protection.

Vol. 40, p. 755.  
U. S. C., p. 686.  
Vol. 39, p. 1702.

Protection of migratory birds: For all necessary expenses for enforcing the provisions of the Migratory Bird Treaty Act of July 3, 1918 (U. S. C., title 16, secs. 703-711), to carry into effect the treaty with Great Britain for the protection of birds migrating between

the United States and Canada (39 Stat. pt. 2, p. 1702), and for cooperation with local authorities in the protection of migratory birds, and for necessary investigations connected therewith, \$222,978: *Provided*, That of this sum not more than \$20,500 may be used for the enforcement of sections 241, 242, 243, and 244 of the Act approved March 4, 1909 (U. S. C., title 18, secs. 391-394), entitled "An Act to codify, revise, and amend the penal laws of the United States", and for the enforcement of section 1 of the Act approved May 25, 1900 (U. S. C., title 16, sec. 701), entitled "An Act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes", including all necessary investigations in connection therewith.

Enforcement of Alaska game law: For the enforcement of the provisions of the Alaska game law, approved January 13, 1925 (U. S. C., title 48, secs. 192-211), and as amended by the Act of February 14, 1931 (46 Stat., pp. 1111-1115), \$96,596.

Upper Mississippi River refuge: For the acquisition of areas of land or land and water pursuant to the Act entitled "An Act to establish the Upper Mississippi River Wildlife and Fish Refuge", approved June 7, 1924 (U. S. C., title 16, secs. 721-731), as amended, and for all necessary expenses incident thereto, including the employment of persons and means in the city of Washington and elsewhere, \$1,943, which shall be available until expended, being part of the sum of \$1,500,000 authorized to be appropriated for such purpose by section 10 of said Act; and for all necessary expenses of the Secretary of Agriculture authorized by section 9 of said Act, \$34,683; in all, \$36,626.

Bear River Migratory Bird Refuge: For administration and maintenance of the Bear River Migratory Bird Refuge established under the Act approved April 23, 1928 (U. S. C., Supp. VII, title 16, secs. 690-690h), and the resolution approved February 15, 1929 (45 Stat., p. 1186), including the construction of necessary buildings and for personal services in the District of Columbia and elsewhere, \$16,559.

Migratory bird conservation refuges: For carrying into effect the provisions of the Act entitled "An Act to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain (39 Stat., pt. 2, p. 1702) by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and water to furnish in perpetuity reservation for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes", approved February 18, 1929 (U. S. C., Supp. VII, title 16, secs. 715-715r), \$77,510, authorized by section 12 of the Act, which sum is a part of the remaining \$727,589 of the \$1,000,000 authorized to be appropriated for the fiscal year ending June 30, 1933: *Provided*, That \$10,000 of this appropriation shall be immediately available for purchase of material for repair of sand barrier excluding ocean waters from Currituck Sound, North Carolina.

Total, Bureau of Biological Survey, \$1,421,492, of which amount not to exceed \$321,000 may be expended for personal services in the District of Columbia, and not to exceed \$19,425 shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

*Proviso.*  
Traffic in injurious,  
etc., birds.  
Vol. 35, p. 1137.  
U. S. C., p. 753.

Carrying illegally  
killed game.  
Vol. 31, p. 187.  
U. S. C., p. 686.

Enforcing Alaska  
game law.  
Vol. 43, p. 739; Vol.  
46, p. 1111.  
U. S. C., p. 2119.

Upper Mississippi  
River Refuge.  
Acquiring areas for.  
Vol. 43, pp. 650, 1354.  
U. S. C., p. 690.

Bear River Migra-  
tory Bird Refuge.  
Maintenance, etc.  
Vol. 45, p. 448.  
U. S. C., p. 684.  
Vol. 45, p. 1186.

Migratory bird con-  
servation refuges.  
Vol. 39, p. 1702.

Acquiring areas.

Vol. 45, p. 1222.  
U. S. C., p. 687.

*Proviso.*  
Currituck Sound,  
N. C., repairs.

Services in the Dis-  
trict.

## Public Roads Bureau.

## BUREAU OF PUBLIC ROADS

Salaries and expenses.  
*Post*, p. 1892.

For necessary expenses of the Bureau of Public Roads, including salaries and the employment of labor in the city of Washington and elsewhere, supplies, office and laboratory fixtures and apparatus, traveling, and other necessary expenses; for conducting research and investigational studies, either independently or in cooperation with State highway departments, or other agencies, including studies of highway administration, legislation, finance, economics, transport, construction, operation, maintenance, utilization, and safety, and of street and highway traffic control; investigations and experiments in the best methods of road making, especially by the use of local materials; studies of types of mechanical plants and appliances used for road building and maintenance and of methods of road repair and maintenance suited to the needs of different localities; and maintenance and repairs of experimental highways, including the purchase of materials and equipment; for furnishing expert advice on these subjects; for collating, reporting, and illustrating the results of same; and for preparing, publishing, and distributing bulletins and reports; to be paid from any moneys available from the administrative funds provided under the Act of July 11, 1916 (39 Stat., pp. 355-359), as amended, or as otherwise provided.

Road making investigations.

Vol. 39, p. 355; Vol. 42, p. 212.  
U. S. C., p. 969.

Federal-Aid Highways.

## FEDERAL-AID HIGHWAY SYSTEM

Cooperating with States in constructing rural post roads.

Vol. 39, p. 355; Vol. 40, p. 1201; Vol. 42, pp. 660, 1157; Vol. 43, p. 889; Vol. 44, pp. 760, 1398.  
U. S. C., p. 969.

For carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (39 Stat., pp. 355-359), and all Acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said Act, as amended, including not to exceed \$556,000 for departmental personal services in the District of Columbia, \$48,559,256.14, to be immediately available and to remain available until expended, of which sum \$8,559,256.14 is the remainder of the sum of \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1933, by section 1 of the Act approved April 4, 1930 (46 Stat., p. 141), and \$40,000,000 is part of the sum of \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1936, by section 4 of the Act approved June 18, 1934 (48 Stat. 994): *Provided*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of the \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1936, by section 4 of the Act approved June 18, 1934 (Public, numbered 393, Seventy-third Congress, 48 Stat. 994), and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto: *Provided further*, That none of the money herein appropriated shall be paid to any State on account of any project on which convict labor shall be employed, except this provision shall not apply to convict labor performed by convicts on parole or probation: *Provided further*, That not to exceed \$45,000 of the funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (U. S. C., title 23, secs. 21 and 23), shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary for carrying out the provisions of said Act, including the replacement of not to exceed one such vehicle for use in the administrative work of the Bureau of Public Roads in the District of Columbia: *Provided further*, That, during the fiscal year 1936, whenever performing authorized engineering or other services in connection with the survey, construction, and main-

Vol. 46, p. 141.

Vol. 48, p. 994.

*Proviso.*  
Aid in rural post-road construction.  
Secretary's approval required.  
Vol. 48, p. 994.  
*Post*, pp. 1447, 1892.

Deemed contractual obligation.

Convict labor.

Purchase of motor vehicles.  
Vol. 42, p. 217.  
U. S. C., p. 972.

Deduction for depreciation, etc.



tenance, or improvement of roads for other Government agencies the charge for such services may include depreciation on engineering and road-building equipment used, and the amounts received on account of such charges shall be credited to the appropriation concerned: *Provided further*, That not to exceed \$140,000 from the administrative funds authorized by the Act approved November 9, 1921, and Acts amendatory thereof or supplemental thereto, in addition to the amount remaining available under the authorization contained in the Agricultural Appropriation Act approved May 27, 1930, shall be available for the construction of a laboratory, on a site already acquired, for permanent quarters for the testing and research work of the Bureau of Public Roads.

Laboratory, construction.  
Vol. 42, p. 212; Vol. 46, p. 417.  
*Post*, p. 1448.

For the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations, under the provisions of the Act of June 24, 1930 (46 Stat. 805), and as authorized by section 6 of the Highway Act of June 18, 1934 (48 Stat. 994), \$2,500,000, to be immediately available and remain available until expended.

Main roads, construction, etc.

Vol. 46, p. 805; Vol. 48, p. 994.

#### NATIONAL INDUSTRIAL RECOVERY HIGHWAY FUNDS

National Industrial Recovery Highway Funds.

For emergency construction of public highways and other related projects in accordance with section 1 of the Act entitled "An Act to increase employment by authorizing an appropriation to provide for emergency construction of public highways and related projects, and to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes", approved June 18, 1934 (48 Stat. 993), the sum of \$100,000,000 (being the remainder of the amount of \$200,000,000 authorized to be appropriated by section I of such Act) shall be made immediately available for the foregoing purposes from the appropriation in section 1 of the Emergency Relief Appropriation Act of 1935 and continue available until expended.

Emergency construction.  
Vol. 48, p. 993.

Immediately available.

The appropriation of \$2,000,000 for roads on unappropriated or unreserved public lands, nontaxable Indian lands, and so forth, contained in the Act entitled "An Act to relieve destitution, to broaden the lending powers of the Reconstruction Finance Corporation, and to create employment by providing for and expediting a public-works program", approved July 21, 1932, is hereby continued available during the fiscal year 1936, and not to exceed \$4,760 may be used for personal services in the District of Columbia.

Public land highways, emergency construction.  
Vol. 47, p. 717.

Services in the District.

Total, Bureau of Public Roads, \$51,059,256.14.

#### BUREAU OF AGRICULTURAL ENGINEERING

Agricultural Engineering Bureau.

##### SALARIES AND EXPENSES

Salaries and expenses.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, \$37,600.

General administrative expenses.

Agricultural engineering: For investigations, experiments, and demonstrations involving the application of engineering principles to agriculture, independently or in cooperation with Federal, State, county, or other public agencies or with farm bureaus, organizations, or individuals; for investigating and reporting upon the utilization of water in farm irrigation and the best methods to apply in practice; the different kinds of power and appliances; the flow of water in ditches, pipes, and other conduits; the duty, apportionment, and measurement of irrigation water; the customs, regulations, and laws

Agricultural engineering.

affecting irrigation; snow surveys and forecasts of irrigation water supplies, and the drainage of farms and of swamps and other wet lands which may be made available for agricultural purposes; for preparing plans for the removal of surplus water by drainage; for developing equipment for farm irrigation and drainage; for investigating and reporting upon farm domestic water supply and drainage disposal, upon the design and construction of farm buildings and their appurtenances and of buildings for processing and storing farm products; upon farm power and mechanical farm equipment; upon the engineering problems relating to the processing, transportation, and storage of perishable and other agricultural products; and upon the engineering problems involved in adapting physical characteristics of farm land to the use of modern farm machinery; for investigations of cotton ginning under the Act approved April 19, 1930 (U. S. C., Supp. VII, title 7, secs. 424, 425); for giving expert advice and assistance in agricultural engineering; for collating, reporting, and illustrating the results of investigations and preparing, publishing, and distributing bulletins, plans, and reports; and for other necessary expenses, including travel, rent, repairs, and not to exceed \$5,000 for construction of buildings, \$385,669.

Cotton ginning.  
Vol. 46, p. 248.  
U. S. C., p. 144.

Services in the District.

Total, Bureau of Agricultural Engineering, \$423,269, of which amount not to exceed \$150,469 may be expended for personal services in the District of Columbia, and not to exceed \$5,750 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Agricultural Economics Bureau.

## BUREAU OF AGRICULTURAL ECONOMICS

General expenses.

### SALARIES AND EXPENSES

Salaries, supplies, etc.

For salaries and the employment of labor in the city of Washington and elsewhere, furniture, supplies, traveling expenses, rent outside the District of Columbia, and all other expenses necessary in conducting investigations, experiments, and demonstrations as follows:

General administrative expenses.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, \$236,306.

Farm management and practice.

Farm management and practice: To investigate and encourage the adoption of improved methods of farm management and farm practice, and for ascertaining the cost of production of the principal staple agricultural products, \$344,080.

Marketing and distributing farm products.

Marketing and distributing farm products: For acquiring and diffusing among the people of the United States useful information, on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, including the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world, including scientific and technical research into American-grown cotton and its byproducts and their present and potential uses, including new and additional commercial and scientific uses for cotton and its byproducts, and including investigations of cotton ginning under the Act approved April 19, 1930 (U. S. C., Supp. VII, title 7, secs. 424, 425), and for collecting and disseminating information on the adjustment of production to probable demand for the different farm and animal products, independently and in cooperation with other branches of the Department, State agencies, purchasing and consuming organizations, and persons engaged in

Promoting uniform standards.

Cotton and byproducts research.  
Vol. 46, p. 248.  
U. S. C., p. 144.

the marketing, handling, utilization, grading, transportation, and distributing of farm and food products, and for investigation of the economic costs of retail marketing of meat and meat products, \$743,654: *Provided*, That practical forms of the grades recommended or promulgated by the Secretary for wool and mohair may be sold under such rules and regulations as he may prescribe, and the receipts therefrom deposited in the Treasury to the credit of miscellaneous receipts.

*Proviso.*  
Forms of wool and mohair grades to be sold.

Crop and livestock estimates: For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and livestock estimates, acreage, yield, grades, staples of cotton, stocks, and value of farm crops, and numbers, grades, and value of livestock and livestock products on farms, in cooperation with the Extension Service and other Federal, State, and local agencies, \$661,289: *Provided*, That no part of the funds herein appropriated shall be available for any expense incident to ascertaining, collating, or publishing a report stating the intention of farmers as to the acreage to be planted in cotton.

Crop and livestock estimates.  
Collecting, etc., data.

*Proviso.*  
Restriction on expenditure.

Foreign competition and demand: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes", approved June 5, 1930 (U. S. C., Supp., VII, title 7, secs. 541-545), and for collecting and disseminating to American producers, importers, exporters, and other interested persons information relative to the world supply of and need for American agricultural products, marketing methods, conditions, prices, and other factors, a knowledge of which is necessary to the advantageous disposition of such products in foreign countries, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the transportation, marketing, and distribution of farm and food products, including the purchase of such books and periodicals and not to exceed \$1,000 for newspapers as may be necessary in connection with this work, \$298,000.

Securing information as to foreign competition and demand.  
Vol. 46, p. 497.  
U. S. C., p. 153.

Dissemination to American producers, etc.

Market inspection of farm products: For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of business men or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained, \$431,203.

Market inspection of farm products.

Certifying condition of shipment.

*Proviso.*  
Certificates as evidence.

Market news service.  
Collecting, publishing,  
etc.

Market news service: For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of livestock, meats, fish, and animal products, dairy and poultry products, fruits and vegetables, peanuts and their products, grain, hay, feeds, tobacco, and seeds, and other agricultural products, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of farm and food products, \$1,076,492.

Cotton statistics.  
Vol. 44, p. 1372.  
U. S. C., p. 146.

Cotton grade and staple statistics: To enable the Secretary of Agriculture to carry into effect the Act entitled "An Act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton", approved March 3, 1927 (U. S. C., Supp. VII, title 7, secs. 471-476), \$224,517.

Tobacco stocks and  
standards.  
Vol. 45, p. 1079.  
U. S. C., p. 152.

Tobacco stocks and standards: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture", approved January 14, 1929 (U. S. C., Supp. VII, title 7, secs. 501-508), including the employment of persons and means in the city of Washington and elsewhere, \$17,187.

Perishable Agricultural  
Commodities  
Act.  
Vol. 46, p. 531.  
U. S. C., p. 148.

Perishable agricultural commodities Act: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce" (U. S. C., Supp. VII, title 7, secs. 551-568), \$131,466.

Cotton Futures Act.  
Vol. 39, p. 476; Vol.  
40, p. 1351.  
U. S. C., p. 1130.

United States Cotton Futures and United States Cotton Standards Acts: To enable the Secretary of Agriculture to carry into effect the provisions of the United States Cotton Futures Act, as amended March 4, 1919 (U. S. C., title 26, secs. 731-752), and to carry into effect the provisions of the United States Cotton Standards Act, approved March 4, 1923 (U. S. C., title 7, secs. 51-65), including all expenses necessary for the purchase of equipment and supplies; for travel; for the employment of persons in the city of Washington and elsewhere; and for all other expenses, including rent outside the District of Columbia, that may be necessary in executing the provisions of these Acts, including such means as may be necessary for effectuating agreements heretofore or hereafter made with cotton associations, cotton exchanges, and other cotton organizations in foreign countries, for the adoption, use, and observance of universal standards of cotton classification, for the arbitration or settlement of disputes with respect thereto, and for the preparation, distribution, inspection, and protection of the practical forms or copies thereof under such agreements, \$477,111.

Cotton Standards  
Act.  
Vol. 42, p. 1517.  
U. S. C., p. 112.

Effectuating agree-  
ments as to standards,  
etc., in foreign coun-  
tries.

United States Grain Standards Act: To enable the Secretary of Agriculture to carry into effect the provisions of the United States Grain Standards Act, including rent outside the District of Columbia and the employment of such persons and means as the Secretary of Agriculture may deem necessary, in the city of Washington and elsewhere, \$708,941.

Grain Standards Act,  
enforcement.  
Vol. 39, p. 482.  
U. S. C., p. 114.

Warehouse Act, ad-  
ministration expenses.  
Vol. 39, p. 486; Vol.  
42, p. 1282; Vol. 46, p.  
1465.  
U. S. C., p. 131.

United States Warehouse Act: To enable the Secretary of Agriculture to carry into effect the provisions of the United States Warehouse Act, including the payment of such rent outside the District of Columbia and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, \$316,665.

Standard Container, Hamper, and Produce Agency Acts: To enable the Secretary of Agriculture to carry into effect the Act entitled "An Act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes", approved August 31, 1916 (U. S. C., title 15, secs. 251-256), the Act entitled "An Act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes", approved May 21, 1928 (U. S. C., Supp. VII, title 15, secs. 257-257i), and the Act entitled "An Act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others and to require them truly and correctly to account for all farm produce received by them", approved March 3, 1927 (U. S. C., Supp. VII, title 7, secs. 491-497), including the purchase of such perishable farm products as may be necessary for detection of violations of the latter Act: *Provided*, That all receipts from the sale of such products shall be credited to this appropriation, and shall be reexpendable therefrom, and including the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, \$30,238.

In all, salaries and expenses, \$5,697,149.

#### WOOL MARKETING STUDIES

Not to exceed \$27,652 of the funds collected from persons, firms, or corporations which handled any part of the wool clip of 1918, which the Secretary of Agriculture finds it impracticable to distribute among woolgrowers, shall be deposited in the Treasury to the credit of a special fund which is hereby appropriated for the fiscal year 1936 for the purpose of carrying into effect the provisions of the Act entitled "An Act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes", approved May 17, 1928 (U. S. C., Supp. VII, title 7, secs. 415b-415d), including personal services and other necessary expenses in the District of Columbia and elsewhere.

Total, Bureau of Agricultural Economics, \$5,724,801, of which amount not to exceed \$2,132,215 may be expended for personal services in the District of Columbia, and not to exceed \$22,200 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

#### BUREAU OF HOME ECONOMICS

##### SALARIES AND EXPENSES

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, \$26,135.

Home-economics investigations: For conducting, either independently or in cooperation with other agencies, investigations of the relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions of plans and methods for the more effective utilization of such products for these purposes, and for disseminating useful information on this subject, including travel and all other necessary expenses, \$167,350.

Total, Bureau of Home Economics, \$193,485, of which amount not to exceed \$183,880 may be expended for personal services in the District of Columbia.

Standard Container, Hamper, and Produce Agency Acts.  
Vol. 39, p. 673; Vol. 45, p. 685.  
U. S. C., p. 557.

Vol. 44, p. 1355.  
U. S. C., p. 558.

Purchase of perishable products.

*Proviso.*  
Receipts from sales credited to appropriate fund.

Wool marketing studies.

Appropriation of certain funds.

Establishing wool standards.  
U. S. C., p. 143.

Services, etc., in the District.

Vehicles.

Home Economics Bureau.

Salaries and expenses.

General administrative expenses.

Home economics investigations.

Services in the District.

## Grain Futures Act.

## ENFORCEMENT OF THE GRAIN FUTURES ACT

Enforcement ex-  
penses.  
Vol. 42, p. 998.  
U. S. C., p. 109.

To enable the Secretary of Agriculture to carry into effect the provisions of the Grain Futures Act, approved September 21, 1922 (U. S. C., title 7, secs. 1-17), \$196,500, of which amount not to exceed \$51,360 may be expended for personal services in the District of Columbia.

Food and Drug Ad-  
ministration.

## FOOD AND DRUG ADMINISTRATION

Salaries and expenses.

## SALARIES AND EXPENSES

Items specified.

For all necessary expenses, for chemical apparatus, chemicals, and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, for the employment of such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named, in the city of Washington and elsewhere, in conducting investigations; collecting, reporting, and illustrating the results of such investigations; and for rent outside the District of Columbia for carrying out the investigations and work herein authorized, as follows:

Outside rent.

General administra-  
tive expenses.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of administration and other personal services in the District of Columbia, \$100,802.

Pure Food and Drugs  
Act, enforcement.  
Vol. 34, p. 768.  
U. S. C., p. 917.

Enforcement of the Food and Drugs Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the Act of June 30, 1906 (U. S. C., title 21, secs. 1-15), entitled "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"; to cooperate with associations and scientific societies in the revision of the United States Pharmacopoeia and development of methods of analysis, and for investigating the character of the chemical and physical tests which are applied to American food products in foreign countries, and for inspecting the same before shipment when desired by the shippers or owners of these products intended for countries where chemical and physical tests are required before the said products are allowed to be sold therein, \$1,540,879: *Provided*, That not more than \$4,280 shall be used for travel outside the United States.

Revision of Pharma-  
copoeia.

Foreign tests of  
American food prod-  
ucts.

*Proviso.*  
Travel allowance.

Tea Importation Act  
enforcement.  
Vol. 29, p. 604; Vol.  
41, p. 712.  
U. S. C., p. 921.

Enforcement of the Tea Importation Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the Act approved March 2, 1897 (U. S. C., title 21, secs. 41-50), entitled "An Act to prevent the importation of impure and unwholesome tea", as amended, including payment of compensation and expenses of the members of the board appointed under section 2 of the Act and all other necessary officers and employees, \$40,094.

Naval Stores Act.  
Vol. 42, p. 1435.  
U. S. C., p. 116.

Naval Stores Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the Naval Stores Act of March 3, 1923 (U. S. C., title 7, secs. 91-99), \$34,700.

Insecticide Act, en-  
forcement.  
Vol. 36, p. 331.  
U. S. C., p. 118.

Enforcement of the Insecticide Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the Act of April 26, 1910 (U. S. C., title 7, secs. 121-134), entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded Paris greens, lead arsenates, other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes", \$208,180.

Enforcement of the Milk Importation Act: For enabling the Secretary of Agriculture to carry into effect the provisions of an Act approved February 15, 1927 (U. S. C., Supp. VII, title 21, secs. 141-149), entitled "An Act to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health", \$19,241.

Milk Importation Act, enforcement. Vol. 44, p. 1101. U. S. C., p. 930.

Enforcement of the Caustic Poison Act: For enabling the Secretary of Agriculture to carry into effect the provisions of an Act approved March 4, 1927 (U. S. C., Supp. VII, title 15, secs. 401-411), entitled "An Act to safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalies, and other substances in interstate and foreign commerce", \$24,741.

Caustic Poison Act, enforcement. Vol. 44, p. 1406. U. S. C., p. 567.

Total, Food and Drug Administration, \$1,968,637, of which amount not to exceed \$595,262 may be expended for personal services in the District of Columbia, and not to exceed \$21,860 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Aggregate. Services in the District.

Vehicles.

## INTERCHANGE OF APPROPRIATIONS

Not to exceed 10 per centum of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, or office, but no more than 10 per centum shall be added to any one item of appropriation except in cases of extraordinary emergency, and then only upon the written order of the Secretary of Agriculture: *Provided*, That a statement of any transfers of appropriations made hereunder shall be included in the annual Budget.

Interchange of appropriations.

*Proviso.* Statement to be included in Budget.

## MISCELLANEOUS

Miscellaneous.

### WORK FOR OTHER DEPARTMENTS

Work for other Departments.

During the fiscal year 1936 the head of any department or independent establishment of the Government requiring inspections, analyses, and tests of food and other products, within the scope of the functions of the Department of Agriculture and which that Department is unable to perform within the limits of its appropriations, may, with the approval of the Secretary of Agriculture, transfer to the Department of Agriculture for direct expenditure such sums as may be necessary for the performance of such work.

Transfers of funds for inspection, etc., of food, authorized.

### EXPERIMENTS IN LIVESTOCK PRODUCTION IN SOUTHERN UNITED STATES

Livestock production in Southern States. Cooperative experiments, etc., in developing.

To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of livestock production in the cane-sugar and cotton districts of the United States, \$39,900.

Passenger vehicles.

### PASSENGER-CARRYING VEHICLES

Within the limitations specified under the several headings the lump-sum appropriations herein made for the Department of Agriculture shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of the field work of the Department of Agriculture outside the District

Allowance for, from lump-sum appropriations for field work.

*Provisos.*  
Use restricted to official service.

Interchangeable funds.

Available for maintenance, etc.

Exchanges allowed.

Purchase of automobile.

Soil erosion.

Investigations, etc.

of Columbia: *Provided*, That such vehicles shall be used only for official service outside the District of Columbia, but this shall not prevent the continued use for official service of motor trucks in the District of Columbia: *Provided further*, That the limitation on expenditures for purchase of passenger-carrying vehicles in the field service shall be interchangeable between the various bureaus and offices of the Department, to such extent as the exigencies of the service may require: *Provided further*, That appropriations contained in this Act shall be available for the maintenance, operation, and repair of motor-propelled and horse-drawn passenger-carrying vehicles: *Provided further*, That the Secretary of Agriculture may exchange motor-propelled and horse-drawn vehicles, tractors, road equipment, and boats, and parts, accessories, tires, or equipment thereof, in whole or in part payment for vehicles, tractors, road equipment, or boats, or parts, accessories, tires, or equipment of such vehicles, tractors, road equipment, or boats purchased by him: *Provided further*, That the funds available for carrying into effect the Agricultural Adjustment Act may be used during the fiscal year 1936 for the purchase, at a cost of not to exceed \$2,500, and the maintenance, repair, and operation, of one passenger-carrying vehicle for official purposes.

#### SOIL-EROSION INVESTIGATIONS

To enable the Secretary of Agriculture to make investigation not otherwise provided for of the causes of soil erosion and the possibility of increasing the absorption of rainfall by the soil in the United States, and to devise means to be employed in the preservation of soil, the prevention or control of destructive erosion, and the conservation of rainfall by terracing or other means, independently or in cooperation with other branches of the Government, State agencies, counties, farm organizations, associations of business men, or individuals, including necessary expenses, \$281,362, of which amount not to exceed \$22,032 may be expended for personal services in the District of Columbia, and \$875 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Beltsville Research Center.

#### BELTSVILLE RESEARCH CENTER

General expenses.

Additional funds.

*Proviso.*  
Motor vehicles.

For general administrative purposes, including maintenance, operation, repairs, and other expenses, \$75,000; and, in addition thereto, this appropriation may be augmented, by transfer of funds or by reimbursement, from applicable appropriations, to cover the cost, including handling and other related charges, of services, and supplies and materials furnished, stores of which may be maintained at the Center, and the applicable appropriations may also be charged their proportionate share of the necessary general expenses of the Center not covered by this appropriation: *Provided*, That not to exceed \$1,000 may be expended from this appropriation for the purchase of one passenger-carrying automobile and two motorcycles for official purposes.

International production control committees.

#### INTERNATIONAL PRODUCTION CONTROL COMMITTEES

Expenses.

During the fiscal year 1936 the Secretary of Agriculture may expend not to exceed \$10,000, from the funds available for carrying into effect the Agricultural Adjustment Act approved May 12, 1933 (48 Stat., p. 38), the share of the United States as a member of the International Wheat Advisory Committee or like events or bodies concerned with the reduction of agricultural surpluses or other objec-

Vol. 48, p. 38.

International Wheat Advisory Committee.



tives of the Agricultural Adjustment Act, together with traveling and all other necessary expenses relating thereto.

#### FEDERAL ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (U. S. C., title 23, sec. 23), including not to exceed \$82,320 for departmental personal services in the District of Columbia, \$7,082,600, which sum is composed of \$582,600, the balance of the amount authorized to be appropriated for the fiscal year 1933 by the Act approved May 5, 1930, and \$6,500,000, part of the sum of \$10,000,000 authorized to be appropriated for the fiscal year 1936 by the Act approved June 18, 1934: *Provided*, That the Secretary of Agriculture shall, upon the approval of this Act, apportion and prorate among the several States, Alaska, and Puerto Rico, as provided in section 23 of said Federal Highway Act, the sum of \$10,000,000 authorized to be appropriated for the fiscal year ending June 30, 1936, by the Act approved June 18, 1934: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$2,500: *Provided further*, That during the fiscal year ending June 30, 1936, the expenditures on forest highways in Alaska from the amount herein appropriated shall not exceed \$250,000: *Provided further*, That there shall be available from this appropriation not to exceed \$15,000 for the acquisition by purchase, condemnation, gift, grant, dedication, or otherwise of land and not to exceed \$200,000 for the acquisition by purchase or construction of a building or buildings for the storage and repair of Government equipment for use in the construction and maintenance of roads.

SEC. 2. The processing tax authorized by Public Act numbered 10, Seventy-third Congress (48 Stat. 31), when levied upon cotton, shall be payable ninety days after the filing of the processor's report: *Provided*, That, under regulations to be prescribed by the Secretary of the Treasury, the time for payment of such tax upon cotton may be extended, but in no case to exceed six months from the date of the filing of the report.

This title may be cited as the "Department of Agriculture Appropriation Act, 1936."

## TITLE II—FARM CREDIT ADMINISTRATION

### SALARIES AND EXPENSES

For salaries and expenses of the Farm Credit Administration in the District of Columbia and the field; traveling expenses of officers and employees; printing and binding contingent and miscellaneous expenses, including law books, books of reference, and not to exceed \$750 for periodicals, newspapers, and maps; contract stenographic reporting services, and expert services for the preparation of amortization tables; membership fees or dues in organizations which issue

Federal highways.

Forest roads and trails.  
Vol. 42, pp. 218, 661.  
U. S. C., p. 973.  
Vol. 46, p. 261.

*Provisos.*  
Apportionment among States, etc.

Contracts, etc., authorized.

Expenditure restriction.

Storage facilities.

Forest highways in Alaska.

Sites and buildings for equipment storage.

Cotton processing tax; payment of.  
Vol. 48, p. 32.

*Proviso.*  
Extension permitted.

Short title.

Title II—Farm Credit Administration.

Salaries and expenses.

Printing and binding.

publications to members only or to members at a lower price than to others, payment for which may be made in advance; purchase of manuscripts, data, and special reports by personal service without regard to the provisions of any other Act; procurement of 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, 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; 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 who may from time to time be invited to the city of Washington and elsewhere for conference and advisory purposes in furthering the work of the Farm Credit Administration; employment of persons, firms, and others for the performance of special services, including legal services, and other miscellaneous expenses; collection of moneys due the United States on account of loans made under the provisions of the Acts of March 3, 1921 (41 Stat., p. 1347), March 20, 1922 (42 Stat., p. 467), April 26, 1924 (43 Stat., p. 110), February 28, 1927 (44 Stat., p. 1251), February 25, 1929 (45 Stat., p. 1306), as amended May 17, 1929 (46 Stat., p. 3), March 3, 1930 (46 Stat., pp. 78, 79), December 20, 1930 (46 Stat., p. 1032), February 14, 1931 (46 Stat., p. 1160), and February 23, 1931 (46 Stat., p. 1276); January 22, 1932 (47 Stat., p. 5), February 4, 1933 (47 Stat., p. 795), March 4, 1933 (47 Stat., p. 1547), May 12, 1933 (Public, No. 10, 73d Cong.), February 23, 1934 (Public, No. 97, 73d Cong.), March 10, 1934 (Public Resolution No. 16, 73d Cong.), June 19, 1934 (Public, No. 412, 73d Cong.); examination of corporations, banks, associations, credit unions, and institutions operated, supervised, or regulated by the Farm Credit Administration: *Provided*, That the expenses and salaries of employees engaged in such examinations shall be assessed against the said corporations, banks or institutions in accordance with the provisions of existing laws; in all, \$4,000,000: *Provided further*, That there shall be transferred and added to this appropriation the sum of \$1,975,000 from the funds made available under section 5 of the Emergency Crop Loan Act of February 23, 1934 (48 Stat. p. 354).

Traveling expenses.

Special services.

Collection of loans made under designated acts.

Examinations, etc.

*Provisos.*  
Assessment for expenses.

Additional fund.  
Vol. 43, p. 355.

Short title.

This title may be cited as the "Farm Credit Administration Appropriation Act, 1936."

Approved, May 17, 1935.

## [CHAPTER 133.]

## AN ACT

Concerning the incorporated town of Seward, Territory of Alaska.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the incorporated town of Seward, Territory of Alaska, is hereby authorized and empowered (a) by contract or contracts, or by its own agents and employees, or otherwise than by contract, to construct a municipal electric system, together with all parts thereof and appurtenances thereto necessary or convenient for the generation, production, transmission, and distribution of electric energy, and to acquire by gift, purchase, or the exercise of the power of eminent domain, lands, easements, or rights in land or water rights in connection therewith; (b) to operate and maintain said system for its own

May 20, 1935.  
[H. R. 3508.]  
[Public, No. 63.]

Seward, Alaska.  
May construct municipal electric system.

To acquire land and water rights.

Operation, etc.

use and benefit and for the use and benefit of public and private consumers or users within and without the territorial boundaries of said town; (c) to issue its bonds to finance in whole or in part the cost of the construction of said system; (d) to prescribe and collect rates, fees, or charges for the services, facilities, and commodities furnished by said system; (e) to pledge to the punctual payment of said bonds and interest thereon all or any part of the gross or net revenues of said system (including improvements, betterments, or extensions thereto thereafter constructed or acquired); (f) to enter into contract with the United States of America or any Federal agency created or continued by or pursuant to the Emergency Relief Appropriation Act of 1935; and (g) to subscribe to and comply with all rules and regulations prescribed or continued by the President of the United States of America pursuant to the Emergency Relief Appropriation Act of 1935. The common council of said town in determining the cost of the construction of said system may include all costs and estimated costs of the issuance of said bonds, all engineering, inspection, fiscal and legal expenses, and interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this Act.

SEC. 2. The construction of said system may be authorized under this Act, and bonds may be authorized to be issued under this Act by resolution or resolutions of the common council of said town. Said bonds shall bear interest at such rate or rates not exceeding 6 per centum per annum, payable semiannually, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty years from their respective dates, may be payable in such medium of payment, at such place or places, may carry such registration privileges, may be subject to such terms of redemption, with or without premium, may be executed in such manner, may be in such form, either coupon or registered, may contain such terms, covenants and conditions, and may be declared or become due before the maturity date thereof, as such resolution or subsequent resolutions may provide. Said bonds shall be sold for not less than par and may be sold at either public or private sale. Pending the preparation of the definitive bonds, interim receipts or certificates in such form and with such provisions as the common council of said town may determine, may be issued to the purchaser or purchasers of bonds sold pursuant to this Act. Said bonds and interim receipts or certificates shall be negotiable for all purposes. Said bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the town.

SEC. 3. Any resolution or resolutions authorizing the issuance of bonds under this Act may contain covenants as to (a) the purpose or purposes to which the proceeds of sale of said bonds may be applied and the use and disposition thereof, (b) the use and disposition of the revenue of said system, including the creation and maintenance of reserves, (c) the transfer from the general funds of the town to the account or accounts of said system a sum or sums of money for furnishing such town or any of its departments, boards, or agencies with the services, facilities, and commodities of said system, (d) the issuance of other or additional bonds payable from the revenue of said system, (e) the operation and maintenance of said system, (f) the insurance to be carried thereon and the use and disposition of insurance moneys, (g) books of account

Bond issue.  
Service fees.

Pledge payment of obligations.

Enter contracts.

Comply with prescribed rules, etc.  
*Ante*, p. 115.

Construction costs.

Interest.

Common council of town may authorize construction and bond issue.

Interest rate, maturity, etc.

Bond sale, etc.

Interim receipts; certificates.

Negotiability.

Covenants in resolution authorizing bond issue.

and the inspection and audit thereof, and (h) the terms and conditions upon which the holders of said bonds or any proportion of them or any trustee thereof shall be entitled to the appointment of a receiver by the District Court for the Territory of Alaska, which court shall have jurisdiction in such proceedings, and which receiver may enter and take possession of said system, operate and maintain the same, prescribe rates, fees, or charges, and collect, receive, and apply all revenue thereafter arising therefrom in the same manner as the town itself might do. The provisions of this Act and any such resolution or resolutions shall be a contract with the holder or holders of said bonds, and the duties of the town and of its common council and officers under this Act and any such resolution or resolutions shall be enforceable by any bondholder, by mandamus or other appropriate suit, action, or proceeding in any court of competent jurisdiction.

Enforcing provisions.

Service fees, etc.

Rate provisions.

SEC. 4. The common council of said town shall prescribe and collect reasonable rates, fees, or charges for the services, facilities, and commodities of said system, and shall revise such rates, fees, or charges from time to time whenever necessary so that said system shall be and always remain self-supporting. The rates, fees, or charges prescribed shall be such as will produce revenue at least sufficient (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged, or otherwise encumbered, including reserves therefor, and (b) to provide for all expenses of operation and maintenance of said system, including reserves therefor.

Redemption, etc., restrictions.

SEC. 5. No holder of any bond issued under this Act shall have the right to compel the levy of a tax by said town to pay the principal of or interest on such bonds. All bonds issued under this Act shall be payable solely from the revenues pledged to the payment thereof and shall contain a recital to that effect. Such bonds may be issued notwithstanding any debt or other limitation or restriction prescribed by any other law.

Effective date.

SEC. 6. This Act shall become effective thirty days after its passage: *Provided, however,* That none of the powers herein granted to the said town of Seward, Alaska, shall be exercised by said town in the event that the Seward Light and Power Company, a corporation, shall within one week after a copy of this Act is served on said Seward Light and Power Company, offer in writing to sell and convey to the said town of Seward all right, title, and interest in and to its electric generating plant or plants, electric distributing system, pipe lines, and water rights now owned by it and used and employed in supplying electric energy to the inhabitants of said town, said offer of sale to be for the sum of \$75,000, and to guarantee that delivery of said title, free from encumbrance and debt of any kind, shall be made to said town upon payment of said sum, anytime within six months from date of said written offer to sell: *Provided further,* That said offer and agreement to convey title must be delivered by said Seward Light and Power Company, to the town clerk of said town of Seward, Alaska, within the time specified above. Service of copy of this Act on the Seward Light and Power Company shall be made by delivery thereof to its president, S. M. Graff, or any other officer of the corporation: *And provided further,* That in the event the said Seward Light and Power Company offers to sell and convey its properties as provided for in this section, the said town is authorized to purchase such properties and to issue bonds for such purpose in an amount not to exceed \$75,000, such bonds to be issued in the manner provided for in this Act.

*Provisos.*  
Restriction on exercise of powers granted.  
Sale by Seward Light and Power Company of holdings.

Price.

Time limitation.

Bond issue authorized.

Approved, May 20, 1935.

[CHAPTER 134.]

## JOINT RESOLUTION

For the establishment of a commission for the construction of a Washington-Lincoln Memorial Gettysburg Boulevard connecting the present Lincoln Memorial in the city of Washington with the battlefield of Gettysburg in the State of Pennsylvania.

May 20, 1935.  
[S. J. Res. 43.]  
[Pub. Res., No. 19.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby established a commission to be known as the United States Commission for the construction of a Washington-Lincoln Memorial Gettysburg Boulevard connecting the present Lincoln Memorial in the city of Washington with the battlefield of Gettysburg in the State of Pennsylvania (hereinafter referred to as the Commission), and to be composed of thirteen commissioners, as follows: The President of the United States; Presiding Officer of the Senate, the Speaker of the House of Representatives, and the President of the Commissioners of the District of Columbia, ex officio; two persons to be appointed by the President of the United States; one Senator from the State of Maryland and one Senator from the State of Pennsylvania, to be appointed by the President pro tempore of the Senate; the Chief of the Bureau of Public Roads, Department of Agriculture; the Director, National Park Service, Department of Interior; Engineer Commissioner of the District of Columbia; and one Representative from the State of Maryland and one from the State of Pennsylvania, to be appointed by the Speaker of the House of Representatives. The commissioners shall serve without compensation and shall select a chairman from among their number.

Washington-Lincoln Memorial Gettysburg Boulevard Commission.  
Establishment, composition, etc.

No compensation.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000, to be expended by the Commission in accordance with the provisions of this resolution.

Appropriation authorized.

SEC. 3. That it shall be the duty of the Commission to prepare a plan or plans in cooperation with the Bureau of Public Roads, Department of Agriculture; the Highway Departments of Pennsylvania, Maryland, and District of Columbia to further commemorate the public services of George Washington and Abraham Lincoln by the construction of a boulevard or highway connecting the present Lincoln Memorial and the Washington Monument in the city of Washington with the Gettysburg battlefield in the State of Pennsylvania; and to give due and proper consideration to any plan or plans which may be submitted to it.

Preparation of plans, etc.

SEC. 4. That the Commission, after selecting a chairman and a vice chairman from among its members, may employ a secretary and such other assistants as may be needed for clerical work connected with the duties of the Commission and may also engage the services of expert advisers, and may fix their respective compensations within the amount appropriated for such purposes.

Chairman, vice chairman and secretary.

Other personal services.

SEC. 5. That the commissioners shall be paid their actual and necessary traveling, hotel, and other expenses incurred in the discharge of their duties out of the amount appropriated.

Travel, etc., expenses.

SEC. 6. That the Commission shall on or before one year after the date of enactment of this resolution, make a report to the Congress, in order that enabling legislation may be enacted, provided such enabling legislation stipulates that the said highway or boulevard shall be constructed by the Highway Departments of Pennsylvania, Maryland, and District of Columbia, under the supervision of the Chief of the Bureau of Public Roads, Department of Agriculture, from funds provided by the said State of Pennsylvania,

Report to Congress.

Construction under Federal supervision.

the said State of Maryland and the District of Columbia, including any future allocation of Federal-aid highway funds or grants to the said States of Pennsylvania, Maryland, and to the District of Columbia. The passage of this Act does not commit the United States to build the said highway or boulevard at Federal expense, and if authorized the Federal funds for the construction of the said highway or boulevard will be the allocations that may accrue to the said States and the District of Columbia in future appropriations of Federal-aid highway and grant funds. Any appropriations under the authority of this Act shall be deducted from the next regular apportionment or allocation of Federal-aid highway funds or Federal-grant highway funds, under existing or future authorizations as determined by the Secretary of Agriculture to Pennsylvania, Maryland and the District of Columbia.

No Federal expense.

Payment from certain State, etc., allocated funds.

Duration of Commission.

Effective date.

SEC. 7. That the term of Commission hereby created shall expire within one year after the completion of the proposed boulevard or highway.

SEC. 8. This joint resolution shall take effect immediately.  
Approved, May 20, 1935.

[CHAPTER 135.]

AN ACT

Granting a leave of absence to settlers of homestead lands during the year 1935.

May 22, 1935.  
[S. 1776.]  
[Public, No. 64.]

Public lands.  
Homestead entry-  
men; leaves of absence,  
calendar year 1935.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any homestead settler or entryman who, during the calendar year 1935, should find it necessary, because of economic conditions, to leave his homestead to seek employment in order to obtain the necessities of life for himself and family or to provide for the education of his children may, upon filing with the register of the district, his affidavit, supported by corroborating affidavits of two disinterested persons showing the necessity of such absence, be excused from compliance with the requirements of the homestead laws as to residence, cultivation, improvements, expenditures, or payment of purchase money, as the case may be, during all or any part of the calendar year 1935, and said entries shall not be open to contest or protest because of failure to comply with such requirements during such absence; except that the time of such absence shall not be deducted from the actual residence required by law, but a period equal to such absence shall be added to the statutory life of the entry: *Provided*, That any entryman holding an unperfected entry on ceded Indian lands may be excused from the requirements of residence upon the conditions provided herein, but shall not be entitled to extension of time for the payment of any installment of the purchase price of the land except upon proof satisfactory to the Secretary of the Interior that the entryman is acting in good faith and is financially unable to make the payments due, and upon payment of interest, in advance, at the rate of 4 per centum per annum on the principal of any unpaid purchase price from the date when such payment or payments became due to and inclusive of the date of the expiration of the period of relief granted hereunder.*

Absence added to statutory life of entry.

*Proviso.*  
Installment payment extension.

Interest payment.

Approved, May 22, 1935.

## [CHAPTER 136.]

## AN ACT

To amend section 21 of the Interstate Commerce Act, as amended, with respect to the time of making the annual report of the Interstate Commerce Commission.

May 23, 1935.  
[H. R. 4005.]  
[Public, No. 65.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first sentence of section 21 of the Interstate Commerce Act, as amended, is amended to read as follows: "The Commission shall, on or before the 3d day of January of each year, make a report which shall be transmitted to Congress and copies of which shall be distributed as are the other reports transmitted to Congress."

Interstate Commerce Commission.  
Time for making annual report.  
Vol. 24, p. 387; Vol. 25, p. 862.  
U. S. C., p. 2233.

Approved, May 23, 1935.

## [CHAPTER 137.]

## JOINT RESOLUTION

To authorize the acceptance on behalf of the United States of the bequest of the late Major General Fred C. Ainsworth for the purpose of establishing a permanent library at the Walter Reed General Hospital to be known as the "Fred C. Ainsworth Endowment Library."

May 23, 1935.  
[S. J. Res. 98.]  
[Pub. Res., No. 20.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the adjutant Walter Reed General Hospital be, and is hereby, authorized to accept the bequest of the late Major General Fred C. Ainsworth, or such amount thereof as is available, as contained in his last will and testament, and such interest as may have accrued on the funds covered by such bequest, and to receipt therefor on behalf of the United States, and to deposit the funds so received in the Treasury of the United States as a special fund dedicated to the purpose of establishing a permanent library at the Walter Reed General Hospital, to be known as the "Fred C. Ainsworth Endowment Library", said fund to be subject to disbursement for such purpose upon vouchers submitted by the adjutant Walter Reed General Hospital and to be available until expended: *Provided*, That the Treasurer of the United States, upon the written request of the adjutant Walter Reed General Hospital so to do, is authorized to invest and reinvest any part or all of the corpus of this bequest, as well as any income therefrom, in interest-bearing United States Government bonds, and retain custody thereof, if, in the judgment of the adjutant it will best serve the objects of the bequest: *Provided further*, That the Treasurer of the United States, upon the written request of the adjutant Walter Reed General Hospital so to do, is authorized to dispose of, for cash, any part or all of any bonds in which such funds may be invested, and redeposit the proceeds thereof, as well as all interest received from time to time upon any such bonds, to the credit of such special fund and subject to withdrawal and disbursement and reinvestment, as above provided for: *And provided further*, That the administration, control, and expenditure of this fund and its application to the purposes intended shall be according to the sole discretion of the adjutant Walter Reed General Hospital, and the exercise of his discretion and authority in regard thereto and his decision thereon shall not be subject to question or review except by the Secretary of War and courts of competent jurisdiction.

Walter Reed General Hospital.  
Bequest of Maj. Gen. Fred C. Ainsworth; acceptance authorized.

Special fund; dedication.

Disbursement.

*Provisos.*  
Investment authorized.

Credits and withdrawals.

Administration, control, etc., of fund.

Space to be provided.

SEC. 2. The necessary space or a separate room in any building at the Walter Reed General Hospital is authorized to be set aside for the purpose of establishing the said library.

Approved, May 23, 1935.

## [CHAPTER 138.]

## AN ACT

May 24, 1935.

[S. 1222.]

[Public, No. 66.]

To further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Garrison, North Dakota.

Missouri River.  
Time extended for  
bridging, at Garrison,  
N. Dak.

Vol. 47, pp. 43, 804;  
Vol. 48, p. 946.  
*Post*, p. 1476.

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 Missouri River at or near Garrison, North Dakota, authorized to be built by the State of North Dakota, by an Act of Congress approved February 10, 1932, heretofore extended by Acts of Congress approved February 14, 1933, and June 12, 1934, are hereby further extended one and three years, respectively, from June 12, 1935.

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

Approved, May 24, 1935.

## [CHAPTER 139.]

## AN ACT

May 24, 1935.

[S. 1342.]

[Public, No. 67.]

To revive and reenact the Act entitled "An Act granting the consent of Congress to board of county commissioners of Itasca County, Minnesota, to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the road between the villages of Cohasset and Deer River, Minnesota."

Mississippi River.  
Authority for bridg-  
ing, between Cohasset,  
and Deer River,  
Minn., revived.  
Vol. 45, p. 473.

*Proviso.*  
Construction, etc.

Amendment.

*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 May 1, 1928, authorizing the board of county commissioners of Itasca County, Minnesota, to construct a bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west, on the road between the villages of Cohasset and Deer River, Minnesota, 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.

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

Approved, May 24, 1935.

## [CHAPTER 140.]

## AN ACT

May 24, 1935.

[S. 1680.]

[Public, No. 68.]

To include within the Deschutes National Forest, in the State of Oregon, certain public lands within the exchange boundaries thereof.

Deschutes National  
Forest, Oreg.  
Vol. 42, p. 362,  
amended.

Addition authorized.

Proclamation.

*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 authorizing the adjustment of the boundaries of the Deschutes National Forest, in the State of Oregon, and for other purposes", approved February 2, 1922, is amended by adding at the end thereof the following new section:

"SEC. 2. Such lands in public ownership within six miles of the exterior boundaries of the Deschutes National Forest, in the State of Oregon, as may be found by the Secretaries of Agriculture and of the Interior to be chiefly valuable for national-forest purposes, may be added to the Deschutes National Forest by proclamation of the President, subject to any valid existing claims in such lands."

Approved, May 24, 1935.



## [CHAPTER 141.]

## AN ACT

To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Farnam Street, Omaha, Nebraska.

May 24, 1935.  
[S. 1987.]  
[Public, No. 69.]

*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 Missouri River at or near Farnam Street, Omaha, Nebraska, authorized to be built by the Omaha-Council Bluffs Missouri River Bridge Board of Trustees by an Act of Congress approved June 10, 1930, heretofore extended by Acts of Congress approved February 20, 1931, June 9, 1932, February 24, 1933, and March 5, 1934, are hereby further extended one and three years, respectively, from June 10, 1935.

Missouri River.  
Time extended for  
bridging, at Omaha,  
Nebr.

Vol. 46, pp. 544, 1192;  
Vol. 47, pp. 290, 903;  
Vol. 48, p. 395.

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

Amendment.

Approved, May 24, 1935.

## [CHAPTER 142.]

## AN ACT

To amend section 5296 of the Revised Statutes of the United States.

May 24, 1935.  
[H. R. 157.]  
[Public, No. 70.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5296 of the United States Revised Statutes (U. S. C., title 18, sec. 641) is amended by adding thereto the following sentence: "The District Court of the Territory of Alaska shall be deemed a court of the United States, and the commissioners appointed by the judges of the said District Court of the Territory of Alaska under the provisions of title I, chapter 1, section 6, of the Act of June 6, 1900 (31 Stat. L., 323, 324), shall be deemed commissioners of a United States court, within the intent and meaning of this section."

Alaska.  
Discharge of indi-  
gent convicts.  
R. S., sec. 5296, p.  
1028; U. S. C., p. 772.

Status of District  
Court; of commission-  
ers.  
Vol. 31, p. 324.

Approved, May 24, 1935.

## [CHAPTER 143.]

## AN ACT

To ratify and confirm the corporate existence of the city of Nome, Alaska, and to authorize it to undertake certain municipal public works, including the construction, reconstruction, enlargement, extension, and improvement of its sewers and drains, fire-fighting system, streets and alleys, sidewalks, curbs and gutters, and a municipal building, and for such purposes to issue bonds in any sum not exceeding \$100,000.

May 24, 1935.  
[H. R. 5707.]  
[Public, No. 71.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the corporate existence and present boundaries of the city of Nome, Alaska, a municipal corporation of the Territory of Alaska, second judicial division, are hereby recognized, ratified, and confirmed; and the same shall not be open to question in any court of law on the ground of destruction of records or otherwise.

Nome, Alaska.  
Corporate existence  
of, recognized, etc.

SEC. 2. That the incorporated city of Nome, Territory of Alaska, is hereby authorized and empowered to undertake the municipal public works hereinafter specified or any one or more thereof, and for such purposes to issue bonds in any amount not exceeding in the aggregate the sum of \$100,000. Said city of Nome, Alaska, is hereby authorized and empowered (a) to construct, reconstruct, enlarge, extend, and improve its sewers and drains, and for such purpose to issue bonds in any sum not exceeding \$15,000; (b) to construct, reconstruct, enlarge, extend, and improve its fire-fighting system, and for such purpose to issue bonds not exceeding \$35,000; (c) to construct, reconstruct, enlarge, extend, and improve its streets

Bond issues author-  
ized.

Purposes.

and alleys, and for such purpose to issue bonds not exceeding \$12,000; (d) to construct, reconstruct, enlarge, extend, and improve its sidewalks, curbs, and gutters, and for such purpose to issue bonds not exceeding \$20,770; and (e) to construct a municipal building, and for such purpose to issue bonds not exceeding \$17,230.

Special election.

SEC. 3. Before said bonds shall be issued a special election shall be ordered by the common council of the said city of Nome, Alaska, at which election the question of whether such bonds shall be issued in the amount specified for any or all of the purposes hereinbefore set forth shall be submitted to the qualified electors of said city of Nome, Territory of Alaska, whose names appear on the last assessment roll of said city for purposes of municipal taxation. The form of the ballot shall be such that the electors may vote for or against the issuance of bonds for each of the purposes herein specified in the amounts herein authorized. Not less than twenty days' notice of such election shall be given to the public by posting notices of the same in three conspicuous places within the corporate limits of the city of Nome, Territory of Alaska, one of which shall be at the front door of the United States post office at Nome, Alaska. The election notice shall specifically state the amount of bonds proposed to be issued for each of the purposes herein specified. The registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general for special elections in said municipality; and said bonds shall be issued for any or all of the purposes herein authorized only upon condition that not less than a majority of the votes cast at such election in said municipality shall be in favor of the issuance of said bonds for such purpose or purposes.

Form of ballot.

Notice.

Conduct of election.

Bonds; form, maturity, etc.

SEC. 4. The bonds herein authorized to be issued shall be coupon in form and shall mature in not to exceed thirty years from the date thereof. Such bonds may bear such date or dates, may be in such denomination or denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable in such medium of payment and at such place or places, may be sold at either public or private sale, may be nonredeemable or redeemable (either with or without premium), may carry such registration privileges as to either principal and interest, principal only, or both, as shall be prescribed by the common council of said city of Nome. The bonds shall bear the signatures of the mayor and of the clerk of the city of Nome, and shall have impressed thereon the official seal of said municipality. The coupons to be annexed to such bonds shall bear the facsimile signatures of the mayor and of the clerk of said municipality. In case any of the officers whose signatures or countersignatures appear on the bonds shall cease to be such officers before delivery of such bonds, such signatures or countersignatures, whether manual or facsimile, shall nevertheless be valid and sufficient for all purposes, the same as if said officers had remained in office until such delivery. Said bonds shall bear interest at a rate to be fixed by the common council of the city of Nome, not to exceed, however, 6 per centum per annum, payable semiannually, and said bonds shall be sold at not less than the principal amount thereof plus accrued interest.

Signatures.

Interest rate.

Sale price.

Bonds deemed municipal obligations.

SEC. 5. The bonds herein authorized to be issued shall be general obligations of the city of Nome, Territory of Alaska, payable as to both interest and principal from ad valorem taxes which shall be levied upon all of the taxable property within the corporate limits of such municipality in an amount sufficient to pay the interest on

and the principal of such bonds as and when the same become due and payable.

SEC. 6. No part of the funds arising from the sale of said bonds shall be used for any purpose or purposes other than those specified in this Act. Said bonds shall be sold only when and in such amounts as the common council of the city of Nome shall direct; and the proceeds thereof shall be distributed only for the purposes hereinbefore mentioned and under the orders and directions of said common council from time to time as such proceeds may be required for said purposes.

Use of proceeds of sales.

SEC. 7. The city of Nome is hereby authorized to enter into contracts with the United States of America or any agency or instrumentality thereof under the provisions of the National Industrial Recovery Act and Acts amendatory thereof and Acts supplemental thereto, and revisions thereof, and the regulations made in pursuance thereof, and under any further Acts of the Congress of the United States to encourage public works, for the sale of bonds issued in accordance with the provisions of this Act or for the acceptance of a grant of money to aid said municipality in financing any public works herein authorized; or to enter into contracts with any persons or corporations, public or private, for the sale of such bonds; and such contracts may contain such terms and conditions as may be agreed upon by and between the common council of said city of Nome and the United States of America or any agency or instrumentality thereof or any such purchaser.

Contracts with United States for bond sale.  
Vol. 48, p. 195.

SEC. 8. This Act shall take effect immediately.

Effective date.

Approved, May 24, 1935.

[CHAPTER 144.]

JOINT RESOLUTION

To provide for participation by the United States in the Eighth International Congress of Military Medicine and Pharmacy to be held at Brussels, Belgium, in June 1935.

May 24, 1935.  
[H. J. Res. 249.]  
[Pub. Res., No. 21.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$8,000, or so much thereof as may be necessary, for the expenses of participation by the United States in the Eighth International Congress of Military Medicine and Pharmacy to be held at Brussels, Belgium, in 1935, including personal services in the District of Columbia or elsewhere without reference to the Classification Act of 1923, as amended; stenographic reporting and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent; traveling expenses; purchase of necessary books, documents, newspapers, periodicals, and maps; stationery, official cards; printing and binding; entertainment; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified.

Eighth Congress of Military Medicine and Pharmacy, Brussels, Belgium.  
Sum authorized for participation expenses.  
*Post*, p. 591.

Contracts without advertising.  
R. S., sec. 3709, p. 733; U. S. C., p. 1803.

Reimbursement of other funds.

Supervision of expenditures.

SEC. 2. The funds made available under this authorization shall be expended under the supervision of the Secretary of State.

Approved, May 24, 1935.

## [CHAPTER 146.]

## AN ACT

May 27, 1935.  
[S. 1803.]

[Public, No. 72.]

To authorize the Secretary of War to pay certain expenses incident to the training, attendance, and participation of the equestrian and modern pentathlon teams in the Eleventh Olympic Games.

Eleventh Olympic Games.  
Participation of Regular Army authorized.

Provisos.  
Expenses charged to Army appropriations.

Allowance not to be exceeded.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is hereby authorized to direct the training and attendance of personnel and animals of the Regular Army as participants in the Eleventh Olympic Games: *Provided,* That all expenses incident to training, attendance, and participation in the Eleventh Olympic Games, including the use of such supplies, material, and equipment as in the opinion of the Secretary of War may be necessary, may be charged to the appropriations for the support of the Army: *Provided further,* That applicable allowances which are or may be fixed by law or regulations for participation in other military activities shall not be exceeded.

Approved, May 27, 1935.

## [CHAPTER 147.]

## AN ACT

May 27, 1935.  
[H. R. 4239.]

[Public, No. 73.]

Authorizing the Secretary of Commerce to convey to the city of Grand Haven, Michigan, certain portions of the Grand Haven Lighthouse Reservation, Michigan.

Grand Haven Lighthouse Reservation, Mich.  
Post, p. 1911.  
Portions of; conveyance.

Reversionary provision.

Rights, etc., reserved.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Commerce is hereby authorized to convey to the city of Grand Haven, State of Michigan, for use for street purposes, certain portions of the Grand Haven Lighthouse Reservation, Michigan, which are not required to be retained for lighthouse purposes. The Secretary of Commerce shall describe by metes and bounds in the deed of conveyance the exact portions of the reservation transferred. The deed of conveyance shall also contain a provision that should the city of Grand Haven, State of Michigan, cease to use the property for the purpose for which it is conveyed, title thereto shall revert to the United States.

SEC. 2. The United States reserves the rights-of-way over, underground, or across the area to be transferred for any use whatsoever in conducting the Lighthouse Service or other activities of the Government, and, further reserves the right to be furnished by the city of Grand Haven, any and all services, conveniences, and utilities at established rates, such as transportation, gas or electric lighting facilities, water connections and sewer connections, and such other utilities as may be installed in the vicinity of and accessible to the reservation.

Approved, May 27, 1935.

## [CHAPTER 148.]

## AN ACT

May 27, 1935.

[H. R. 5444.]

[Public, No. 74.]

To authorize the Department of Commerce to make special statistical studies upon payment of the cost thereof, and for other purposes.

Department of Commerce.  
Special statistical studies authorized; scope.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Department of Commerce be, and hereby is, authorized, within the discretion of the Secretary of Commerce, upon the written request of any person, firm, or corporation, to make special statistical studies relating to foreign trade, domestic trade, and other economic matters falling within the province of the Department of Commerce; to

prepare from its records special statistical compilations; and to furnish transcripts of its studies, tables, and other records, upon the payment of the actual cost of such work by the person, firm, or corporation requesting it.

SEC. 2. All moneys hereafter received by the Department of Commerce in payment of the cost of such work shall be deposited in a special account to be administered under the direction of the Secretary of Commerce. These moneys may be used, in the discretion of the Secretary of Commerce, and notwithstanding any other provision of law, for the ordinary expenses incidental to the work and/or to secure in connection therewith the special services of persons who are neither officers nor employees of the United States.

SEC. 3. The Secretary of Commerce shall prescribe rules and regulations for the enforcement of this Act; and the Secretary of Commerce shall make a report to Congress, at the beginning of each regular session, giving a detailed statement showing (1) the name of every person, firm, or corporation for whom work has been performed under the authority of this statute; (2) the nature of the services rendered to him; (3) the price charged for these services by the Department of Commerce; and (4) the manner in which the moneys received were deposited or used.

Approved, May 27, 1935.

Transcripts; cost.

Payments; deposit.

Use.

Rules, etc., to be prescribed.  
Report to Congress; contents.

[CHAPTER 149.]

AN ACT

To extend the time during which domestic animals which have crossed the boundary line into foreign countries may be returned duty free.

May 27, 1935.

[H. R. 6143.]

[Public, No. 75.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of subparagraph (c) of paragraph 1606 of title II of the Tariff Act of 1930, horses, mules, asses, cattle, sheep, and other domestic animals, straying across the boundary line into any foreign country, or which have been driven across such boundary line by the owner for temporary pasturage purposes only, or which may so stray or be driven before November 1, 1935, and the offspring and increase of any such animals, whether or not accompanying the parent animals, shall be admitted free of duty under regulations to be prescribed by the Secretary of the Treasury, if brought into the United States at any time before June 30, 1936.

Approved, May 27, 1935.

Domestic animals.  
Free admission of, when crossed international boundary line before November 1, 1935.  
Vol. 46, p. 673.

Condition.

[CHAPTER 150.]

AN ACT

To provide additional home-mortgage relief, to amend the Federal Home Loan Bank Act, the Home Owners' Loan Act of 1933, and the National Housing Act, and for other purposes.

May 28, 1935.

[H. R. 6021.]

[Public, No. 76.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subdivision (6) of section 2 of the Federal Home Loan Bank Act, as amended, is amended by striking out the word "three" and inserting in lieu thereof the word "four".

SEC. 2. Subsection (k) of section 6 of the Federal Home Loan Bank Act, as amended, is amended to read as follows:

"(k) All stock of any Federal Home Loan Bank shall share in dividend distributions without preference."

Additional home mortgage relief.  
Federal Home Loan Bank Act, amendment.  
"Home mortgage", definition modified.  
Vol. 48, p. 1284.  
Dividends.  
Vol. 47, p. 729; U.S.C., p. 465.  
Distributions, without preference.

Federal Home Loan Bank, management.  
Vol. 47, p. 730; U. S. C., p. 465.

Directors; number, qualifications.

Appointments; terms of office.

Classification.

Elected members.

Vol. 47, p. 730.

Designated subsections relettered.  
Vol. 47, p. 730; U. S. C., p. 466.

Vol. 47, p. 731.

Federal Savings and Loan Advisory Council.

Creation; membership.

Residence.

Compensation; allowances.

Meetings, officers, etc.

Powers.

Federal Home Loan Bank Act, amendment.  
Vol. 47, p. 731; Vol. 48, p. 1261; U. S. C., p. 467.

Advances to members; security; regulations.

SEC. 3. (a) Subsections (a), (b), and (c) of section 7 of the Federal Home Loan Bank Act, as amended, are amended, effective January 1, 1936, to comprise four subsections to read as follows:

"(a) The management of each Federal Home Loan Bank shall be vested in a board of twelve directors, all of whom shall be citizens of the United States and bona fide residents of the district in which such bank is located.

"(b) Four of such directors shall be appointed by the Board and shall hold office for terms of four years; except that the terms of office of the two such directors heretofore appointed shall expire at the end of the calendar years 1936 and 1937, respectively, and the terms of office of the first two such directors hereafter appointed shall expire at the end of the calendar years 1938 and 1939, respectively.

"(c) Six of such directors, two of whom shall be known as class A directors, two of whom shall be known as class B directors, and two of whom shall be known as class C directors, shall be elected as provided in subsection (e), and shall hold office for terms of two years; except that the terms of office of the directors heretofore elected or appointed shall expire at the end of the terms for which they were elected or appointed.

"(d) Two of such directors shall be elected by the members of the Federal Home Loan Bank without regard to classes under rules and regulations to be prescribed by the Board, and shall hold office for terms of two years; except that the term of office of one of the directors first elected under this subsection shall expire at the end of the calendar year 1936."

(b) Section 7 of the Federal Home Loan Bank Act, as amended, is further amended, effective January 1, 1936, by relettering subsections (d), (e), (f), (g), (h), and (i) as (e), (f), (g), (h), (i), and (j), respectively.

SEC. 4. The Federal Home Loan Bank Act, as amended, is amended by adding after section 8 a new section to read as follows:

#### "FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

"SEC. 8a. There is hereby created a Federal Savings and Loan Advisory Council, which shall consist of one member for each Federal Home Loan Bank district to be elected annually by the board of directors of the Federal Home Loan Bank in such district and six members to be appointed annually by the Board. Each such elected member shall be a resident of the district for which he is elected. All members of the Council shall serve without compensation, but shall be entitled to reimbursement from the Board for traveling expenses incurred in attendance at meetings of such Council. The Council shall meet at Washington, District of Columbia, at least twice a year and oftener if requested by the Board. The Council may select its chairman, vice chairman, and secretary, and adopt methods of procedure, and shall have power—

"(1) To confer with the Board and board of trustees of the Federal Savings and Loan Insurance Corporation on general business conditions, and on special conditions affecting the Federal Home Loan Banks and their members and such Corporation.

"(2) To request information, and to make recommendations, with respect to matters within the jurisdiction of the Board and the board of trustees of such Corporation."

SEC. 5. Subsection (a) of section 10 of the Federal Home Loan Bank Act, as amended, is amended to read as follows:

"(a) Each Federal Home Loan Bank is authorized to make advances to its members upon the security of home mortgages, or obligations of the United States, or obligations fully guaranteed by

the United States, subject to such regulations, restrictions, and limitations as the Board may prescribe. Any such advance shall be subject to the following limitations as to amount:

"(1) If secured by a mortgage insured under the provisions of title II of the National Housing Act, the advance may be for an amount not in excess of 90 per centum of the unpaid principal of the mortgage loan.

Limitations on amount of loans. Vol. 48, p. 1247.

"(2) If secured by a home mortgage given in respect of an amortized home mortgage loan which was for an original term of six years or more, or in cases where shares of stock, which are pledged as security for such loan, mature in a period of six years or more, the advance may be for an amount not in excess of 65 per centum of the unpaid principal of the home mortgage loan; but in no case shall the amount of the advance exceed 60 per centum of the value of the real estate securing the home mortgage loan.

"(3) If secured by a home mortgage given in respect of any other home mortgage loan, the advance shall not be for an amount in excess of 50 per centum of the unpaid principal of the home mortgage loan; but in no case shall the amount of such advance exceed 40 per centum of the value of the real estate securing the home mortgage loan.

"(4) If secured by obligations of the United States, or obligations fully guaranteed by the United States, the advance shall not be for an amount in excess of the face value of such obligations."

SEC. 6. Clauses numbered (1) and (2) of subsection (b) of section 10 of the Federal Home Loan Bank Act, as amended, are amended to read as follows: "(1) the home mortgage loan secured by it has more than twenty years to run to maturity, or (2) the home mortgage exceeds \$20,000, or"

Vol. 47, p. 732; U. S. C., p. 467.

Home mortgages as security.

SEC. 7. The Federal Home Loan Bank Act, as amended, is amended by adding after section 10a the following new section:

Vol. 47, p. 731; Vol. 48, p. 1261.

"SEC. 10b. Each Federal Home Loan Bank is authorized to make advances to nonmember mortgagees approved under title II of the National Housing Act. Such mortgagees must be chartered institutions having succession and subject to the inspection and supervision of some governmental agency, and whose principal activity in the mortgage field must consist of lending their own funds. Such advances shall not be subject to the other provisions and restrictions of this Act, but shall be made upon the security of insured mortgages, insured under title II of the National Housing Act. Advances made under the terms of this section shall be at such rates of interest and upon such terms and conditions as shall be determined by the Federal Home Loan Bank Board, but no advance may be for an amount in excess of 90 per centum of the unpaid principal of the mortgage loan given as security."

Nonmember borrowers; advances to. Vol. 48, p. 1247. Conditions.

Security.

Interest rates, terms, etc.

Amount.

SEC. 8. The first sentence of section 13 of the Federal Home Loan Bank Act, as amended, is amended to read as follows: "Any and all notes, debentures, bonds, and other such obligations issued by any bank, and consolidated Federal Home Loan Bank bonds and debentures, 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, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority."

Tax exemptions; consolidated Federal Home Loan Bank bonds. Vol. 47, p. 735.

SEC. 9. Section 19 of the Federal Home Loan Bank Act, as amended, is amended by adding at the end thereof the following new sentence: "The receipts of the Board derived from assessments upon the Federal Home Loan Banks and from other sources (except receipts from the sale of consolidated Federal Home Loan Bank

Receipts from bank assessments. Vol. 47, p. 737; U. S. C., p. 470.

Deposit; withdrawal and use.

bonds and debentures issued under section 11) shall be deposited in the Treasury of the United States, and may be from time to time withdrawn therefrom to defray the expenses of the Board, 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."

Home Owners' Loan Act of 1933, amended. Vol. 48, p. 129; U. S. C., p. 471.

SEC. 10. Sections 2 (c) and 4 (d) of the Home Owners' Loan Act of 1933, as amended, are amended by striking out "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 inserting in lieu thereof "upon which there is located a dwelling or dwellings for not more than four families, which is used in whole or in part by the owner as a home or held by him as his homestead, and which has a value of not to exceed \$20,000".

Definitions modified. "Home mortgage"; "real estate".

Vol. 48, pp. 129, 643, 1263; U. S. C., p. 472.

SEC. 11. The first sentence of subsection (c) of section 4 of the Home Owners' Loan Act of 1933, as amended, is amended to read as follows:

Bond issue authorized.

"(c) In order to provide for applications heretofore filed, for applications filed within thirty days after this amendment takes effect, and for carrying out the other purposes of this section, the Corporation is authorized to issue bonds in an aggregate amount not to exceed \$4,750,000,000, which may be exchanged as hereinafter provided, or which may be sold by the Corporation to obtain funds for carrying out the purposes of this section or for the redemption of any of its outstanding bonds; and the Corporation is further authorized to increase its total bond issue for the purpose of retiring its outstanding bonds by an amount equal to the amount of the bonds to be so retired (except bonds retired from payments of principal on loans), such retirement to be at maturity or by call or purchase or exchange or any method prescribed by the Board with the approval of the Secretary of the Treasury: *Provided*, That no bonds issued under this subsection, as amended, shall have a maturity date later than 1952."

Aggregate amount.

Retirement of outstanding bonds authorized.

*Proviso*. Maturity date.

Vol. 48, p. 131.

SEC. 12. Subsection (d) of section 4 of the Home Owners' Loan Act of 1933, as amended, is amended by adding at the end thereof the following new paragraph:

Assessments upon real property for public improvements.

"For the purposes of this Act, levies of assessments upon real property, made by any special district organized in any State for public improvements, shall be treated as general-tax levies are treated. The Board shall determine the reasonableness of the total annual burden of taxes and assessments of all kinds upon any property offered as security for the payment of a loan made by the Corporation and the effect of the total levies upon the loanable value of such property, but no deduction shall be made from the loanable value of any property for levies not due at the time of making such loan in any instance where the total annual taxes and assessments borne by the said property for all purposes does not exceed a sum which, in the discretion of the Board, is a reasonable annual tax burden for such property."

Determination of reasonableness when property offered as security.

Vol. 48, p. 132.

SEC. 13. Subsection (j) of section 4 of the Home Owners' Loan Act of 1933, as amended, is amended, effective ninety days after the date of enactment of this Act, by adding at the end thereof the following new sentence: "No person shall be appointed or retained as an officer, employee, agent, or attorney, at a fixed salary, in any regional or State office of the Corporation who is an officer or director of any firm, corporation, or association engaged in lending money on real estate; nor shall any person be appointed or retained as an officer,

Field officers and employees; qualifications.



employee, agent, or attorney in any State or district office of the Corporation, who has not been a bona fide resident of the State served by such office for a period of at least one year immediately preceding the date of his appointment."

SEC. 14. Subsection (l) of section 4 of the Home Owners' Loan Act of 1933, as amended, is amended by striking out the last comma therein and the following: "or in any case in which the home mortgage or other obligation or lien is held by an institution which is in liquidation".

Vol. 48, p. 644.  
Bond exchange where lien held by institution in liquidation.

SEC. 15. Subsection (h) of section 4 of the Home Owners' Loan Act of 1933, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: "Provided, That no person shall be allowed to act as appraiser if he is in the employ of any company holding a loan on the property, or if he is interested in the subject matter of the loan."

Appraisers for Corporation; qualifications.  
Vol. 48, p. 131;  
U. S. C., p. 473.

SEC. 16. Subsection (m) of section 4 of the Home Owners' Loan Act of 1933, as amended, is amended by striking out "\$300,000,000" and inserting in lieu thereof "\$400,000,000".

Amount for cash advances, increased.  
Vol. 48, pp. 645, 1264.

SEC. 17. (a) Section 4 of the Home Owners' Loan Act of 1933, as amended, is amended by adding at the end thereof a new subsection to read as follows:

Vol. 48, pp. 645, 1264.

"(n) The Corporation is authorized to purchase Federal Home Loan Bank bonds, debentures, or notes, or consolidated Federal Home Loan Bank bonds or debentures. The Corporation is also authorized to purchase full-paid-income shares of Federal Savings and Loan Associations after the funds made available to the Secretary of the Treasury for the purchase of such shares have been exhausted. Such purchases of shares shall be on the same terms and conditions as have been heretofore authorized by law for the purchase of such shares by the Secretary of the Treasury: *Provided*, That the total amount of such shares in any one association held by the Secretary of the Treasury and the Corporation shall not exceed the total amount of such shares heretofore authorized to be held by the Secretary of the Treasury in any one association. The Corporation is also authorized to purchase shares in any institution which is (1) a member of a Federal Home Loan Bank, or (2) whose accounts are insured under title IV of the National Housing Act, if the institution is eligible for insurance under such title; and to make deposits and purchase certificates of deposit and investment certificates in any such institution. Of the total authorized bond issue of the Corporation \$300,000,000 shall be available for the purposes of this subsection, without discrimination in favor of Federally chartered associations, and bonds of the Corporation not exceeding such amount may be sold for the purposes of this subsection."

Bond, etc., purchases authorized.

Terms and conditions.

*Proviso*.  
Maximum amount.

Authority to purchase shares of certain institutions, etc.

Sum available; bond sale authorized.

(b) Section 9 of the Act entitled "An Act to guarantee the bonds of the Home Owners' Loan Corporation, to amend the Home Owners' Loan Act of 1933, and for other purposes", approved April 27, 1934, is hereby repealed.

Bond purchases of Federal Home Loan Banks; repealed.  
Vol. 48, p. 646.

SEC. 18. Subsection (c) of section 5 of the Home Owners' Loan Act of 1933, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: "*And provided further*, That any such association which is converted from a State-chartered institution may continue to make loans in the territory in which it made loans while operating under State charter."

Federal savings and loan associations.  
Vol. 48, p. 132;  
U. S. C., p. 474.

State chartered institutions converted into, may continue local business.

Encouragement of saving and home financing.  
Vol. 48, pp. 134, 647.

SEC. 19. Section 6 of the Home Owners' Loan Act of 1933, as amended, is amended (1) by striking out "\$500,000" and inserting in lieu thereof "\$700,000", and (2) by adding at the end of the section

the following new sentence: "The sums appropriated and made available pursuant to this section shall be used impartially in the promotion and development of local thrift and home-financing institutions, whether State or Federally chartered."

Vol. 48, p. 135.

Criminal Code; application of designated provisions to Corporation.

Vol. 48, p. 135.

Vol. 35, pp. 1094, 1095, 1096, 1108, 1109.

U. S. C., pp. 724, 725, 726, 735.

Sec. 20. Subsection (d) of section 8 of the Home Owners' Loan Act of 1933, as amended, is amended to read as follows:

"(d) The provisions of section 29, 30, 32, 35, 37, 39, 112, 113, and 117 of the Criminal Code of the United States (U. S. C., title 18, secs. 73, 74, 76, 82, 83, 88, 91, 202, 203, and 207), insofar as applicable, are extended to apply to the Home Owners' Loan Corporation, its contracts or agreements, and an association under this Act which, for the purposes herein shall be held to include advances, loans, discounts, and purchase or repurchase agreements; extensions and renewals thereof; and acceptances, releases, and substitutions of security therefor."

Vol. 48, pp. 135, 647; U. S. C., p. 475.

Penalty provisions. Soliciting unauthorized fees, etc.

Sec. 21. Subsection (e) of section 8 of the Home Owners' Loan Act of 1933, as amended, is amended to read as follows:

"(e) No person, partnership, association, or corporation shall, directly or indirectly, solicit, contract for, charge, or receive, or attempt to solicit, contract for, charge, or receive, from any person applying to the Corporation for a loan, (1) any fee, charge, or other consideration, whether bond or cash, except ordinary fees authorized and required by the Corporation for services actually rendered for examination and perfection of title, appraisal, and like necessary services, or (2) any moneys, check, note, or other form of obligation, representing payment of any difference which may exist between the market value and the par value of the bonds of the Home Owners' Loan Corporation. Any person, partnership, association, or corporation violating the provisions of this subsection shall, upon conviction thereof, be fined not more than \$5,000, or imprisoned not more than two years, or both."

Punishment for.

Federal Savings and Loan Insurance Corporation.

Franking privilege; expenditure of public funds.

Vol. 48, p. 1256.

SEC. 22. Paragraph (5) of subsection (c) of section 402 of the National Housing Act is amended by adding the following sentence at the end thereof: "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 the same shall be incurred, allowed, and paid, without regard to the provisions of any other law governing the expenditure of public funds."

National Housing Act; amendments.

Vol. 48, p. 1257.

Time extended for building up 5% reserve on insured accounts.

Dividend payments.

SEC. 23. Subsection (b) of section 403 of the National Housing Act is amended (1) by striking out the words "ten years" and inserting in lieu thereof the words "twenty years", and (2) by striking out the period at the end of the subsection and inserting in lieu thereof a colon and the following: "*Provided*, That for any year dividends may be declared and paid when losses are chargeable to such reserves if the declaration of such dividends in such case is approved by the Corporation."

Vol. 48, p. 1258.

SEC. 24. Subsection (d) of section 403 of the National Housing Act is amended to read as follows:

"(d) Any applicant which applies for insurance under this title after the first year of the operation of the Corporation shall pay an admission fee based upon the reserve fund of the Corporation, which, in the judgment of the Corporation, is an equitable contribution."

Admission fee charged applicant for insurance.

Insurance premiums reduced.

Vol. 48, p. 1258.

SEC. 25. (a) Subsections (a) and (b) of section 404 of the National Housing Act are amended by striking out "one-fourth" and inserting in lieu thereof "one-eighth".

(b) Section 404 of the National Housing Act is further amended by adding at the end thereof the following new subsection:

"(c) Each insured institution which has paid a premium charge in excess of one-eighth of 1 per centum of the total amount of the accounts of its insured members and its creditor obligations shall be credited on its future premiums with an amount equal to the total amount of such excess."

Vol. 48, p. 1259.

Credit allowed.

SEC. 26. The last sentence of section 406 (b) of the National Housing Act is amended to read as follows: "The surrender and transfer to the Corporation of an insured account in any such association which is in default shall subrogate the Corporation with respect to such insured account, but shall not affect any right which the insured member may have in the uninsured portion of his account or any right which he may have to participate in the distribution of the net proceeds remaining from the disposition of the assets of such association."

Liquidation of insured institutions in default.  
Vol. 48, p. 1260.

Distribution to shareholders.

Vol. 48, p. 1260.

SEC. 27. Section 406 of the National Housing Act is further amended by adding at the end thereof a new subsection to read as follows:

"(f) In order to prevent a default in an insured institution or in order to restore an insured institution in default to normal operation as an insured institution, the Corporation is authorized, in its discretion, to make loans to, purchase the assets of, or make a contribution to, an insured institution or an insured institution in default; but no contribution shall be made to any such institution in an amount in excess of that which the Corporation finds to be reasonably necessary to save the expense of liquidating such institution."

Loans to insured institutions in default.

Limitation on amount.

SEC. 28. (a) The first sentence of section 2 of the National Housing Act is amended (1) by striking out "January" and inserting in lieu thereof "April", and (2) by inserting before the period at the end thereof a comma and the following: "including the installation of equipment and machinery".

Vol. 48, p. 1246.  
Insurance of financial institutions.  
Post, pp. 722, 1188.

Provisions governing granting of insurance.

(b) The last sentence of section 2 of the National Housing Act is amended to read as follows: "No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it (1) unless the obligation bears such interest, has such maturity, and contains such other terms, conditions, and restrictions, as the Administrator shall prescribe; and (2) unless the amount of such loan, advance of credit, or purchase is not in excess of \$2,000, except that in the case of any such loan, advance of credit, or purchase made for the purpose of such financing with respect to real property improved by or to be converted into apartment or multiple family houses, hotels, office, business or other commercial buildings, hospitals, orphanages, colleges, schools, or manufacturing or industrial plants, such insurance may be granted if the amount of the loan, advance of credit, or purchase is not in excess of \$50,000."

Premium charges.  
Vol. 48, p. 1248.

SEC. 29. (a) Subsection (c) of section 203 of the National Housing Act is amended by adding at the end thereof the following new sentence: "In the event that the principal obligation of any mortgage accepted for insurance under this section is paid in full prior to the maturity date specified in the mortgage, the Administrator is further authorized in his discretion to require the payment by the mortgagor of a premium charge in such amount as the Administrator determines to be equitable, but not in excess of the aggregate amount of the premium charges that the mortgagee would otherwise have been required to pay if the mortgage had continued to be insured under this section until such maturity date."

Mortgages and re-insurance.  
Payment of annual premiums.  
Vol. 48, p. 1251.

Determination of value of mortgage.  
Vol. 48, p. 1249.

Computation.

National Mortgage Associations.  
Vol. 48, p. 1253.  
Limitation on business transaction.

Capital stock requirement.

Vol. 48, p. 1254.

Obligations, issue, etc.

Aggregate amount.

Borrowing by association restricted.

Emergency Farm Mortgage Act, 1933.  
Vol. 48, pp. 48, 347;  
U. S. C., p. 441.

Loans to farmers.

Valuing farm property for purposes of loans, etc.  
Post, p. 313.

(b) The first sentence of subsection (f) of section 205 of the National Housing Act is amended by striking out the words "premium charge" and inserting in lieu thereof the words "annual premium charge".

(c) The last sentence of subsection (a) of section 204 of the National Housing Act is amended to read as follows: "For the purposes of this subsection, the value of the mortgage shall be determined, in accordance with rules and regulations prescribed by the Administrator, by adding to the amount of the principal of the mortgage which is unpaid on the date of such delivery, (1) interest on such unpaid principal from the date foreclosure proceedings were instituted or the property was otherwise acquired as provided in this subsection to the date of such delivery at the rate provided for in the debentures issued to the mortgagee, less any amount received on account of interest accruing on such unpaid principal between such dates, and (2) the amount of all payments which have been made by the mortgagee for taxes and insurance on the property mortgaged."

SEC. 30. Subsection (d) of section 301 of the National Housing Act is amended to read as follows:

"(d) No association shall transact any business except such as is incidental to its organization until it has been authorized to do so by the Administrator. Each such association shall have a capital stock of a par value of not less than \$2,000,000, and no authorization to commence business shall be granted by the Administrator to any such association until he is satisfied that such capital stock has been subscribed for at not less than par and paid in full in cash or Government securities at their par value."

SEC. 31. Section 302 of the National Housing Act is amended to read as follows:

"SEC. 302. Each national mortgage association is authorized to issue and have outstanding at any time notes, bonds, debentures, or other such obligations in an aggregate amount not to exceed (1) twelve times the aggregate par value of its outstanding capital stock, and in no event to exceed (2) the current face value of mortgages held by it and insured under the provisions of title II of this Act, plus the amount of its cash on hand and on deposit and the amount of its investments in bonds or obligations of, or guaranteed as to principal and interest by, the United States. No national mortgage association shall borrow money except through the issuance of such notes, bonds, debentures, or other obligations, except with the approval of the Administrator and under such rules and regulations as he shall prescribe."

SEC. 32. Section 32 of the Emergency Farm Mortgage Act of 1933, as amended (U. S. C., title 12, sec. 1016), is further amended by inserting after the second sentence thereof the following new sentence: "For the purposes of this section, farm property may be valued at an amount representing a prudent investment, consistent with community standards and rentals, if (1) the person occupying the property is not entirely dependent upon farm income for his livelihood but receives a part of his income from other dependable sources, and (2) the farm income from the property, together with earnings from other dependable sources ordinarily available in the community to a person operating such property, would be sufficient to support his family, to pay operating expenses and fixed charges, and to discharge the interest and amortization payments on the loan."

Approved, May 28, 1935.

## [CHAPTER 151.]

## AN ACT

To extend the times for commencing and completing the construction of a bridge across the Saint Lawrence River at or near Ogdensburg, New York.

May 28, 1935.  
[S. 2311.]  
[Public, No. 77.]

*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 Saint Lawrence River at or near Ogdensburg, New York, authorized to be built by the Saint Lawrence Bridge Commission by an Act of Congress approved June 14, 1933, heretofore extended by an Act of Congress approved June 8, 1934, are hereby further extended one and three years, respectively, from June 14, 1935.

Saint Lawrence River.  
Time extended for bridging, at Ogdensburg, N. Y.  
Vol. 48, pp. 141, 927.  
Post, p. 1202.

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

Amendment.

Approved, May 28, 1935.

## [CHAPTER 152.]

## AN ACT

To authorize the incorporated town of Petersburg, Alaska, to undertake certain municipal public works, including the filling, grading, and paving of streets and sidewalks, the construction and improvement of sewers, and construction of necessary bridges and viaducts in connection with the same, and for such purposes to issue bonds in any sum not exceeding \$35,000.

May 28, 1935.  
[H. R. 6085.]  
[Public, No. 78.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the incorporated town of Petersburg, Territory of Alaska, is hereby authorized and empowered to undertake the municipal works hereinabove specified, to wit: The filling, regrading, and paving of streets and sidewalks, the construction and improvement of sewers, and the construction of bridges and viaducts, and for such purposes to issue bonds in any amount not exceeding in the aggregate the sum of \$35,000.

Petersburg, Alaska.  
May issue bonds for specified public works.

SEC. 2. Before said bonds shall be issued a special election shall be ordered by the common council of the said town of Petersburg, Alaska, at which election the question of whether such bonds shall be issued in the amount above specified for any or all of the purposes hereinbefore set forth, shall be submitted to the qualified electors of said town of Petersburg, Alaska, whose names appear on the last assessment roll of said town for purposes of municipal taxation. The form of the ballot shall be such that the electors may vote for or against the issuance of bonds for the purposes therein specified in the maximum amount herein authorized or any lesser amount. Not less than twenty days' notice of such election shall be given to the public by posting notices of the same in three conspicuous places within the corporate limits of the town of Petersburg, Alaska, one of which shall be at the front door of the United States post office at Petersburg, Alaska. The election notice shall specifically state the amount of bonds proposed to be issued for the purposes herein specified. The registration of such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality; and said bonds shall be issued for the purposes herein authorized only upon condition that not less than 50 per centum of votes cast at such election in said municipality shall be in favor of the issuance of said bonds for such purpose.

Special election to authorize.

Notice.

Conduct of election.

SEC. 3. The bonds herein authorized to be issued shall be coupon in form and shall mature in not to exceed thirty years from the date thereof. Such bonds may bear such date or dates, may be in

Bonds; form, maturity dates, etc.

such denomination or denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable in such medium of payment and at such place or places, may be sold at either public or private sale, and may be nonredeemable or redeemable (either with or without premium), may carry such registration privileges as to principal and interest, principal only, or interest only, as shall be prescribed by the common council of said town of Petersburg. The bonds shall bear the signatures of the mayor and of the clerk of the town of Petersburg, and shall have impressed thereon the official seal of said municipality. The coupons to be annexed to such bonds shall bear the facsimile signatures of the mayor and of the town clerk of said municipality. In case any of the officers whose signatures or countersignatures appear on the bonds shall cease to be such officers before delivery of such bonds, such signatures or countersignatures, whether manual or facsimile, shall nevertheless be valid and sufficient for all purposes, the same as if said officers had remained in office until such delivery. Said bonds shall bear interest at a rate to be fixed by the common council of the town of Petersburg, not to exceed, however, 6 per centum per annum, payable semiannually, and said bonds shall be sold at not less than the principal amount thereof plus accrued interest.

Signatures.

Interest rate.

Bonds deemed municipal obligations.

SEC. 4. The bonds herein authorized to be issued shall be general obligations of the town of Petersburg, Territory of Alaska, payable as to both principal and interest from ad valorem taxes which shall be levied upon all of the taxable property within the corporate limits of such municipality in an amount sufficient to pay the interest on and the principal of such bonds as and when the same become due and payable.

Use of funds restricted.

Sale limitations.

SEC. 5. No part of the funds arising from the sale of said bonds shall be used for any purpose or purposes other than those specified in this Act. Said bonds shall be sold only when and in such amounts as the common council of the town of Petersburg shall direct; and the proceeds thereof shall be disbursed only for the purposes hereinbefore mentioned and under the orders and directions of said common council from time to time as such proceeds may be required for such purposes.

Contracts authorized with United States, for bond sale, etc.  
Vol. 48, p. 200.

*Ante*, p. 115.

SEC. 6. The incorporated town of Petersburg is hereby authorized to enter into contracts with the United States of America or any agency or instrumentality thereof under the provisions of the National Industrial Recovery Act and Acts amendatory thereof and Acts supplemental thereto, and revisions thereof, and the regulations made in pursuance thereof, and under any further Acts of the Congress of the United States to encourage public works, or relieve unemployment, including the Emergency Relief Appropriation Act of 1935, for the sale of bonds issued in accordance with the provisions of this Act or for the acceptance of a grant of money to aid said municipality in financing any public works herein authorized; or to enter into contracts with any persons or corporations, public or private, for the sale of such bonds; and such contracts may contain such terms and conditions as may be agreed upon by and between the common council of said town of Petersburg, and the United States of America, or any agency or instrumentality thereof or any such purchaser.

Effective date.

SEC. 7. This Act shall take effect immediately.

Approved, May 28, 1935.

## [CHAPTER 153.]

## AN ACT

To authorize the incorporated town of Valdez, Alaska, to construct a public-school building and for such purpose to issue bonds in any sum not exceeding \$30,000; and to authorize said town to accept grants of money to aid it in financing any public works.

May 28, 1935.  
[H. R. 6723.]  
[Public, No. 79.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the incorporated town of Valdez, Territory of Alaska, is hereby authorized and empowered to construct a public-school building, and for such purpose to issue bonds in any amount not exceeding the sum of \$30,000.

Valdez, Alaska.  
May issue bonds for public-school construction.

SEC. 2. Before said bonds shall be issued a special election shall be ordered by the common council of the said town of Valdez, Alaska, at which election the question of whether such bonds shall be issued in the amount above specified for the purpose hereinbefore set forth shall be submitted to the qualified electors of said town of Valdez, Alaska, whose names appear on the last assessment roll of said town for purposes of municipal taxation. The form of the ballot shall be such that the electors may vote for or against the issuance of bonds for the purpose herein specified in the amount herein authorized. Not less than twenty days notice of such election shall be given to the public by posting notices of the same in three conspicuous places within the corporate limits of the town of Valdez, Alaska, one of which shall be at the front door of the United States post office at Valdez, Alaska. The election notice shall specifically state the amount of bonds proposed to be issued for the purpose herein specified. The registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality; and said bonds shall be issued for the purpose herein authorized only upon condition that not less than a majority of the votes cast at such election in said municipality shall be in favor of the issuance of said bonds for such purpose.

Special election to authorize.

Notice.

Conduct of election.

SEC. 3. The bonds herein authorized shall be coupon in form and shall mature in not to exceed thirty years from the date thereof. Such bonds may bear such date or dates, may be in such denomination or denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable in such medium of payment and at such place or places, may be sold at either public or private sale, may be nonredeemable or redeemable (either with or without premium), and may carry such registration privileges as to either principal and interest, principal only, or both, as shall be prescribed by the common council of said town of Valdez. The bonds shall bear the signatures of the mayor and of the clerk of the town of Valdez, and shall have impressed thereon the official seal of said municipality. The coupons to be annexed to such bonds shall bear the facsimile signatures of the mayor and of the clerk of said municipality. In case any of the officers whose signatures or countersignatures appear on the bonds shall cease to be such officers before delivery of such bonds, said signatures or countersignatures, whether manual or facsimile, shall nevertheless be valid and sufficient for all purposes, the same as if said officers had remained in office until such delivery. Said bonds shall bear interest at a rate to be fixed by the common council of the town of Valdez, not to exceed, however, 6 per centum per annum, payable semiannually, and said bonds shall be sold at not less than the principal amount plus accrued interest.

Bonds; form, maturity dates, etc.

Signatures.

Interest rate.

Bonds deemed municipal obligations.

SEC. 4. The bonds herein authorized to be issued shall be general obligations of the town of Valdez, Territory of Alaska, payable as to both interest and principal from ad valorem taxes which shall be levied upon all of the taxable property within the corporate limits of such municipality in an amount sufficient to pay the interest on and the principal of such bonds as and when the same become due and payable.

Use of funds restricted.

SEC. 5. No part of the funds arising from the sale of said bonds shall be used for any purpose or purposes other than that specified in this Act. Said bonds shall be sold only when and in such amounts as the common council of the town of Valdez shall direct; and the proceeds thereof shall be distributed only for the purpose hereinbefore mentioned and under the orders and direction of said common council from time to time as such proceeds may be required for said purpose.

Sale restrictions.

Contracts authorized with United States, for bond sales, etc. Vol. 48, p. 200.

SEC. 6. The town of Valdez is hereby authorized to enter into contracts with the United States of America or any agency or instrumentality thereof under the provisions of the National Industrial Recovery Act and Acts amendatory thereof and Acts supplemental thereto, and revisions thereof, and the regulations made in pursuance thereof, and under any further Acts of the Congress of the United States to encourage public works, for the relief of unemployment, or for any other public purpose, including the Emergency Relief Appropriation Act of 1935, for the sale of bonds issued in accordance with the provisions of this Act, or for the acceptance of a grant of money to aid said municipality in financing any public works; or to enter into contracts with any persons or corporations, public or private, for the sale of such bonds; and such contracts may contain such terms and conditions as may be agreed upon by and between the common council of said town of Valdez and the United States of America or any agency or instrumentality thereof, or any such purchaser.

Ante, p. 115.

Effective date.

SEC. 7. This Act shall take effect immediately.  
Approved, May 28, 1935.

[CHAPTER 154.]

AN ACT

To increase the White House Police Force, and for other purposes.

May 28, 1935.  
[H. R. 6654.]  
[Public, No. 80.]

Executive Mansion. White House Police Force, increased. Vol. 42, p. 841; Vol. 46, p. 328.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2(a) of the Act entitled "An Act to create the White House Police Force, and for other purposes", approved September 14, 1922 (42 Stat. 841), as amended by section 2 of the Act entitled "An Act to authorize a necessary increase in the White House Police Force", approved May 14, 1930 (46 Stat. 328), is hereby further amended to read as follows:

Compensation, grades, etc.

"SEC. 2. (a) That the White House Police Force shall consist of one captain with grade corresponding to that of captain (Metropolitan Police), one lieutenant with grade corresponding to that of lieutenant (Metropolitan Police), three sergeants with grade corresponding to that of sergeant (Metropolitan Police); and of such number of privates, with grade corresponding to that of private of the highest grade (Metropolitan Police), as may be necessary, but not exceeding 55 in number. Members of the White House Police shall be appointed from the members of the Metropolitan Police Force and the United States Park Police Force from lists furnished by the officers in charge of such forces. Vacancies shall be filled in the same manner."

Number.

Appointments from Metropolitan police and park police.

Vacancies.

Approved, May 28, 1935.



[CHAPTER 155.]

## AN ACT

To authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and for other purposes.

May 28, 1935.  
[H. R. 7131.]  
[Public, No. 81.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Commerce is hereby authorized to convey to the State of California, for public-park purposes, the Morro Rock Lighthouse Reservation located at the entrance of Estero Bay, Coast of California, comprising about thirty and fifty-six one-hundredths acres, with the exception of three areas each one hundred feet square located, respectively, on the northern side, the highest point of the rock, and the southerly side, together with rights of ingress and egress thereto as may be necessary for the establishment and maintenance of future aids to navigation at these points. The deed of conveyance shall describe by metes and bounds insofar as practicable the portion of the reservation transferred, and the conditions imposed by section 36 of this Act.

Lighthouse reservations.  
Disposal of designated, authorized.  
Morro Rock, Calif.  
Conveyed to State, for public park.

Post, p. 311.

SEC. 2. The Secretary of Commerce is authorized to reconvey to the State of Delaware the abandoned lighthouse reservation about ten acres in extent, known as the "Delaware Breakwater Range Rear Lighthouse Reservation", Delaware, the land being no longer required for lighthouse purposes, as stipulated in the original deed of conveyance to the United States.

Delaware Breakwater Range.  
Reconveyance to State.

SEC. 3. The Secretary of Commerce is authorized to convey to the city commission of the city of Saint Augustine, Florida, for public-park purposes, that portion of the Anastasia Island Lighthouse Reservation, Florida, which is not required to be retained for lighthouse purposes, consisting of lots 1 and 2, section 21, township 7 south, range 30 east, Tallahassee, Florida, excepting that part of lot 2 between the five-acre lighthouse tract and the hard-surfaced road, together with a perpetual easement for beams of light across any part of the land that may be between the lighthouse and the sea: *Provided*, That no conveyance of the property shall be made until such time as the city commission of the city of Saint Augustine shall have agreed in writing to relieve the United States from being a party to any claims or litigation through the acquisition of the land in question by the city of Saint Augustine, and that satisfactory agreements are reached with holders of record to subdivided lands in said lots 1 and 2 prior to 1923. The deed of conveyance shall describe by metes and bounds the exact portions of the reservation transferred, and the conditions imposed by section 36 of this Act.

Anastasia Island, Fla.  
Portion of, conveyed to Saint Augustine for public park.  
Post, p. 896.

Description.

Proviso.  
Conditions.

SEC. 4. The Secretary of Commerce is authorized to convey to the State of Florida for public-roadway purposes that portion of the Crooked River Range Lighthouse Reservation, Florida, near the southern boundary of the reservation, which is not required to be retained for lighthouse purposes, consisting of a strip of land approximately sixty-six feet in width and five hundred feet in length. The deed of conveyance shall describe by metes and bounds the portion of the reservation transferred and the conditions imposed by section 36 of this Act.

Crooked River Range, Fla.  
Southern portion conveyed to State for roadway.

SEC. 5. The Secretary of Commerce is authorized to convey to the town of Castine, Maine, for public-park purposes, that portion of the Dice Head Lighthouse Reservation, Maine, which is not required for lighthouse purposes, containing about three acres and including appurtenant structures thereon, excepting the light tower and the plot of land surrounding same one hundred feet square, together with the rights of ingress and egress as may be necessary for the maintenance of the light. The deed of conveyance shall describe by

Dice Head, Me.  
Portion of, conveyed to Castine, Me.

metes and bounds the portion of the reservation transferred, and the conditions imposed by section 36 of this Act.

Post, p. 311.

Blakistone Island,  
Md.  
Transferred to Navy  
Department.

SEC. 6. The Secretary of Commerce is authorized to transfer to the Navy Department for naval operations the Blakistone Island Lighthouse Reservation, Maryland, which is no longer required for lighthouse purposes, comprising an area of approximately three acres.

Chatham, Mass.  
Portions of, conveyed  
to town.

Description.

SEC. 7. The Secretary of Commerce is authorized to convey to the town of Chatham, Massachusetts, for public-park and roadway purposes the following portion of the Chatham Lighthouse Reservation no longer required for lighthouse purposes: Starting at a stone bound where land now or formerly of Luther E. Hammond meets the westerly line of Main Street, Chatham, the line runs north seventy-five degrees thirty-four minutes forty seconds west by land of said Hammond two hundred and twenty-two feet to a stone bound; thence turning, runs south no degree ten minutes ten seconds east by land of said Hammond one hundred and sixty-two feet to a stone bound; thence turning, the line runs north eighty-seven degrees eight minutes east one hundred and forty-nine and twelve one-hundredths feet by land of the United States Government to a stone bound; thence turning, the line runs south twenty-six degrees fifteen minutes west one hundred and eighty-nine and five one-hundredths feet by the United States Government land before mentioned to a stone bound; continuing on a gradual curve by the same United States Government lot one hundred and nineteen and five-tenths feet to a stone bound; continuing on a course south thirty-eight degrees forty-three minutes twenty seconds west to a stone bound; thence turning, runs south seventy-five degrees thirty-four minutes forty seconds east by land of the Chatham Beach Club to low-water mark, thence along low-water mark in a generally northeast direction to a junction of low-water mark and an extension of the first-named course; including all interest of the United States Government in the shifting sand beach easterly of the lagoon. The deed of conveyance shall describe by metes and bounds the portion of the reservation transferred to the town, and the conditions imposed by section 36 of this Act.

Marblehead, Mass.  
Transferred to War  
Department.

SEC. 8. The Secretary of Commerce is authorized to transfer to the War Department the Marblehead Lighthouse Reservation, Massachusetts, reserving unto the Department of Commerce the light tower and an area of one hundred feet square surrounding same, together with a right-of-way by land and sea for the purpose of maintaining the light.

Minots Ledge  
(Shore), Mass.  
Portion of, conveyed  
to Cohasset.

SEC. 9. The Secretary of Commerce is authorized to convey to the town of Cohasset, Massachusetts, for public-roadway purposes that portion of the Minots Ledge (Shore) Lighthouse Reservation, Massachusetts, which is not required to be retained for lighthouse purposes, consisting of a strip of land approximately thirty-five feet in width and six hundred and fifty feet in length lying adjacent to the present roadway known as "Border Street." The deed of conveyance shall describe by metes and bounds the portion of the reservation transferred to the town, and the conditions imposed by section 36 of this Act.

Newburyport Har-  
bor, Mass.  
Portion of, conveyed  
to City, for public park.

SEC. 10. The Secretary of Commerce is authorized to convey to the city of Newburyport, Massachusetts, for public-park purposes, that portion of the Newburyport Harbor Lighthouse Reservation which is no longer required for lighthouse purposes containing an area approximately two hundred feet by two hundred feet. The deed of conveyance shall describe by metes and bounds the portion

of the reservation transferred to this city, and the conditions imposed by section 36 of this Act.

*Post*, p. 311.

SEC. 11. The Secretary of Commerce is authorized to convey to the State of Michigan for public-roadway purposes that portion of the Forty-Mile Point Lighthouse Reservation, Michigan, which is not required to be retained for lighthouse purposes comprising about four hundred and forty-five one-thousandths acre. The deed of conveyance shall describe by metes and bounds the portion of the reservation transferred to the State, and the conditions imposed by section 36 of this Act.

Forty-Mile Point,  
Mich.  
Portion of, conveyed  
to State for roadway.

SEC. 12. The Secretary of Commerce is authorized to convey to the State of Michigan for public-roadway purposes that portion of the Grand Island Harbor Range Lighthouse Reservation, Michigan, which is not required to be retained for lighthouse purposes, consisting of a strip of land approximately one hundred and fifty feet in width and two thousand six hundred and ninety-two feet in length. The deed of conveyance shall describe by metes and bounds the portion of the reservation transferred to the State and the conditions imposed by section 36 of this Act.

Grand Island Har-  
bor Range, Mich.  
Portion of, conveyed  
to State for roadway.

SEC. 13. The Secretary of Commerce is authorized to transfer to the Department of Agriculture for inclusion within the Marquette National Forest Purchase Unit, Government Island Lighthouse Reservation, otherwise known as "Island Numbered 6", in the Les Cheneaux Group in the north end of Lake Huron, no longer required for lighthouse purposes, containing an area of approximately two hundred and fourteen and twenty-five one-hundredths acres; reserving a small proportion of the protected water front for construction operations of the Lighthouse Service and right to reoccupy any portion thereof for lighthouse purposes.

Government Island,  
Mich.  
To be included in  
Marquette National  
Forest.

Portion reserved for  
lighthouse purposes.

SEC. 14. The Secretary of Commerce is authorized to transfer to the Treasury Department for use as a patrol base by the Customs Service the Grosse Ile Lighthouse Reservation, Michigan, comprising eleven one-hundredths of an acre and appurtenant structures thereon, the reservation being no longer required for lighthouse purposes.

Grosse Ile, Mich.  
Transferred to Treas-  
ury Department for  
patrol base.

SEC. 15. The Secretary of Commerce is authorized to convey to the city of Muskegon, Michigan, a portion of the Muskegon Lighthouse Reservation, Michigan, consisting of one acre, located at the foot of Beach Street in the said city of Muskegon, formerly occupied by light keeper's dwelling, in exchange for a parcel of land eighty feet wide north and south by approximately five hundred feet long extending to the shore of Lake Michigan, containing ninety-two one-hundredths of an acre, lying adjacent on the south to property now occupied by light keeper's dwelling. The city of Muskegon will be required to furnish a fee-simple title, good of record and free of all encumbrances, together with abstract of title acceptable to the Attorney General of the United States.

Muskegon, Mich.  
Portion of, conveyed  
to City.

Conditions.

SEC. 16. The Secretary of Commerce is authorized to convey to the county of Huron, State of Michigan, for public-park purposes, that portion of the Pointe aux Barques Lighthouse Reservation, Michigan, which is not required to be retained for lighthouse purposes, comprising an area of about fifty-six and six-tenths acres and including approximately one thousand four hundred and fifty feet of shore frontage on Lake Huron. The deed of conveyance shall describe by metes and bounds the portion of the reservation transferred to the county, and the conditions imposed by section 36 of this Act.

Pointe aux Barques,  
Mich.  
Portion of, conveyed  
to Huron County, for  
public park.

SEC. 17. The Secretary of Commerce is authorized to convey to the city of Saint Joseph, State of Michigan, for public-park purposes,

Saint Joseph, Mich.  
Conveyed to City.

the Saint Joseph Lighthouse Reservation, Michigan, which is no longer required for lighthouse purposes, comprising an area one hundred and thirty-two feet by one hundred and thirty-two feet and appurtenant structures thereon. The deed of conveyance shall describe by metes and bounds the portion of area transferred and the conditions imposed by section 36 of this Act.

*Post*, p. 311.

Rum Point Depot site.

Exchange of, with Atlantic County, N. J., for another location.

SEC. 18. The Secretary of Commerce is authorized to convey or exchange with the Board of Chosen Freeholders of Atlantic County, State of New Jersey, the present Rum Point Depot site for a more suitable site for lighthouse purposes.

Cape May, N. J. Portion of, conveyed to township for roadway.

SEC. 19. The Secretary of Commerce is authorized to convey to Lower township of Cape May County, State of New Jersey, for public-roadway purposes, that portion of the Cape May Lighthouse Reservation, New Jersey, which is not required to be retained for lighthouse purposes, comprising a strip of land fifty feet in width and approximately two hundred and seventeen feet in length extending from the southeasterly to the northwesterly boundaries of the reservation. The deed of conveyance shall describe by metes and bounds the portion of the reservation transferred and the conditions imposed by section 36 of this Act.

Horton Point, N. Y. Portion of, conveyed to Southold for public park.

SEC. 20. The Secretary of Commerce is authorized to convey to the town of Southold, State of New York, for public-park purposes, that portion of the Horton Point Lighthouse Reservation, New York, which is no longer required for lighthouse purposes, including appurtenant structures, reserving unto the United States the rights of ingress and egress by land and water for purposes of maintaining the light. The deed of conveyance shall describe by metes and bounds the portion of the reservation transferred and the conditions imposed by section 36 of this Act.

Old Field Point, N. Y. Portion of, conveyed to village for public park.

SEC. 21. The Secretary of Commerce is authorized to convey to the village of Old Field, State of New York, for public-park purposes, that portion of the Old Field Point Lighthouse Reservation, New York, which is no longer required for lighthouse purposes, containing about seven and five-tenths acres and including appurtenant structures thereon, reserving unto the United States the rights of ingress and egress by land and water for purposes of maintaining the light. The deed of conveyance shall describe by metes and bounds the portion of the reservation transferred and the conditions imposed by section 36 of this Act.

Cape Lookout, Oreg. Conveyed to State, for public park.

SEC. 22. The Secretary of Commerce is authorized to convey to the State of Oregon, for public-park purposes, all lands comprising the Cape Lookout Lighthouse Reservation not required for lighthouse purposes. The deed of conveyance shall describe by metes and bounds the lands so transferred and the conditions imposed by section 36 of this Act.

Heceta Head, Oreg. Portion of, conveyed to State for public park.

SEC. 23. The Secretary of Commerce is authorized to convey to the State of Oregon, for public-park purposes, that portion of the Heceta Head Lighthouse Reservation, Oregon, which is not required to be retained for lighthouse purposes, comprising an area of about seven and forty-nine one-hundredths acres. The deed of conveyance shall describe by metes and bounds the portion of the reservation transferred to the State and the conditions imposed by section 36 of this Act.

Hilton Head, S. C. Portion of, transferred to Department of Agriculture.

SEC. 24. The Secretary of Commerce is authorized to transfer to the Department of Agriculture the unused portion of the Hilton Head Lighthouse Reservation, South Carolina, excepting the light tower and rights of ingress and egress for purposes of maintaining the light in the tower.

SEC. 25. The Secretary of Commerce is authorized to transfer to the War Department the unused Mount Pleasant Lighthouse Reservation, South Carolina, including appurtenant structures.

Mount Pleasant,  
S. C.  
Transferred to War  
Department.

SEC. 26. The Secretary of Commerce is authorized to transfer to the War Department the unused Bolivar Point Lighthouse Reservation, Texas, including appurtenant structures.

Bolivar Point, Tex.  
Transferred to War  
Department.

SEC. 27. The Secretary of Commerce is authorized to convey to the park commission of Door County, State of Wisconsin, for public-park purposes, the Baileys Harbor Range Lighthouse Reservation, Wisconsin, which is no longer required for lighthouse purposes, containing about thirty and ten one-hundredths acres and including certain appurtenant structures. The deed of conveyance shall describe by metes and bounds the land transferred and the conditions imposed by section 36 of this Act, and further provide that no part of the land shall be commercialized or otherwise objectionably used.

Baileys Harbor  
Range, Wis.  
Conveyed to Door  
County, Wis., for public  
park.

Post, p. 311.

SEC. 28. The Secretary of Commerce is authorized to convey to the State of Wisconsin, for public-park purposes, that portion of the Eagle Bluff Lighthouse Reservation, Wisconsin, which is not required to be retained for lighthouse purposes, including certain appurtenant structures. The deed of conveyance shall describe by metes and bounds the exact portion of the reservation transferred and the conditions imposed by section 36 of this Act: *Provided*, That the Secretary of War may enter upon and utilize for the purpose of obtaining stone for river and harbor work and other uses of the Department any area within said tract which he may determine to be necessary for such purpose. Authority is also hereby granted to lease to the State of Wisconsin that portion of the reservation not transferred, for a period of twenty-five years, subject to revocation at any time by the Secretary of Commerce.

Eagle Bluff, Wis.  
Portion of, conveyed  
to State, for public  
park.

*Proviso.*  
Utilizing structural  
materials.

Lease to State of por-  
tion not transferred.

SEC. 29. The Secretary of Commerce is hereby authorized to sell to the city of Port Angeles, State of Washington, that portion of the Ediz Hook Lighthouse Reservation, Washington, now leased to the city for a term of ninety-nine years under authority contained in the Act of March 9, 1914 (38 Stat. 293).

Ediz Hook, Wash.  
Portion of, to be sold  
to Port Angeles, Wash.  
Vol. 38, p. 293.

SEC. 30. The Secretary of Commerce and the Secretary of the Treasury are hereby authorized to acquire by transfer from the War Department certain unused property located adjacent to the South Pier, Buffalo Harbor, New York, which is now reserved for military purposes but not required for such purpose by the War Department, excepting therefrom the United States South Pier. Two parcels of the land containing five and thirty-six one-hundredths acres and eight and sixty-eight one-hundredths acres, respectively, may be transferred to the Secretary of Commerce for lighthouse purposes, and one parcel of land containing fourteen and fifty-five one-hundredths acres may be transferred to the Secretary of the Treasury for Coast Guard activities.

South Pier, Buffalo,  
N. Y.  
Parcels of military  
reservation acquired for  
lighthouse purposes.

Pier retained by War  
Department.

Portion transferred  
for Coast Guard activ-  
ities.

SEC. 31. That the Act of February 18, 1931 (46 Stat. 1172), entitled "An Act to reserve for public use rocks, pinnacles, reefs, and small islands along the sea coast of Orange County, California", is hereby amended to reserve for lighthouse purposes the San Juan and San Mateo Rocks and the two rocks in the vicinity of Laguna Beach, off the coast of Orange County, California.

Orange County,  
Calif.

San Juan, etc., rocks  
near Laguna Beach  
reserved.  
Vol. 46, p. 1172.

SEC. 32. The Secretary of Commerce is authorized on behalf of the United States, upon receipt of payment in the amount of \$550, to convey by quit-claim deed to Charles E. Robinson, of Isle au Haut, county of Knox, State of Maine, the Isle au Haut Lighthouse Reservation, Maine, together with the dwelling and the structures

Isle au Haut, Me.  
Conveyance of por-  
tion to Charles E.  
Robinson.

Exceptions.

located thereon, excepting the lighthouse tower, the footbridge thereto, and its other appurtenances and attachments. The deed of conveyance shall describe by metes and bounds the exact portion of the reservation so conveyed.

Sapelo, Ga.  
Transferred to Secretary of Agriculture for use of Biological Survey.

SEC. 33. The Secretary of Commerce is authorized to transfer to the Secretary of Agriculture for use of the Bureau of Biological Survey the Sapelo Lighthouse Reservation, Georgia, which is no longer required for lighthouse purposes, comprising an area of approximately one hundred and ninety-five acres with appurtenant structures thereon.

Fairport, Ohio.

SEC. 34. The Secretary of Commerce is hereby authorized in his discretion to dispose of the lighthouse reservation in the village of Fairport, Ohio, in the manner and under the conditions indicated:

Portion conveyed to village.

(1) To convey to the village of Fairport, Ohio, for public purposes all of the lighthouse reservation located at Second and High Streets in the said village and extending from Second Street north to the shore of Lake Erie, except that portion hereinafter described adjacent to Second Street on which the present lighthouse buildings are located: *Provided*, That as a condition precedent to such transfer the village of Fairport, Ohio, shall first convey to the United States of America, free of all encumbrances, the following-described parcel of land situated in the said village:

*Proviso.*  
Land in exchange.

Description.

Beginning at the southwest corner of lot 53, which point is one hundred and thirty-two feet north eighty-nine degrees forty minutes east from an iron pin at the intersection of the east line of High Street and north line of Second Street; thence due north a distance of approximately one hundred and twenty-nine feet along the east line of lot 54 to its intersection with the southerly line of Prospect Street; thence north fifty-nine degrees fifty-five minutes east along the south line of Prospect Street, a distance of approximately seventy-six feet, to its intersection with the west line of lot 52; thence southerly along the west line of lot 52, a distance of approximately one hundred and sixty-seven feet to the north line of Second Street; thence sixty-six feet south eighty-nine degrees forty minutes west along the north line of Second Street to the place of beginning, being all of lot 53 of original plat of Grandon, now known as the "village of Fairport, Ohio."

The portion of the lighthouse reservation to be reserved from the above is rectangular in form and lies adjacent to Second Street with a frontage of two hundred feet, more or less, on the west side of High Street and of such depth along Second Street as shall be fixed by the Secretary of Commerce to adequately include all existing buildings and improvements of the Lighthouse Service on the said property.

Exchanges authorized.  
Fairport, Ohio.

(2) To convey to the village of Fairport, Ohio, for public purposes, the remainder of the lighthouse reservation together with the buildings thereon reserved in condition (1) upon conveyance to the United States by the village of Fairport, Ohio, free of all encumbrances, of a parcel of land in said village, and the construction thereon without cost to the United States of a brick dwelling and necessary appurtenances to replace the buildings now used by the Lighthouse Service: *Provided*, That the size and location of the site shall be satisfactory to the Secretary of Commerce and that the proposed buildings shall be constructed and satisfactorily completed in accordance with plans and specifications to be furnished by the Secretary of Commerce.

*Proviso.*  
Condition.

Grindel Point, Me.  
Conveyed to Islesboro.

SEC. 35. The Secretary of Commerce is authorized on behalf of the United States, upon receipt of payment of the amount of \$1,200, to convey by quitclaim deed to the town of Islesboro, Maine, the Grindel Point Lighthouse Reservation, Maine, containing two and

sixteen one-hundredths acres, more or less, above mean high-water line, except a tract twelve feet square between the tower and shore line which is required for lighthouse purposes, together with wooden frame dwelling and other buildings and structures thereon, except the lighthouse lantern atop the lighthouse tower, which will be removed by the Government. The Government reserves the privilege of landing at the reservation and the right to pass and re-pass between the shore and the plot upon which the tower is to be erected. The deed of conveyance will contain a metes and bounds description of the property to be conveyed. The said parcel of land was acquired by the United States by warranty deed dated July 11, 1849, which was recorded on July 12, 1849, in book 66, page 526, Waldo County, Maine.

SEC. 36. Each conveyance authorized by sections 1, 3, 4, 5, 7, 9, 10, 11, 12, 16, 17, 19, 20, 21, 22, 23, 27, 28 and 37 shall be subject to the express condition that the grantee assumes the obligations imposed by such sections, including carrying out the purposes of the grant. The Secretary of Commerce may at any time, by letter addressed to its chief executive officer or officers, notify any such grantee which has not begun to perform any such obligation that the property so conveyed will revert to the United States; and if such grantee does not begin or resume the performance of such obligation within a period of six months from the date of such notice, such property shall, upon the expiration of such period, revert to the United States without further notice or demand or any suit or proceeding. The United States reserves the right to resume ownership, possession, and control, for Government purposes, of any of the property so conveyed, at any time and without the consent of the grantee.

SEC. 37. The Secretary of Commerce is authorized to convey to the city of Evanston, Illinois, for public-park purposes the Grosse Point Lighthouse Reservation, comprising an area of about one hundred feet by five hundred and thirty-five feet and appurtenant structures thereon with the exception of the brick light tower and the plot of land surrounding same about forty-five feet by sixty-five feet, together with the rights of ingress and egress, for the purpose of maintaining the light. The deed of conveyance shall describe by metes and bounds the portion of the reservation transferred, and the conditions imposed by section 36 of this Act.

Conditions imposed.

Reversionary clause.

Grosse Point.  
Conveyed to Evanston, Ill., for public park.

Approved, May 28, 1935.

[CHAPTER 156.]

AN ACT

To authorize the disposal of surplus personal property, including buildings, of the Emergency Conservation Work.

May 29, 1935.  
[S. 82.]  
[Public, No. 82.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Director of Procurement, United States Treasury Department, be, and he is hereby, authorized and directed to transfer to Federal agencies, either permanent or emergency, personal property which is no longer required for use by the Emergency Conservation Work, including equipment, tools, materials, and buildings, when so declared surplus by the Director of the Emergency Conservation Work: *Provided,* That upon the recommendation of the Department under which the technical work of the camp was organized and supervised any such surplus property that is not desired by any Federal agency may be transferred without cost, except for expenses incident to transfer, to the forestry, park, conservation, or educational departments of the States, or to counties or municipalities, or to organiza-

Emergency Conservation Work.  
Disposal of surplus property authorized.

*proviso.*  
Transfer to States, etc.

tions engaged in the promotion of education, recreation, and/or health.

Disposals through sales.

SEC. 2. Surplus property of the Emergency Conservation Work not required to serve any of the above purposes will be disposed of by the Director of Procurement through sale or in any other manner he may direct.

Approved, May 29, 1935.

[CHAPTER 157.]

AN ACT

To set aside certain lands for the Chippewa Indians in the State of Minnesota.

May 29, 1935.  
[H. R. 2045.]  
[Public, No. 83.]

Chippewa Indians in Minnesota. Certain lands set aside for use of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following-described lands are hereby withdrawn from the Minnesota National Forest Reserve under the Department of Agriculture and are hereby permanently reserved as Indian lands for the use of the Chippewas in the State of Minnesota, without in any manner affecting existing reserves for church, cemetery, or other purposes, or individual rights and interests in said lands:

Description.

South half southwest quarter northeast quarter and lots 9 to 30, inclusive, section 17, township 142 north, range 30 west, fifth principal meridian, Minnesota, containing one hundred and sixty-eight and forty-four one-hundredths acres.

Permanent reservation declared.

SEC. 2. Said lands are hereby permanently reserved in trust for the use of the Chippewa Indians of Minnesota for village site purposes.

Reimbursement from Indian funds.

SEC. 3. The Secretary of the Interior is hereby authorized to withdraw from the Chippewa tribal fund now held in trust in the Treasury of the United States a sufficient sum to reimburse the United States for any moneys paid said Chippewa Indians for these lands.

Approved, May 29, 1935.

[CHAPTER 158.]

AN ACT

To provide for the establishment of a Coast Guard station on the coast of Georgia, at or near Sea Island Beach.

May 29, 1935.  
[H. R. 3975.]  
[Public, No. 84.]

Sea Island Beach, Ga. Establishment of Coast Guard station at, authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized to establish a Coast Guard station on the coast of Georgia, at or near Sea Island Beach, at such point as the Commandant of the Coast Guard may recommend.

Approved, May 29, 1935.

[CHAPTER 159.]

AN ACT

To authorize the transfer of the Green Lake Fish Cultural Station in Hancock County, Maine, as an addition to Acadia National Park.

May 29, 1935.  
[H. R. 6084.]  
[Public, No. 85.]

Green Lake Fish Cultural Station, Me. Transfer of, to Acadia National Park authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Commerce be, and he is hereby, authorized and directed to transfer to the control and jurisdiction of the Secretary of the Interior as an addition to the Acadia National Park, established under the Act of February 26, 1919 (40 Stat. 1178), and Acts supplemental thereto, all that tract of land containing eight hundred



and twenty acres, more or less, with improvements thereon if any, comprising the abandoned Green Lake Fish Cultural Station, in Hancock County, Maine, said tract being no longer needed for fish-cultural purposes: *Provided*, That such action shall be in full recognition of any outstanding lease, license, or permit, affecting said land.

*Proviso.*  
Outstanding leases, permits, etc., recognized.

Approved, May 29, 1935.

[CHAPTER 160.]

AN ACT

To amend section 128 of the Judicial Code, as amended.

May 31, 1935.  
[H. R. 6114.]  
[Public, No. 86.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That paragraph "Third" of subsection (a) of section 128 of the Judicial Code, as amended (43 Stat. 936; U. S. C., title 28, sec. 225(a)), be, and it is hereby, amended to read as follows:

Circuit courts of appeals.  
Vol. 43, p. 936; U. S. C., p. 1259.

"Third. In the district courts for Alaska or any division thereof, and for the Virgin Islands, in all civil cases wherein the Constitution or a statute or treaty of the United States or any authority exercised thereunder is involved; in all other civil cases wherein the value in controversy, exclusive of interest and costs, exceeds \$1,000; in all criminal cases, and in all habeas corpus proceedings; and in the District Court of the Canal Zone in the cases and modes prescribed in sections 61 and 62, title 7, Canal Zone Code (48 Stat. 1122).

Review of final decisions.  
Alaska and Virgin Islands.

Canal Zone.  
Vol. 48, p. 1122.

Approved, May 31, 1935.

[CHAPTER 164.]

AN ACT

To amend the Emergency Farm Mortgage Act of 1933, to amend the Federal Farm Loan Act, to amend the Agricultural Marketing Act, and to amend the Farm Credit Act of 1933, and for other purposes.

June 3, 1935.  
[S. 1384.]  
[Public, No. 87.]

*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 "Farm Credit Act of 1935."

Farm Credit Act of 1935.

SEC. 2. (a) Section 32 of the Emergency Farm Mortgage Act of 1933, as amended (U. S. C., Supp. VII, title 12, sec. 1016), is further amended by striking out of the third sentence the following: "and made for the purpose of reducing and refinancing an existing mortgage".

Emergency Farm Mortgage Act, amendments.  
Farm Loan Commissioner; loans to farmers.  
Repayment provisions modified.  
Vol. 48, p. 48; U. S. C., p. 441.

(b) Such section 32, as amended, is further amended by striking out the fifth sentence and inserting in lieu thereof the following: "Loans may be made under this section for any of the purposes for which Federal land banks are authorized by law to make loans, and for the following additional purpose, and none other: Refinancing, either in connection with proceedings under chapter VIII of the Bankruptcy Act of July 1, 1898, as amended, or otherwise, any indebtedness, secured or unsecured, of the farmer, or which is secured by a lien on all or any part of the farm property accepted as security for the loan."

Purposes of loans enlarged.  
*Ante*, p. 300.

U. S. C., p. 333.

(c) Such section 32, as amended, is further amended by striking out the seventh sentence and inserting in lieu thereof the following: "As used in this section, (1) the term 'farmer' means any person who is at the time, or shortly to become, 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 or livestock raising, and includes a personal representative

Definitions.

"Farmer".  
Vol. 48, p. 48.

"Person". of a deceased farmer; (2) the term 'person' includes an individual or a corporation engaged in the raising of livestock; and (3) the

"Corporation". term 'corporation' includes any incorporated association; but no

Restrictions on loans to corporations. such loan shall be made to a corporation (A) unless all the stock of the corporation is owned by individuals themselves personally actually engaged in the raising of livestock on the land to be mortgaged as security for the loan, except in a case where the Land Bank Commissioner permits the loan if at least 75 per centum in value and number of shares of the stock of the corporation is owned by the individuals personally actually so engaged, and (B) unless the owners of at least 75 per centum in value and number of shares of the stock of the corporation assume personal liability for the loan. No loan shall be made to any corporation which is a subsidiary of, or affiliated (either directly or through substantial identity of stock ownership) with, a corporation ineligible to procure a loan in the amount applied for."

Loans; time for making extended.  
*Ame.*, p. 300.  
 Vol. 48, p. 347.

Form of.

Limitation on amount of bonds removed.  
 Vol. 48, p. 345.

Federal land banks may execute releases, etc., on behalf of Commissioner or Corporation.  
 Vol. 48, pp. 48, 347.

Federal Farm Loan Act, amendments.  
 Vol. 39, p. 372; Vol. 48, p. 43; U. S. C., p. 429.  
*Post.*, pp. 592, 1829, 1912.

Interest rates on loans.

(d) Such section 32, as amended, is further amended by striking out the eighth and ninth sentences and inserting in lieu thereof the following: "Until February 1, 1940, the Land Bank Commissioner shall, in his name, make loans under this section on behalf of the Federal Farm Mortgage Corporation, and may make such loans in cash or in bonds of the corporation, or if acceptable to the borrower, in consolidated farm loan bonds; but no such loans shall be made by him after February 1, 1940, except for the purpose of refinancing loans previously made by him under this section. As much as may be necessary of the assets of the corporation, including the bonds (and proceeds thereof) issued under section 4 of the Federal Farm Mortgage Corporation Act, may be used for the purposes of this section."

(e) Such section 32, as amended, is further amended by inserting at the end thereof the following: "Any Federal land bank, when duly authorized by the Land Bank Commissioner and the Federal Farm Mortgage Corporation, shall have the power to execute any instrument relating to any mortgage taken to secure a loan made or to be made under this section, or relating to any property included in any such mortgage, or relating to any property acquired by the Land Bank Commissioner and/or the Federal Farm Mortgage Corporation. Any such instrument heretofore or hereafter executed on behalf of the Land Bank Commissioner and/or the Federal Farm Mortgage Corporation by a Federal land bank, through its duly authorized officers, shall be conclusively presumed to have been duly authorized by the Land Bank Commissioner and the Federal Farm Mortgage Corporation."

SEC. 3. (a) Effective July 1, 1935, the first sentence of paragraph "Twelfth" of section 12 of the Federal Farm Loan Act, as amended, is amended by striking out the following: "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", and inserting in lieu thereof the following: "after such date, shall not exceed 3½ per centum per annum for all interest payable on installment dates occurring within a period of one year commencing July 1, 1935, and shall not exceed 4 per centum per annum for all interest payable on installment dates

occurring within a period of two years commencing July 1, 1936; and no payment of the principal portion of any installment of any such loan outstanding on the date of the enactment of the Farm Credit Act of 1935 shall be required prior to July 11, 1938, if the borrower shall not be in default with respect to any other condition or covenant of his mortgage."

(b) Effective July 1, 1935, the second sentence of such paragraph "Twelfth" is amended by striking out the following: "the rate of interest on such loans for such five-year period shall be 5 per centum in lieu of 4½ per centum", and inserting in lieu thereof: "the rates of interest paid for the respective periods above specified shall be one-half of 1 per centum per annum in excess of the rates of interest paid during the corresponding periods by borrowers on mortgage loans made through national farm loan associations".

SEC. 4. The fourth sentence of section 24 of the Federal Farm Loan Act, as amended (U. S. C., Supp. VII, title 12, sec. 913), is further amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: "Provided, That the declaration and payment of any such dividend shall be subject to the approval of the Land Bank Commissioner."

SEC. 5. (a) Paragraph (1) of subsection (a) of section 202 of the Federal Farm Loan Act, as amended (U. S. C., Supp. VII, title 12, sec. 1031), is further amended by striking out that portion of the paragraph which follows the second semicolon and inserting in lieu thereof the following: "and to discount for, or purchase from, any production credit association or bank for cooperatives 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 indorsement, any note, draft, bill of exchange, debenture, or other such obligation presented by such association or bank, and to make loans and advances direct to any such association or bank secured by such collateral as may be approved by the Governor of the Farm Credit Administration;"

(b) Paragraph (3) of subsection (a) of such section 202, as amended, is further amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "at such rates of commission as may be approved by the Governor of the Farm Credit Administration."

(c) Subsection (d) of such section 202, as amended (U. S. C., Supp. VII, title 12, sec. 1034), is hereby repealed.

SEC. 6. (a) Subsection (a) of section 203 of the Federal Farm Loan Act (U. S. C., title 12, sec. 1041) is amended by striking out the proviso and inserting in lieu thereof the following: "Provided, That the aggregate amount of the outstanding debentures and similar obligations issued individually by any Federal intermediate credit bank, together with the amount of outstanding consolidated debentures issued for its benefit and account, shall not exceed ten times the surplus and paid-in capital of such bank".

(b) Such section 203 (U. S. C., title 12, secs. 1041-1043) is further amended by adding at the end thereof the following new subsections:

"(d) Whenever it shall appear desirable to issue consolidated debentures of the twelve Federal intermediate credit banks and to sell them through a common selling agency, and the Federal intermediate credit banks shall, by resolutions, consent to the same, the banks may issue and sell said debentures subject to the provisions of this section and the provisions of section 21 of Title I of this Act, insofar as applicable. As used in this Act, the term 'debentures' includes such consolidated debentures.

Payments on principal deferred.

Loans made by Federal Land Banks.  
Vol. 48, p. 43; U. S. C., p. 429.

Rates of interest.

National Farm Loan Associations; dividends.  
Vol. 39, p. 380; Vol. 47, p. 14; U. S. C., p. 438.  
Proviso.  
Approval required.

Federal intermediate credit banks.  
Vol. 48, p. 271; U. S. C., p. 444.

Discounts and loans to banks for cooperatives, authorized.  
Vol. 48, p. 257.

Collateral required.

Commission on drafts, etc., upon banks by cooperative associations.  
Vol. 48, p. 272.

Rates of interest; discount rates.  
Vol. 42, p. 1456, repealed.  
Debentures.  
Vol. 42, p. 1456; U. S. C., p. 445.

Aggregate amount authorized.

Vol. 42, p. 1456.

Consolidated debentures; issue and sale.

U. S. C., p. 445.

"Debenture" construed.

Acceptable as lawful investment for public funds.

Vol. 42, p. 1456; Vol. 43, p. 1262.  
U. S. C., p. 445.  
Federal intermediate credit banks; rates of discount and interest.

Approval required.

Acquiring loans, etc., of other credit banks.

Vol. 42, p. 1458; U. S. C., p. 446.

Reports, records, etc., of executive departments, agencies.

Availability to banks.

Agricultural Marketing Act, amendments.  
Vol. 46, p. 14; Vol. 48, p. 265; U. S. C., p. 464.

Loans to cooperative associations.  
Construction, etc., of facilities.

Vol. 43, p. 265.

Amount.

Vol. 48, p. 266; U. S. C., p. 465.

Interest rates.

Proviso.  
Loans for merchandising agricultural commodities.  
Vol. 46, p. 14; Vol. 47, p. 265.

"(e) All debentures issued by Federal intermediate credit banks shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States or of any officer or officers thereof."

SEC. 7. Subsection (a) of section 204 of the Federal Farm Loan Act, as amended (U. S. C., Supp VII, title 12, sec. 1051), is further amended to read as follows:

"(a) Any Federal intermediate credit bank may, with the approval of the Intermediate Credit Commissioner, from time to time establish rates of discount and interest which, except with the approval of the Governor of the Farm Credit Administration, shall not exceed by more than 1 per centum per annum the rate borne by the last preceding issue of debentures which it issued or in which it participated. Any Federal intermediate credit bank may be required by the Governor of the Farm Credit Administration to acquire, upon such terms as he may approve, loans and/or discounts of any other Federal intermediate credit bank."

SEC. 8. Section 208 of the Federal Farm Loan Act (U. S. C., title 12, secs. 1091-1094) is amended by adding at the end thereof the following new subsection:

"(e) The executive departments, boards, commissions, and independent establishments of the Government, the Reconstruction Finance Corporation, the Federal Deposit Insurance Corporation, the Federal Reserve Board, and the Federal Reserve banks are severally authorized, under such conditions as they may prescribe, to make available to any Federal intermediate credit bank, in confidence, upon the request of the Governor of the Farm Credit Administration, such reports, records, or other information as they may have available relating to the condition of any institution to which a Federal intermediate credit bank has made, or contemplates making, loans, or which it is using, or contemplates using, as a custodian of securities or other credit instruments, or as a depository."

SEC. 9. Paragraph (2) of subsection (a) of section 7 of the Agricultural Marketing Act, as amended (U. S. C., Supp VII, title 12, sec. 1141e), is further amended to read as follows:

"(2) the construction or acquisition by purchase or lease, or refinancing the cost of such construction or acquisition, of physical facilities."

SEC. 10. Paragraph (1) of subsection (c) of section 7 of the Agricultural Marketing Act, as amended (U. S. C., Supp. VII, title 12, sec. 1141e), is further amended to read as follows:

"(1) No loan shall be made in an amount in excess of 60 per centum of the appraised value of the security therefor."

SEC. 11. Subsection (a) of section 8 of the Agricultural Marketing Act, as amended (U. S. C., Supp. VII, title 12, sec. 1141f), is further amended to read as follows:

"(a) Loans to any cooperative association shall bear such rates of interest as the Governor of the Farm Credit Administration shall from time to time determine to be necessary for the needs of the lending agencies and shall by regulation prescribe (but in no case shall the rate of interest exceed 6 per centum per annum on the unpaid principal): *Provided, however,* That the rate of interest on any loan made under the provisions of section 7 (a) (1) hereof, other than upon the security of commodities, shall conform as nearly as may be practicable to a rate 1 per centum in excess of the prevailing interest rate paid by production credit associations to the

Federal intermediate credit bank of the land bank district in which the principal business office of the borrower is located; the rate of interest on any loan made upon the security of commodities shall conform, as nearly as may be practicable, to the prevailing interest rate on commodity loans charged borrowers from the Federal intermediate credit bank of the land bank district in which the principal business office of the borrower is located; and that the rate of interest on any loan made under the provisions of section 7 (a) (2) hereof shall conform as nearly as may be practicable to the prevailing rate on mortgage loans made to members of national farm loan associations."

Loans upon security of commodities.

Loans for construction of physical facilities.  
Vol. 46, p. 14; Vol. 48, p. 265.

SEC. 12. Subsection (a) of section 15 of the Agricultural Marketing Act, as amended (U. S. C., Supp. VII, title 12, sec. 1141j), is further amended to read as follows:

Vol. 46, p. 18; Vol. 48, p. 266; U. S. C., p. 456.

"(a) As used in this Act, the term 'cooperative association' means any association in which farmers act together in 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 purchasing, testing, grading, processing, distributing, and/or furnishing farm supplies and/or farm business services: *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:

"Cooperative association", defined.

*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

Requirements.

"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 farm products, farm supplies, and farm business services with or for nonmembers in an amount greater in value than the total amount of such business transacted by it with or for members. All business transacted by any cooperative association for or on behalf of the United States or any agency or instrumentality thereof shall be disregarded in determining the volume of member and nonmember business transacted by such association."

SEC. 13. Section 34 of the Farm Credit Act of 1933 is amended to read as follows:

Farm Credit Act of 1933, amendments.  
Vol. 48, p. 262.

"SEC. 34. Subject to such terms and conditions as may be prescribed by the Chairman of its Board of Directors, the Central Bank is authorized: (a) to make loans to cooperative associations, as defined in the Agricultural Marketing Act, as amended, for any of the purposes and subject to the conditions and limitations set forth in such Act, as amended; (b) to make loans (by way of discount or otherwise) to banks for cooperatives organized under section 2 of this Act; (c) to buy from, and sell to, any such bank or any Federal intermediate credit bank any note, draft, bill of exchange, debenture, or other obligations; and (d) to borrow from, and discount or rediscount paper with, any and all such banks."

Central bank for cooperatives.  
Lending powers of.  
Vol. 46, p. 18; Vol. 48, p. 266; U. S. C., p. 451.

Vol. 48, p. 257.  
Authority to deal with Federal intermediate credit banks.

SEC. 14. Section 41 of the Farm Credit Act of 1933 (U. S. C., Supp. VII, title 12, sec. 1134c) is amended to read as follows:

Vol. 48, p. 264; U. S. C., p. 451.

"SEC. 41. Subject to such terms and conditions as may be prescribed by the Governor, the banks for cooperatives are authorized: (a) to make loans to cooperative associations as defined in the Agricultural Marketing Act, as amended, for any of the purposes and subject to the conditions and limitations set forth in such Act, as amended; (b) to make loans (by way of discount or otherwise)

Banks for cooperatives.

Lending powers of.

Authority to deal with Federal intermediate credit banks.

to any bank organized under this Act; (c) to buy from, and sell to, any such bank or any Federal intermediate credit bank any note, draft, bill of exchange, debenture, or other obligation; and (d) to borrow from, and discount or rediscount paper with, any and all such banks."

Borrowers from central bank; stock ownership.

Vol. 48, p. 263; U. S. C., p. 451.

Requirement waived when loan secured by commodities.

SEC. 15. (a) The first sentence of subsection (a) of section 35 of the Farm Credit Act of 1933 (U. S. C., Supp. VII, title 12, sec. 1134k) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "except that, in connection with any loan made on the security of commodities, the borrower shall be required to own, at the time the loan is made, only such amount of stock as may be prescribed by rules and regulations of the Governor."

Retirement of stock upon discharge of loan.

(b) Subsection (a) of such section 35 is further amended by striking out the second sentence and inserting in lieu thereof the following: "Upon discharge of the loan, stock held by the borrowing association may be, and upon the concurrent or subsequent request of the borrowing association shall be, retired and canceled, and the association shall be paid therefor an amount equal to the amount paid for such stock or loaned to subscribe therefor, 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."

Stock of defaulting borrower.

(c) Such section 35 is further amended by adding at the end thereof the following new subsection:

"(c) In any case where the debt of a borrower to the Central Bank is in default, the bank may, in accordance with rules and regulations prescribed by the Governor, retire and cancel all or a part of the stock of the defaulting borrower at the fair book value thereof (not exceeding par), in total or partial liquidation of the debt, as the case may be."

Emergency Farm Mortgage Act of 1933, amendments.

Joint stock land banks; time for loans to, extended.

Vol. 48, p. 46; U. S. C., p. 433.

SEC. 16. (a) The first sentence of subsection (a) of section 30 of the Emergency Farm Mortgage Act of 1933 is amended by striking out the words "two years" and inserting in lieu thereof the words "four years".

Agreement required as condition for loan.

(b) The fourth sentence of subsection (b) of such section 30 is amended:

(1) By striking out the words "occurring more than sixty days after the date of enactment of this Act", and

(2) By striking out the words "a period of two years from the date of enactment of this Act" and inserting in lieu thereof the following: "a period of two years from the date of the enactment of the Farm Credit Act of 1935".

Loans to joint stock land banks for emergency purposes.

Vol. 48, p. 47. Time for making extended.

SEC. 17. (a) The first sentence of subsection (a) of section 31 of the Emergency Farm Mortgage Act of 1933 is amended by striking out the words "for two years from the date of the enactment of this Act" and inserting in lieu thereof a comma and the following: "until May 13, 1937".

Foreclosures.

(b) Subsection (b) of such section 31 is amended by striking out the words "such two-year period" and inserting in lieu thereof the following: "the period of postponement".

Loans to oyster planters.

Vol. 48, p. 983.

(c) The first sentence of the Act entitled "An Act to authorize production credit associations to make loans to oyster planters", approved June 18, 1934 (U. S. C., title 12, sec. 1131j), is amended by striking out the following: "who are carrying on their operations under leases of oyster beds granted by any State or political subdivision thereof".

Condition removed.

SEC. 18. Paragraph "Sixth" of section 12 of the Federal Farm Loan Act, as amended (U. S. C., title 12, sec. 771), is further amended by adding at the end thereof the following new sentence: "As used in this paragraph (1) the term 'person' includes an individual or a corporation engaged in the raising of livestock; and (2) the term 'corporation' includes any incorporated association; but no such loan shall be made to a corporation (A) unless all the stock of the corporation is owned by individuals themselves personally actually engaged in the raising of livestock on the farm to be mortgaged as security for the loan, except in a case where the Land Bank Commissioner permits the loan if at least 75 per centum in value and number of shares of the stock of the corporation is owned by the individuals personally actually so engaged, and (B) unless the owners of at least 75 per centum in value and number of shares of the stock of the corporation assume personal liability for the loan. No loan shall be made to any corporation which is a subsidiary of, or affiliated (either directly or through substantial identity of stock ownership) with, a corporation ineligible to procure a loan in the amount applied for."

Federal Farm Loan Act, amendments. Vol. 39, p. 370; Vol. 41, p. 370; U. S. C., p. 428.  
Loan restrictions. Terms defined. "Person". "Corporation".

Restrictions on loans to corporations.

SEC. 19. (a) The first sentence of the sixth paragraph of section 7 of the Federal Farm Loan Act, as amended (U. S. C., title 12, sec. 716), is amended to read as follows: "Ten or more persons who are the owners, or about to become the owners, of farm lands qualified as security for a mortgage loan under section 12 of this Act, may unite to form a national farm-loan association."

Organization of national farm loan associations. Vol. 39, p. 365; U. S. C., p. 425.

(b) The sixth paragraph of such section 7 is further amended by adding at the end thereof the following new sentence: "As used in this section, the term 'person' includes an individual, an incorporated association, and a corporation which is eligible for a loan under section 12 of this Act."

"Person", construed.

SEC. 20. (a) The first sentence of the fifth paragraph of section 9 of the Federal Farm Loan Act, as amended (U. S. C., title 12, sec. 745), is amended by striking out the words "any natural person" and inserting in lieu thereof "any person."

Vol. 39, p. 368; U. S. C., p. 427.

Loan applicants.

(b) The fifth paragraph of such section 9 is further amended by adding at the end thereof the following new sentence: "As used in this section, the term 'person' includes an individual, an incorporated association, and a corporation which is eligible for a loan under section 12 of this Act."

"Person", construed.

Vol. 39, p. 370.

SEC. 21. The first sentence of the first paragraph of section 31 of the Federal Farm Loan Act, as amended (U. S. C., title 12, sec. 981), is amended to read as follows: "Any applicant for a loan under this Act, or officer or representative of any such applicant, who shall knowingly make any false statement in the application for such loan, and any member of a loan committee or any appraiser provided for in this Act who shall willfully overvalue any land offered as security for loans under this Act, shall be punished by a fine of not exceeding \$5,000, or by imprisonment not exceeding one year, or both."

False statement in application for loans. Vol. 39, p. 382; U. S. C., p. 440.

Punishment for.

SEC. 22. Paragraph "Fifth" of section 12 of the Federal Farm Loan Act, as amended (U. S. C., Supp. VII, title 12, sec. 771), is further amended by inserting after the third sentence thereof the following: "In determining the earning power of land used for the raising of livestock, due consideration shall be given to the extent to which the earning power of the fee-owned land is augmented by a lease or permit, granted by lawful authority of the United States or of any State, for the use of a portion of the public lands of the United States or of such State, where such permit or lease is in the nature of a right adjunctive to such fee-owned land, and

Appraising earning power of lands for livestock raising. Vol. 39, p. 370; U. S. C., p. 423.

its availability for use as such during the terms of the loan is reasonably assured."

Persons ineligible to hold office hereunder.

SEC. 23. On and after the date of enactment of this Act no person shall be eligible for appointment or election as an administrative or executive official or as a member of the board of directors of a Federal land bank, or shall continue to hold office as such member or as an ex-officio director of a Federal intermediate credit bank or of any corporation or bank organized pursuant to the Farm Credit Act of 1933, if such person has been finally adjudged guilty of a felony, or finally adjudged liable in damages in any civil proceeding for fraud, in any State or Federal court.

Saving clause.

SEC. 24. (a) 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.

Right to amend, etc.

(b) The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 3, 1935.

[CHAPTER 165.]

JOINT RESOLUTION

To abolish the Puerto Rican Hurricane Relief Commission and transfer its functions to the Secretary of the Interior.

June 3, 1935.  
[S. J. Res. 88.]  
[Pub. Res., No. 22.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Puerto Rican Hurricane Relief Commission, created by joint resolution entitled "Joint resolution for the relief of Porto Rico", approved December 21, 1928, is hereby abolished and all of the functions of the said Commission, together with its employees, records, supplies, equipment, and property of every kind, and unexpended balances of appropriations are hereby transferred to the Division of Territories and Island Possessions, Department of the Interior, to be administered under the supervision of the Secretary of the Interior: *Provided,* That personnel now temporarily assigned to the Puerto Rican Hurricane Relief Commission from the War Department and from the Department of Agriculture shall, without in any way affecting their permanent status in such Departments, continue to serve in their present capacity, but under supervision of the Secretary of the Interior, until June 30, 1935, unless sooner relieved by the Secretary of the Interior, and that the length of such service shall not be continued beyond June 30, 1935, except by special agreement between the Secretary of the Interior and the heads of the other Departments concerned.

Puerto Rican Hurricane Relief Commission, abolished.  
Vol. 45, p. 1067.

Functions, etc., transferred to Department of the Interior.

Proviso.  
Personal services continued.

Approved, June 3, 1935.

[CHAPTER 167.]

AN ACT

To provide for the payment of a military instructor for the high-school cadets of Washington, District of Columbia.

June 4, 1935.  
[S. 1023.]  
[Public, No. 88.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding any other provision of law, one retired officer of the United States Army, acting as professor of military science and tactics at the public high schools of Washington, District of Columbia, shall be permitted to receive, in addition to his retired pay, the pay of a teacher in the public high schools of Washington, District of

District of Columbia. Payment of a military instructor for high-school cadets authorized.  
Vol. 39, p. 582, waived.



Columbia, not to exceed \$1,800 per annum, under appointment by the Board of Education of the District of Columbia and payable from the appropriation for the expenses of the public schools of the District of Columbia.

Approved, June 4, 1935.

[CHAPTER 168.]

AN ACT

To compensate the Chippewa Indians of Minnesota for lands set aside by treaties for their future homes and later patented to the State of Minnesota under the Swamp Land Act.

June 4, 1935.  
[H. R. 2046.]  
[Public, No. 89.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, the sum of \$223,162.62, said amount to be credited to the trust fund of the Chippewa Indians of Minnesota arising under the provisions of section 7 of the Act of January 14, 1889, in full payment for one hundred and seventy-eight thousand five hundred and thirty and ten one-hundredths acres of land embraced within reservations established by the treaties of March 11, 1863 (12 Stat. 1249), May 7, 1864 (13 Stat. 693), and March 19, 1867 (16 Stat. 719), for the future homes of said Indians, and later patented to the State of Minnesota under the provisions of the amendatory Swamp Land Act of March 12, 1860, without compensation to said Indians.

Chippewa Indians of Minnesota.  
Compensation to, for certain treaty lands.  
Vol. 23, p. 645.  
Post, p. 1765.

Vol. 12, p. 1249; Vol. 13, p. 693; Vol. 16, p. 719.

Vol. 12, p. 3; U. S. C., p. 1915.

SEC. 2. That the Secretary of the Interior be, and he hereby is, authorized to determine just and proper compensation to the respective attorneys representing the Chippewa Indians of Minnesota in the prosecution of their claims against the United States for the services rendered in the prosecution of said claim, said compensation to be based upon the nature, extent, character, and value of said services, and to pay such amounts, if any, as he may find said attorneys to be entitled to receive out of the trust funds standing to the credit of the Chippewa Indians of Minnesota.

Attorneys' fees, from Indian funds.

Approved, June 4, 1935.

[CHAPTER 169.]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, Louisiana.

June 4, 1935.  
[H. R. 4523.]  
[Public, No. 90.]

*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 Mississippi River between New Orleans and Gretna, Louisiana, authorized to be built by George A. Hero and Allen S. Hackett, their successors and assigns, by an Act of Congress approved March 2, 1927, heretofore extended by Acts of Congress approved March 6, 1928, February 19, 1929, June 10, 1930, March 1, 1933, and March 5, 1934, are hereby further extended one and three years, respectively, from March 2, 1935.

Mississippi River.  
Time extended for bridging, between New Orleans and Gretna, La.

Vol. 44, p. 1270; Vol. 45, pp. 193, 1229; Vol. 46, p. 551; Vol. 47, p. 1415; Vol. 48, p. 396.  
Post, p. 1542.

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

Amendment.

Approved, June 4, 1935.

## [CHAPTER 170.]

## AN ACT

June 4, 1935.

[H. R. 5547.]

[Public, No. 91.]

To extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Saint Francisville, Missouri.

Des Moines River.  
Time extended for  
bridging, at Saint  
Francisville, Mo.

Vol. 47, p. 802; Vol.  
48, p. 353, amended.

Amendment.

*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 across the Des Moines River at or near Saint Francisville, Missouri, authorized to be built by Roy H. Campbell, Charles H. Brown, G. H. Wilsey, and Doctor H. O. Strosnider, by an Act of Congress approved February 14, 1933, heretofore extended by an Act of Congress approved February 24, 1934, are hereby extended one and three years, respectively, from February 14, 1935.

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

Approved, June 4, 1935.

## [CHAPTER 171.]

## AN ACT

June 4, 1935.

[H. R. 6834.]

[Public, No. 92.]

To revive and reenact the Act entitled "An Act authorizing Vernon W. O'Connor, of Saint Paul, Minnesota, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rainy River at or near Baudette, Minnesota."

Rainy River.  
Authority for bridg-  
ing, at Baudette,  
Minn., revived.  
Vol. 47, p. 62.

*Proviso.*  
Time limitations.

Amendment.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act approved March 8, 1932, authorizing Vernon W. O'Connor, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rainy River, at or near Baudette, Minnesota, 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.

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

Approved, June 4, 1935.

## [CHAPTER 172.]

## AN ACT

June 4, 1935.

[H. R. 6859.]

[Public, No. 93.]

Granting the consent of Congress to the State Highway Commission of North Carolina to construct, maintain, and operate a free highway bridge across Waccamaw River, at or near Old Pireway Ferry Crossing, North Carolina.

Waccamaw River.  
North Carolina may  
bridge, at Old Pireway  
Ferry Crossing.

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 State Highway Commission of North Carolina to construct, maintain, and operate a free highway bridge and approaches thereto across Waccamaw River, at a point suitable to the interests of navigation, about two miles east of the Old Pireway Ferry Crossing, in the counties of Columbus and Brunswick, State of North Carolina, 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 hereby expressly reserved.

Approved, June 4, 1935.

## [CHAPTER 173.]

## AN ACT

Authorizing the State of Illinois and the State of Missouri to construct, maintain, and operate a free highway bridge across the Mississippi River between Kaskaskia Island, Illinois, and Saint Marys, Missouri.

June 4, 1935.  
[H. R. 6997.]  
[Public, No. 94.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the State of Illinois and the State of Missouri be, and are hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, between Kaskaskia Island, Illinois, and Saint Marys, 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.

Mississippi River.  
Illinois and Missouri  
may bridge, between  
Kaskaskia Island and  
Saint Marys.

Construction.  
Vol. 34, p. 84.

SEC. 2. There is hereby conferred upon the State of Illinois and the State of Missouri all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property 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 in which such real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

Right to acquire  
realty, etc., for ap-  
proaches, etc.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 4, 1935.

## [CHAPTER 174.]

## AN ACT

To extend the times for commencing and completing the construction of a bridge across the Rio Grande at or near Boca Chica, Texas.

June 4, 1935.  
[H. R. 7291.]  
[Public, No. 95.]

*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 Rio Grande, at or near Boca Chica, Texas, authorized to be built by the Boca Chica Bridge Company, by an Act of Congress approved June 10, 1932, heretofore extended by Acts of Congress approved March 1, 1933, and June 19, 1934, are hereby further extended two and four years, respectively, from June 19, 1935.

Rio Grande.  
Time extended for  
bridging, at Boca Chica,  
Tex.

Vol. 47, pp. 297, 1413,  
amended.  
Vol. 48, p. 1117.

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

Amendment.

Approved, June 4, 1935.

## [CHAPTER 175.]

## AN ACT

To authorize the assignment of officers of the line of the Navy for aeronautical engineering duty only, and for other purposes.

June 5, 1935.  
[H. R. 6204.]  
[Public, No. 96.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That officers of the line of the Navy, upon application, and with the approval of the Secretary of the Navy, may be designated for the performance of aeronautical engineering duty only. The President of the United States is hereby authorized, by and with the advice and consent of

Navy.  
Assignment of line  
officers, upon request,  
for aeronautical engi-  
neering duty only,  
authorized.

Transfer of Construction Corps officers.

Rank and precedence.

To be carried as additional numbers.

Existing provisions to govern.

the Senate, to transfer and appoint officers of the Construction Corps of the Navy who are applicants to the corresponding rank and grade in the line of the Navy for the performance of aeronautical engineering duty only. Each officer of the Construction Corps so transferred and appointed shall have the lineal position and precedence in the line which he would have held had he remained in the line or had his original appointment been in the line except that no officer shall have his existing relative rank, precedence, or seniority in the Construction Corps altered by such transfer. Any officer of the Construction Corps so transferred and appointed and any line officer designated for the performance of aeronautical engineering duty only shall be carried as an additional number in the grade in which he is serving, and to which he may hereafter be promoted, and, except as otherwise provided in this Act, the performance of duty, succession to command, selection for promotion, examination for promotion, promotion, and retirement of such officers shall be governed by the provisions of existing law and of laws hereafter enacted relating to line officers assigned to engineering duty only.

Approved, June 5, 1935.

[CHAPTER 176.]

AN ACT

June 5, 1935.

[H. R. 6372.]

[Public, No. 97.]

To authorize the coinage of 50-cent pieces in connection with the Cabeza de Vaca Expedition and the opening of the Old Spanish Trail.

Cabeza de Vaca Expedition, etc.  
Coinage to commemorate, authorized.

No Federal expense for dies, etc.

Issue.

Disposition.

Coinage laws applicable.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That to indicate the interest of the Government of the United States in commemorating the four hundredth anniversary of the Expedition of Cabeza de Vaca and the opening of the Old Spanish Trail, there shall be coined by the Director of the Mint silver 50-cent pieces to the number of not more than ten thousand, of standard weight and fineness and of a special appropriate design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, but the United States shall not be subject to the expense of making the models for master dies or other preparations for this coinage.

SEC. 2. That the coins herein authorized shall be issued at par and only upon the request of the chairman of the El Paso Museum Committee.

SEC. 3. Such coins may be disposed of at par or at a premium by said committee and all proceeds shall be used in furtherance of the El Paso Museum.

SEC. 4. 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 and guarding the process of coinage; providing for the purchase of material, and for the transportation, distribution, and redemption of the coins; for the prevention of debasement or counterfeiting; for security of the coin; or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein directed.

Approved, June 5, 1935.

[CHAPTER 177.]

## AN ACT

To give the consent and approval of Congress to the extension of the terms and provisions of the present Rio Grande compact signed at Santa Fe, New Mexico, on February 12, 1929, and heretofore approved by Act of Congress dated June 17, 1930 (Public, Numbered 370, Seventy-first Congress, 46 Stat. 767).

June 5, 1935.  
[H. R. 7873.]  
[Public, No. 98.]

Whereas the duly accredited commissioners representing the States of Colorado, New Mexico, and Texas, respectively, signed the Rio Grande compact at Santa Fe, New Mexico, on the 12th day of February 1929, and which said compact was thereafter duly ratified by the legislature of each of the aforesaid States and approved by Act of Congress on June 17, 1930 (Public, Numbered 370, Seventy-first Congress, 46 Stat. 767); and

Rio Grande compact.

Vol. 46, p. 767.

Whereas the legislature of each of the aforesaid States has by appropriate legislation, and pursuant to the express provisions of article 14 of said compact, extended the said compact for the term of two years from June 1, 1935, to June 1, 1937: Now, therefore

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent and approval of Congress is hereby given to the extension of the provisions of said Rio Grande compact, and all the terms thereof for the period of two years from June 1, 1935, to June 1, 1937, as heretofore ratified by the Legislature of the State of Colorado by Act approved April 13, 1935, by the Legislature of the State of New Mexico by Act approved February 25, 1935, and by the Legislature of the State of Texas by Act approved April 18, 1935.

Consent of Congress  
given to extension of,  
for two years.

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

Rights reserved.

Approved, June 5, 1935.

[CHAPTER 178.]

## AN ACT

To change the name of the German Orphan Asylum Association of the District of Columbia to the German Orphan Home of the District of Columbia.

June 5, 1935.  
[H. R. 7874.]  
[Public, No. 99.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the name of the German Orphan Asylum Association of the District of Columbia, which was created a body politic and corporate by the Act entitled "An Act to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the 'German Orphan Asylum of the District of Columbia'", approved February 6, 1901, is hereby changed to the "German Orphan Home of the District of Columbia"; but this Act shall not be construed to affect any obligations, rights, or privileges of said corporation.

District of Columbia.  
German Orphan  
Home; name change.

Vol. 31, p. 761.

Approved, June 5, 1935.

## [CHAPTER 181.]

## AN ACT

To amend section 1383 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 1383 of the Revised Statutes of the United States is amended to read as follows:

"SEC. 1383. Every officer of the Supply Corps of the United States Navy shall, before entering upon the duties of his office, give good and sufficient bond to the United States, to be approved by the Secretary of the Navy and in such sum as the Secretary may direct, faithfully to account for all public funds and property which he may receive. The Secretary of the Navy may, in his discretion, waive the requirements of this section in the case of officers of the Supply Corps who are not accountable for public funds or public property."

That section 1383 of the Revised Statutes of the United States is hereby amended by striking out the period at the end of the section, inserting in lieu thereof a colon, and by adding the following: "*Provided*, That such requirement may, in the discretion of the Secretary of the Navy, be waived in the case of such officers who are not accountable for public funds or public property."

Approved, June 6, 1935.

## [CHAPTER 182.]

## AN ACT

To provide for increasing the limit of cost for the construction and equipment of an annex to the Library of Congress.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the limit of cost for the construction of the annex, Library of Congress, as fixed in section 4 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, is hereby increased by \$2,866,340; and the Architect of the Capitol is hereby authorized to enter into a contract or contracts for such amount or so much thereof as may be necessary in addition to the contract authority heretofore fixed by law for such annex.

Approved, June 6, 1935.

## [CHAPTER 183.]

## AN ACT

Authorizing a preliminary examination of the Oswego, Oneida, Seneca, and Clyde Rivers in Oswego, Onondaga, Oneida, Madison, Cayuga, Wayne, Seneca, Tompkins, Schuyler, Yates, and Ontario Counties, New York, with a view to the controlling of floods.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is authorized and directed to cause a preliminary examination to be made of the Oswego, Oneida, Seneca, and Clyde Rivers in Oswego, Onondaga, Oneida, Madison, Cayuga, Wayne, Seneca, Tompkins, Schuyler, Yates, and Ontario Counties, New York, with a view to the control of floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Approved, June 6, 1935.

June 6, 1935.

[S. 1212.]

[Public, No. 100.]

Navy.

R. S., sec. 1383, p. 247;  
U. S. C., p. 1514.

Bonds of officers;  
Supply Corps.

Waiver of require-  
ment.

June 6, 1935.

[S. 2899.]

[Public, No. 101.]

Library of Congress,  
annex.  
Limit of cost in-  
creased.  
Vol. 46, p. 584; Vol.  
48, p. 202.  
Post, p. 1226.

June 6, 1935.

[H. R. 3235.]

[Public, No. 102.]

State of New York.  
Survey directed for  
controlling floods of  
designated rivers.

\* Vol. 37, p. 950.

Payment of costs.

## [CHAPTER 184.]

## JOINT RESOLUTION

Authorizing the President of the United States of America to proclaim October 11, 1935, General Pulaski's Memorial Day for the observance and commemoration of the death of Brigadier General Casimir Pulaski.

June 6, 1935.  
[H. J. Res. 107.]  
[Pub. Res., No. 23.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is authorized and directed to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1935, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the death of General Casimir Pulaski.

General Pulaski's  
Memorial Day.  
Observance of  
October 11, 1935, as,  
invited.

Approved, June 6, 1935.

## [CHAPTER 188.]

## AN ACT

To provide funds for cooperation with public-school districts in Glacier County, Montana, in the improvement and extension of school buildings to be available to both Indian and white children.

June 7, 1935.  
[S. 1522.]  
[Public, No. 103.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$100,000, of which \$60,000 is to be used for the purpose of cooperating with School District Numbered 9 in Glacier County, Montana, in the improvement and extension of high-school buildings, and \$40,000 to be used in the improvement and extension of school buildings in other public-school districts in said Glacier County: *Provided,* That said schools shall be available to both white and Indian children without discrimination, except that tuition may be paid for Indian children attending in the discretion of the Secretary of the Interior: *Provided further,* That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

Glacier County,  
Mont.  
Funds for public-  
school construction, au-  
thorized.  
*Post,* p. 584.

*Provisos.*  
Attendance of Indian  
pupils.

Limitation on ex-  
penditures.

Approved, June 7, 1935.

## [CHAPTER 189.]

## AN ACT

To provide funds for cooperation with the public-school board at Wolf Point, Montana, in the construction or improvement of a public-school building to be available to Indian children of the Fort Peck Indian Reservation, Montana.

June 7, 1935.  
[S. 1523.]  
[Public, No. 104.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$50,000 for the purpose of cooperating with the public-school board of district numbered 45, town of Wolf Point, county of Roosevelt, Montana, for construction, extension and betterment of the public high-school building at Wolf Point, Montana: *Provided,* That the expenditure of any money so authorized shall be subject to the express conditions that the school maintained by the said district in the said building shall be available to all Indian children of Fort Peck Indian Reservation, Montana, on the same terms, except as to payment of tuition, as other children of said school district, and that accommodations in said enlarged building to the extent of one-half its capacity shall be

Wolf Point, Mont.  
Funds for public-  
school construction, au-  
thorized.  
*Post,* p. 584.

*Provisos.*  
Attendance of Indian  
pupils.

Limitation on expenditures.

available for Indian children from the Fort Peck Reservation: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.  
Approved, June 7, 1935.

## [CHAPTER 190.]

## AN ACT

June 7, 1935.

[S. 1524.]

[Public, No. 105.]

To provide funds for cooperation with school district numbered 23, Polson, Montana, in the improvement and extension of school buildings to be available to both Indian and white children.

Polson, Mont.  
Funds for public-school construction, authorized.  
*Post*, p. 584.

*Provisos.*  
Attendance of Indian pupils.

Limitation on expenditures.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$40,000 for the purpose of cooperating with school district numbered 23, Polson, Montana, in the improvement and extension of public-school buildings: *Provided*, That the schools maintained by the district shall be available to both Indian and white children without discrimination, except that tuition may be paid for Indian children attending in the discretion of the Secretary of the Interior: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

Approved, June 7, 1935.

## [CHAPTER 191.]

## AN ACT

June 7, 1935.

[S. 1525.]

[Public, No. 106.]

To provide funds for cooperation with Joint School District Numbered 28, Lake and Missoula Counties, Montana, for extension of public-school buildings to be available to Indian children of the Flathead Indian Reservation.

Lake and Missoula Counties, Mont.  
Funds for public-school construction, authorized.  
*Post*, p. 584.

*Provisos.*  
Attendance of Indian pupils.

Limitation on expenditures.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$100,000 for the purpose of cooperating with Joint School District Numbered 28, Lake and Missoula Counties, Montana, for the extension and improvement of public-school buildings, namely, at Arlee in the sum of \$40,000; at Roman in the sum of \$30,000, and at Saint Ignatius in the sum of \$30,000: *Provided*, That the expenditure of any money so appropriated shall be subject to the condition that the schools maintained by said district shall be available to all Indian children of the Flathead Indian Reservation, Montana, on the same terms, except as payment of tuition, as other children of said school district: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

Approved, June 7, 1935.

## [CHAPTER 192.]

## AN ACT

June 7, 1935.

[S. 1526.]

[Public, No. 107.]

To provide funds for cooperation with the school board at Brockton, Montana, in the extension of the public-school building at that place to be available to Indian children of the Fort Peck Indian Reservation.

Brockton, Mont.  
Funds for public-school construction, authorized.  
*Post*, p. 584.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$40,000 for the purpose of cooperating with the public-school board of district numbered 55, town of Brockton, and county of Roosevelt, Montana, for the extension and betterment of the public-school building at



Brockton, Montana: *Provided*, That the expenditure of any money so appropriated shall be subject to the express conditions that the school maintained by the said school district in the said building shall be available to all Indian children of the Fort Peck Indian Reservation, Montana, on the same terms, except as to payment of tuition, as other children of said school district, and that accommodations in said enlarged building to the extent of one-half its capacity shall be available for Indian children from the Fort Peck Reservation: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

*Provisos.*  
Attendance of Indian pupils.

Limitation on expenditures.

Approved, June 7, 1935.

[CHAPTER 193.]

AN ACT

For expenditure of funds for cooperation with the public-school board at Poplar, Montana, in the construction or improvement of public-school building to be available to Indian children of the Fort Peck Indian Reservation, Montana.

June 7, 1935.  
[S. 1528.]

[Public, No. 108.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby authorized to be appropriated from any moneys in the Treasury not otherwise appropriated the sum of \$25,000 for the purpose of cooperating with the public-school board of district numbered 9, town of Poplar, Montana: *Provided*, That the expenditure of any money so authorized shall be subject to the express conditions that the school maintained by the said school district in the said building shall be available to all Indian children of Fort Peck Indian Reservation, Montana, on the same terms, except as to payment of tuition, as other children of said school district and that accommodations in said enlarged building to the extent of one-half its capacity shall be available for Indian children from the Fort Peck Reservation: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

Poplar, Mont.  
Funds for public-school construction, authorized.  
*Post*, p. 584.

*Provisos.*  
Attendance of Indian pupils.

Limitation on expenditures.

Approved, June 7, 1935.

[CHAPTER 194.]

AN ACT

To authorize appropriations for the completion of the public high school at Frazer, Montana.

June 7, 1935.  
[S. 1530.]

[Public, No. 109.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby authorized, out of any funds in the Treasury not otherwise appropriated, the sum of \$25,000 for the completion of the public high school at Frazer, Montana, and for necessary equipment in connection therewith for manual, laboratory, and other lines of training.

Frazer, Mont.  
Funds for public-school construction, authorized.  
*Post*, p. 584.

Approved, June 7, 1935.

[CHAPTER 195.]

AN ACT

To provide funds for cooperation with Marysville School District, number 325, Snohomish County, Washington, for extension of public-school buildings to be available for Indian children.

June 7, 1935.  
[S. 1533.]

[Public, No. 110.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby authorized to be appropriated, from any moneys in the Treasury not otherwise appropriated, the sum of \$38,000 for the

Marysville, Wash.  
Funds for public-school construction, authorized.  
*Post*, p. 584.

*Provisos.*  
Attendance of Indian pupils.

Limitations on expenditures.

purpose of cooperating with Marysville School District, number 325, Snohomish County, Washington, for extension and improvements of school buildings: *Provided*, That the expenditure of any moneys so appropriated shall be subject to the condition that the schools maintained by said district shall be available to all the Indian children of the district on the same terms, except as to payment of tuitions, as other children of said school district: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

Approved, June 7, 1935.

[CHAPTER 196.]

AN ACT

June 7, 1935.  
[S. 1534.]  
[Public, No. 111.]

To provide funds for cooperation with the school board at Queets, Washington, in the construction of a public-school building to be available to Indian children of the village of Queets, Jefferson County, Washington.

Queets, Wash.  
Funds for public-school construction, authorized.  
*Post*, p. 584.

*Provisos.*  
Attendance of Indian pupils.

Limitation on expenditures.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there it<sup>1</sup> hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$10,000 for the purpose of cooperating with the public-school board of district numbered 20, Jefferson County, Washington, for the construction, extension, and betterment of a public-school building at Queets, Washington: *Provided*, That the expenditure of any money so appropriated shall be subject to the express conditions that the school maintained by the said school district in the said building shall be available to all Indian children of the village of Queets and Jefferson County, Washington, on the same terms, except as to payment of tuition, as other children of said school district: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

Approved, June 7, 1935.

[CHAPTER 197.]

AN ACT

June 7, 1935.  
[S. 1535.]  
[Public, No. 112.]

To provide funds for cooperation with White Swan School District, Numbered 88, Yakima County, Washington, for extension of public-school buildings to be available for Indian children of the Yakima Reservation.

White Swan, Wash.  
Funds for public-school construction, authorized.  
*Post*, p. 584.

*Provisos.*  
Attendance of Indian pupils.

Limitation on expenditures.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby authorized to be appropriated, from any moneys in the Treasury not otherwise appropriated, the sum of \$50,000 for the purpose of cooperating with White Swan School District, Numbered 88, Yakima County, Washington, for extension and improvement of public-school buildings: *Provided*, That the expenditure of any moneys so appropriated shall be subject to the condition that the schools maintained by said district shall be available to all Indian children of the district on the same terms, except as to payment of tuition, as other children of said school district: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

Approved, June 7, 1935.

<sup>1</sup> So in original.

## [CHAPTER 198.]

## AN ACT

To provide funds for cooperation with the public-school board at Covelo, California, in the construction of public-school buildings to be available to Indian children of the Round Valley Reservation, California.

June 7, 1935.  
[S. 1536.]  
[Public, No. 113.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, the sum of \$50,000 for the purpose of cooperating with the Round Valley Union High School District Board of School Trustees, town of Covelo, and County of Mendocino, California, for construction of a new public high-school plant at Covelo, California: *Provided,* That the expenditure of any money so appropriated shall be subject to the express conditions that the school maintained by the said school district in the said building shall be available to all Indian children on the same terms, except as to payment of tuition, as other children of said school district: *Provided further,* That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

Covelo, Calif.  
Funds for public-school construction, authorized.  
*Post,* p. 584.

*Provisos.*  
Attendance of Indian pupils.

Limitation on expenditures.

Approved, June 7, 1935.

## [CHAPTER 199.]

## AN ACT

To provide funds for cooperation with the school board of Shannon County, South Dakota, in the construction of a consolidated high-school building to be available to both white and Indian children.

June 7, 1935.  
[S. 1537.]  
[Public, No. 114.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$125,000 for the purpose of cooperating with the public-school board of Shannon County, South Dakota, for the construction and equipment of a consolidated public high-school building, at Pine Ridge, South Dakota: *Provided,* That said school shall be conducted for both white and Indian children without discrimination, and that practical training for vocations and home economics be provided, and that the cost of education of white children shall be defrayed by the State and local public-school authorities, in accordance with such agreement or agreements as may be made between the Secretary of the Interior and State or local officials, and any and all sums of money obtained by reason of such agreement or agreements shall be available for reexpenditure for support and maintenance of said school.

Shannon County, S. Dak.  
Funds for public-school construction, authorized.  
*Post,* p. 584.

*Proviso.*  
Attendance of Indian pupils.

Tuition of white children.

Approved, June 7, 1935.

## [CHAPTER 200.]

## AN ACT

For the relief of the present leaders of the United States Navy Band and the band of the United States Marine Corps.

June 7, 1935.  
[S. 1609.]  
[Public, No. 115.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the date of approval of this Act the present leader of the United States Navy Band and the present leader of the band of the United States Marine Corps shall have the rank, pay, and allowances of a lieutenant in the Navy and of a captain in the Marine Corps, respectively; and in the computation of their pay and allowances all service in the Navy

Navy and Marine Corps bands.  
Rank, etc., present leaders of.

Pay and allowances.

Retirement.

and the Marine Corps of whatever nature rendered by said leaders shall be counted as if it were commissioned service; and the said leaders of the United States Navy Band and the band of the United States Marine Corps shall, at such time as the President in his discretion may direct, be entitled to retirement as a lieutenant in the Navy and as a captain in the Marine Corps, in the same manner as other officers of the Navy and the Marine Corps of such rank and length of service, computed as stated above, would be entitled to retirement.

Approved, June 7, 1935.

## [CHAPTER 201.]

## AN ACT

June 7, 1935.  
[S. 2105.]  
[Public, No. 116.]

To provide for an additional number of cadets at the United States Military Academy, and for other purposes.

Military Academy.  
Number of cadets  
increased.  
Vol. 40, p. 894; Vol.  
44, p. 702.  
U. S. C., p. 281.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter there shall be allowed at the United States Military Academy three cadets for each Senator, Representative, Delegate in Congress, and Resident Commissioner from Puerto Rico, one to be selected by the Governor of the Panama Canal Zone, from among the sons of civilians of the Panama Canal Zone and the Panama Railroad, resident on the zone, five for the District of Columbia, and one hundred and thirty-two from the United States at large, forty of whom shall be appointed on the recommendation of the academic authorities of the "honor schools" as designated by the War Department, and three of whom shall be selected from persons recommended by the Vice President, in addition to the number now authorized to be appointed from the enlisted men of the Regular Army and National Guard, and the sons of deceased officers, soldiers, sailors, and marines.

Selections from  
"honor schools".

Approved, June 7, 1935.

## [CHAPTER 202.]

## AN ACT

June 7, 1935.  
[S. 1499.]  
[Public, No. 117.]

To transfer certain lands from the Veterans' Administration to the Department of the Interior for the benefit of Yavapai Indians, Arizona.

Yavapai Indians.  
Transfer of certain  
lands to Interior De-  
partment for benefit of.  
Description.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction over that tract of land, identified under a metes-and-bounds description beginning at the intersection of the west boundary line of the former Whipple Barracks Military Reserve and the south line of section 28 in township 14 north, range 2 west, Gila and Salt Lake meridian, Arizona, thence northwesterly along said west boundary line eight hundred and eighty feet; thence northeasterly at right angles one thousand seven hundred and sixty feet; thence southeasterly parallel with the said west boundary line one thousand seven hundred and sixty feet; thence southwesterly at right angles one thousand seven hundred and sixty feet; thence northwesterly along said west boundary line eight hundred and eighty feet to point of beginning, containing approximately seventy-five acres, is hereby transferred from the Veterans' Administration to the Department of the Interior, and the title to said described lands shall remain in the United States in trust for the Yavapai Indians.

Approved, June 7, 1935.

## [CHAPTER 203.]

## AN ACT

Relating to undelivered parcels of the first class.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3936 of the Revised Statutes, as amended April 24, 1920 (41 Stat. 583; 39 U. S. C. 406), be amended to read as follows:

“The Postmaster General may regulate the period during which undelivered letters and parcels of the first class shall remain in any post office and when they shall be returned to the dead-letter office; and he may make regulations for their return from the dead-letter office to the writers when they cannot be delivered to the parties addressed. When letters and parcels of the first class are returned from the dead-letter office to the writers, a fee of 5 cents shall be collected at the time of delivery, and in addition a charge shall be made of the minimum registry fee for the return of all ordinary dead letters containing \$1 or more in cash, and parcels of the first class apparently valued at \$1 or more, under such rules and regulations as the Postmaster General may prescribe.”

Approved, June 7, 1935.

June 7, 1935.

[S. 1539.]

[Public, No. 118.]

Postal service.  
Return of undelivered letters, etc.  
R. S., sec. 3936, p. 764;  
Vol. 41, p. 533.  
Regulations.

Fees increased.

## [CHAPTER 204.]

## AN ACT

To provide funds for cooperation with school district numbered 27, Big Horn County, Montana, for extension of public-school buildings to be available to Indian children.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, from any moneys in the Treasury not otherwise appropriated, the sum of \$80,000 for the purpose of cooperating with school district numbered 27, Big Horn County, Montana, for the extension and improvement of public-school buildings: *Provided*, That the expenditure of any money so appropriated shall be subject to the condition that the schools maintained by said district shall be available to all Indian children of the school district on the same terms, except as to payment of tuition, as other children of said school district: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

Approved, June 7, 1935.

June 7, 1935.

[H. R. 5213.]

[Public, No. 119.]

Big Horn County,  
Mont.  
Funds for public-school construction, authorized.  
*Post*, p. 584.

*Provisos.*  
Attendance of Indian pupils.

Limitations on expenditures.

## [CHAPTER 205.]

## AN ACT

To provide funds for cooperation with Harlem School District Numbered 12, Blaine County, Montana, for extension of public-school buildings and equipment to be available for Indian children.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, from any moneys in the Treasury not otherwise appropriated, the sum of \$15,000 for the purpose of cooperating with Harlem School District Numbered 12, Blaine County, Montana, for equipment, extension, and improvements of public high-school buildings at Harlem, Montana: *Provided*, That the expenditures of any moneys so appropriated shall be subject to the condition that the schools maintained by said district shall be available to all the Indian children of the district on the same

June 7, 1935.

[H. R. 5216.]

[Public, No. 120.]

Harlem, Mont.  
Funds for public-school construction, authorized.  
*Post*, p. 584.

*Provisos.*  
Attendance of Indian pupils.

Limitation on expenditures. terms, except as to payment of tuition, as other children of said school district: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.  
Approved, June 7, 1935.

[CHAPTER 207.]

JOINT RESOLUTION

June 10, 1935.  
[S. J. Res. 92.]  
[Pub. Res., No. 24.]

Making final disposition of records, files, and other property of the Federal Aviation Commission.

Federal Aviation Commission.  
Final disposition of records and other property of, directed.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That inasmuch as the temporary Federal Aviation Commission authorized by the Seventy-third Congress (S. 3170, Public Document Numbered 308) "for the purpose of making an immediate study and survey, and to report to Congress not later than February 1, 1935, its recommendations of a broad policy covering all phases of aviation and the relation of the United States thereto. \* \* \*", has completed its studies and made its report to Congress, that the said Federal Aviation Commission is hereby authorized and directed to close its records, files, and accounts at the earliest possible date and not later than June 15, 1935, and to deliver all such records, files, and other property to the Interstate Commerce Commission for the use and benefit of the Interstate Commerce Commission and/or other Government agencies that may be concerned with the Federal control or supervision of aviation and/or other transportation facilities.

Pending the time that final disposition is made of the records and files they shall be open to Members of Congress and personnel will be available to June 15, 1935, to furnish information relative to the records and findings of the Commission and to appear before interested congressional committees.

Approved, June 10, 1935.

[CHAPTER 210.]

AN ACT

June 11, 1935.  
[S. 448.]  
[Public, No. 121.]

To authorize a preliminary examination of the Coquille River and its tributaries in the State of Oregon with a view to the control of its floods.

Coquille River, Oreg.  
Survey directed for controlling floods of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War is hereby authorized and directed to cause a preliminary examination to be made of the Coquille River and its tributaries in the State of Oregon, with a view to the control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Approved, June 11, 1935.

Vol. 39, p. 950.  
U. S. C., p. 1487.

## [CHAPTER 211.]

## AN ACT

To authorize a preliminary examination of Umpqua River and its tributaries in the State of Oregon, with a view to the control of its floods.

June 11, 1935.  
[S. 449.]

[Public, No. 122.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is hereby authorized and directed to cause a preliminary examination to be made of the Umpqua River and its tributaries in the State of Oregon, with a view to the control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Umpqua River,  
Oreg.  
Survey directed for  
controlling floods of.

Vol. 39, p. 950.  
U. S. C., p. 1487.

Approved, June 11, 1935.

## [CHAPTER 212.]

## AN ACT

Authorizing a preliminary examination of the Nehalem, Miami, Kilchis, Wilson, Trask, and Tillamook Rivers, in Tillamook County, Oregon, with a view to the controlling of floods.

June 11, 1935.  
[S. 1317.]

[Public, No. 123.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is authorized and directed to cause a preliminary examination to be made of the Nehalem, Miami, Kilchis, Wilson, Trask, and Tillamook Rivers, in Tillamook County, Oregon, with a view to the control of floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Nehalem, etc.,  
Rivers, Oreg.  
Survey directed for  
controlling floods of.

Vol. 39, p. 950.  
U. S. C., p. 1487.

Approved, June 11, 1935.

## [CHAPTER 213.]

## AN ACT

Authorizing a preliminary examination of Sebewaing River, in Huron County, Michigan, with a view to the controlling of floods.

June 11, 1935.  
[S. 2505.]

[Public, No. 124.]

*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 directed to cause a preliminary examination to be made of the Sebewaing River, in Huron County, Michigan, with a view to the control of floods, in accordance with the provisions of section 3 of the Act entitled "An Act to provide for control of floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Sebewaing River.  
Survey directed for  
controlling floods of.

Vol. 39, p. 950.  
U. S. C., p. 1487.

Approved, June 11, 1935.

## [CHAPTER 214.]

## AN ACT

June 11, 1935.  
[H. R. 2015.]  
[Public, No. 125.]

For a Coast Guard station at the eastern entrance to Cape Cod Canal, Massachusetts.

Cape Cod Canal,  
Mass.  
Coast Guard station  
to be established at  
eastern entrance to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station at the eastern entrance to the Cape Cod Canal, Massachusetts, in lieu of the present Manomet Point Auxiliary Boathouse.

Approved, June 11, 1935.

## [CHAPTER 215.]

## AN ACT

June 11, 1935.  
[H. R. 5210.]  
[Public, No. 126.]

To provide funds for cooperation with school district numbered 17-H, Big Horn County, Montana, for extension of public-school buildings, to be available to Indian children.

Big Horn County,  
Mont.  
Funds for public-  
school construction,  
authorized.  
*Post*, p. 584.

*Provides.*  
Attendance of In-  
dian pupils.

Limitation on ex-  
penditure.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, from any moneys in the Treasury not otherwise appropriated, the sum of \$158,000 for the purpose of cooperating with school district numbered 17-H, Big Horn County, Montana, for the extension and improvement of public-school buildings at Hardin and at Crow Agency: *Provided*, That the expenditure of any moneys so appropriated shall be subject to the condition that the schools maintained by said district shall be available to all Indian children of the school district on the same terms, except as to payment of tuition, as other children of the school district: *Provided further*, That such expenditure shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

Approved, June 11, 1935.

## [CHAPTER 216.]

## AN ACT

June 11, 1935.  
[H. R. 6315.]  
[Public, No. 127.]

To provide funds for cooperation with the school board at Medicine Lake, Montana, in construction of a public-school building to be available to Indian children of the village of Medicine Lake, Sheridan County, Montana.

Medicine Lake,  
Mont.  
Funds for public-  
school construction,  
authorized.  
*Post*, p. 584.

*Provides.*  
Attendance of In-  
dian pupils.

Limitation on ex-  
penditure.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated the sum of \$25,000 for the purpose of cooperating with the public-school board of district numbered 7, Sheridan County, Montana, for the construction, extension, and betterment of a public-school building at Medicine Lake, Montana: *Provided*, That the expenditure of any money so appropriated shall be subject to the express conditions that the school maintained by the said school district in the said building shall be available to all Indian children of the village of Medicine Lake, Sheridan County, Montana, on the same terms, except as to payment of tuition, as other children of said school district: *And provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

Approved, June 11, 1935.



## [CHAPTER 219.]

## AN ACT

To further extend relief to water users on United States reclamation projects and on Indian irrigation projects.

June 13, 1935.  
[S. 1305.]  
[Public, No. 128.]

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

SEC. 1. That all of the provisions of the Act entitled "An Act to further extend the operation of the Act entitled 'An Act for the temporary relief of water users on irrigation projects constructed and operated under the reclamation law', approved April 1, 1932", approved March 27, 1934, be, and all of the provisions thereof are hereby, further extended for the period of one year.

Reclamation projects.  
Further extension of payments for water charges, authorized.  
Vol. 43, p. 500.  
Post, p. 1207.

SEC. 2. The Secretary of the Interior is authorized and directed to extend to water users on Indian irrigation projects during the calendar years 1934 and 1935 like relief to that provided in the Acts of January 26th, 1933 (47 Stat. 776), and March 3, 1933 (47 Stat. 1427), applicable to the calendar years 1931, 1932, and 1933.

Water users on Indian irrigation projects.  
Payments deferred.  
Vol. 47, pp. 776, 1427.

Approved, June 13, 1935.

## [CHAPTER 220.]

## AN ACT

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

June 13, 1935.  
[S. 2536.]  
[Public, No. 129.]

*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 during the year beginning at 12 o'clock meridian July 1, 1934, and ending at 12 o'clock meridian July 1, 1935: *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 1934: *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, 1935, 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 1934: *And provided further*, That such suspension of assessment work shall not apply to more than six lode-mining claims held by the same person, nor to more than twelve lode-mining claims held by the same partnership, association, or corporation: *And provided further*, That such suspension of assessment work shall not apply to more than six placer-mining claims not to exceed one hundred and twenty acres (in all) held by the same person, not to more than twelve placer-mining claims not to exceed two hundred and forty acres (in all) held by the same partnership, association, or corporation.

Public lands.  
Mining claims assessments, suspended for fiscal year 1935.  
R. S., sec. 2324, p. 426.  
U. S. C., p. 1333.

*Provided*.  
Claimant not exempt from Federal income tax excluded.

Notice to be filed.

Number of lode-mining claims limited.

Placer-mining claims.

Approved, June 13, 1935.

## [CHAPTER 221.]

## AN ACT

To authorize an extension of exchange authority and addition of public lands to the Willamette National Forest in the State of Oregon.

June 13, 1935.  
[S. 462.]  
[Public, No. 130.]

Willamette National Forest, Oreg.  
Extension of forest exchanges, authorized. Vol. 42, p. 465; Vol. 43, p. 1090.

Additions to become parts of the national forest.

Revested Oregon and California railroad grant lands. Vol. 39, p. 218.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any lands which are in private ownership within the following-described area, which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes, may be offered in exchange under the provisions of the Act of March 20, 1922 (42 Stat. 465), as amended by the Act of February 28, 1925 (43 Stat. 1090), and upon acceptance of title shall become parts of the Willamette National Forest; and, by proclamation of the President of the United States and upon recommendation of the Secretary of Agriculture, any lands in public ownership within such described area, not now within the national forest, found to be chiefly valuable for national-forest purposes, may be added to the Willamette National Forest, subject to any valid existing claims. Townships 16 and 17 south, ranges 3 and 4 east, and sections 31, 32, 33, 34, 35, and 36 in township 15 south, range 3 east, of the Willamette meridian.

SEC. 2. Any lands within the above-described area which are part of the land grant to the Oregon and California Railroad Company, title to which revested in the United States under Act of June 9, 1916 (39 Stat. 218), shall remain subject to all laws relating to said revested land grant.

Approved, June 13, 1935.

## [CHAPTER 222.]

## AN ACT

To add certain lands to the Siskiyou National Forest in the State of Oregon.

June 13, 1935.  
[S. 1513.]  
[Public, No. 131.]

Siskiyou National Forest, Oreg.  
Area enlarged.

Additions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the boundaries of the Siskiyou National Forest, in the State of Oregon, are hereby extended to include the following-described lands, subject to valid existing rights:

Section 31, township 30 south, range 9 west.

Sections 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, and 18, township 31 south, range 9 west.

Sections 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 30 south, range 10 west.

All of township 31 south, range 10 west.

Sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, township 31 south, range 11 west.

All of Willamette meridian.

SEC. 2. Lands hereafter conveyed to the United States within the above-described area upon acceptance of title, shall become parts of the said Siskiyou National Forest and subject to all laws relating thereto. Any lands within the above-described area which are part of the land grant to the Oregon and California Railroad Company title to which revested in the United States under the Act of June 9, 1916 (39 Stat. 218), shall remain subject to all laws relating to said revested land grant.

Approved, June 13, 1935.

Conveyances to become parts of the national forest.

Revested Oregon, etc., railroad grant lands. Vol. 39, p. 218.

## [CHAPTER 223.]

## AN ACT

To amend section 4878 of the United States Revised Statutes, as amended, relating to burials in national cemeteries.

June 13, 1935.  
[S. 1712.]  
[Public, No. 132.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4878 of the United States Revised Statutes, as amended, be further amended by adding at the end of said section a new sentence reading as follows: "Persons who were members of the Cabinet of the President of the United States at any time during the period between April 6, 1917, and November 11, 1918, may be buried in any national cemetery: *Provided*, That the interment is without cost to the United States."

National cemeteries; burials in.  
Certain members of Cabinet.  
Vol. 41, p. 552;  
U. S. C., p. 992.

*Proviso.*  
Interment without Federal expense.

Approved, June 13, 1935.

## [CHAPTER 224.]

## AN ACT

To authorize the crediting of service rendered by personnel (active or retired) subsequently to June 30, 1932, in the computation of their active or retired pay after June 30, 1935.

June 13, 1935.  
[S. 2237.]  
[Public, No. 133.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the suspension during the fiscal years 1933, 1934, and 1935 of the longevity increases provided for in the tenth paragraph of section 1 of the Pay Adjustment Act of 1922, the personnel (active or retired) so affected shall be credited with service rendered subsequently to June 30, 1932, in computing their active or retired pay accruing subsequently to June 30, 1935: *Provided*, That this section shall not be construed as authorizing the payment of back longevity pay for the fiscal years 1933, 1934, and 1935 which would have been paid during such years but for the suspension aforesaid.

Pay Adjustment Act of 1922.  
Vol. 42, p. 626.  
U. S. C., p. 1617.  
Credit for service rendered since June 1932.

*Proviso.*  
Back longevity pay restriction.

Approved, June 13, 1935.

## [CHAPTER 225.]

## AN ACT

To provide for the establishment of a Coast Guard station on the coast of Virginia, at or near the north end of Hog Island, Northampton County.

June 13, 1935.  
[H. R. 65.]  
[Public, No. 134.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized to establish a Coast Guard station on the coast of Virginia, at or near the north end of Hog Island, Northampton County, at such point as the Commandant of the Coast Guard may recommend.

Coast Guard.  
Station near Hog Island, Va., authorized.

Approved, June 13, 1935.

## [CHAPTER 238.]

## AN ACT

Authorizing the exchange of the lands reserved for the Seminole Indians in Florida for other lands.

June 14, 1935.  
[S. 654.]  
[Public, No. 135.]

*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, in his discretion, to exchange lands in the State of Florida reserved for the Seminole Indians by Executive order of June 28, 1911, or purchased for said Indians, or any part thereof, for lands owned by the State of Florida.

Seminole Indians in Florida.  
Exchange of lands with, authorized.

Upon conveyance to the United States by the State of Florida of a sufficient title to the lands to be acquired for the use of the Seminole Indians, the Secretary of the Interior is authorized to issue a patent in fee or to make other proper conveyance to the State of Florida covering the lands granted in exchange.

Approved, June 14, 1935.

[CHAPTER 239.]

AN ACT

To authorize an appropriation to carry out the provisions of the Act of May 3, 1928 (45 Stat. L. 484).

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an appropriation is hereby authorized in the sum of \$79,002.19 to pay various Sioux Indians enrolled at the different agencies the amounts which have been awarded to them by the Secretary of the Interior under the Act of May 3, 1928 (45 Stat. L. 484), on account of allotments of land to which they were entitled but did not receive: *Provided,* That the Secretary of the Interior is authorized and directed to determine what attorney or attorneys have rendered services of value in behalf of said Indians and to pay such attorney or attorneys on such findings when appropriation is available the reasonable value of such services, not to exceed 10 per centum of the recovery on each individual claim, which payment shall be in full settlement for all services rendered by such attorney or attorneys to said claimants in said claims.

Approved, June 14, 1935.

[CHAPTER 240.]

AN ACT

To protect American and Philippine labor and to preserve an essential industry, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, effective May 1, 1935, and for three years thereafter, the total amount of all yarns, twines, cords, cordage, rope, and cable, tarred or untarred, wholly or in chief value of Manila (abaca) or other hard fiber, produced or manufactured in the Philippine Islands, coming into the United States from the Philippine Islands, shall not exceed six million pounds during each successive twelve months period, which six million pounds shall enter the United States duty free.

The amount or quantity of such articles which may be so exported to the United States shall be allocated, under export permits issued by the Government of the Philippine Islands, to the producers or manufacturers thereof. This allocation shall be made by the Governor General of the Philippine Islands prior to the inauguration of the Commonwealth of the Philippines, and thereafter by the President of said Commonwealth, unless otherwise provided by the Legislature of the Commonwealth.

SEC. 2. Pending the final and complete withdrawal of American sovereignty over the Philippine Islands, the President of the United States may, by proclamation, at least ninety days prior to the expiration of the three year period provided in section 1 hereof, extend the operation of this Act for an additional period of three years or more, provided such extension is accepted by the President of the Commonwealth of the Philippines.

June 14, 1935.  
[S. 2241.]  
[Public, No. 136.]

Sioux Indians.  
Sum authorized for  
payments to.  
*Post*, p. 1764.

Vol. 45, p. 484; Vol.  
47, p. 818.  
*Proviso*.  
Attorney's fees.

Limitation.

June 14, 1935.  
[S. 2530.]  
[Public, No. 137.]

Importation of Phil-  
ippine cordage, etc.  
Limitation on  
amount, entering duty  
free, for ensuing three  
years.

Export permits.  
Amount exported to  
be allocated under.

Supervision.

Extension of opera-  
tion of act by procla-  
mation.

SEC. 3. On and after the expiration of the operation of this Act the articles described in section 1 coming into the United States from the Philippines shall be subject to the provisions of section 6 of the Act of Congress approved March 24, 1934, entitled "An Act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes."

Provisions of Independence Act, applicability.

Vol. 48, p. 459.

SEC. 4. Except as provided herein, nothing in this Act shall be construed to modify or repeal the provisions of any existing law.

Existing law not affected.

SEC. 5. The Secretary of the Treasury shall promulgate such rules and regulations as may be necessary to enforce the provisions hereof; and this Act shall be enforced as part of the customs law.

Rules and regulations.

Approved, June 14, 1935.

[CHAPTER 241.]

AN ACT

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, 1936, and for other purposes.

June 14, 1935.  
[H. R. 3973.]  
[Public, No. 133.]

*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, 1936, 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, 1935, and all of the remainder out of the combined revenues of the District of Columbia, namely:

District of Columbia. Appropriations for expenses of fiscal year 1936, from District revenues and \$5,700,000 from the Treasury.

GENERAL EXPENSES

General expenses.

EXECUTIVE OFFICE

Executive office.

For personal services, \$47,420, 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, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical

Office personnel. Additional, for Engineer Commissioner.

*Proviso.* Salaries limited to average rates under Classification Act; exceptions.

Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1008.

U. S. C., p. 85.

One position in a grade.

Advances in meritorious cases.

Restriction not applicable to clerical-mechanical service.

No reduction in fixed salaries.  
 Vol. 42, p. 1490; U. S. C., p. 86.  
 Transfer to another position without pay reduction.  
 Higher rates permitted.

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 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.

If only one position in a grade.

Purchasing division.  
 Building inspection division.  
 Plumbing inspection division.

Purchasing division: For personal services, \$57,000.  
 Building inspection division: For personal services, \$111,360.  
 Plumbing inspection division: For personal services, \$37,390; two members of plumbing board at \$150 each; in all, \$37,690.

Public convenience stations.

PUBLIC CONVENIENCE STATIONS

Maintenance.

For maintenance of public convenience stations, including compensation of necessary employees, \$14,000.

Care of District Building.

CARE OF THE DISTRICT BUILDING

Operating force.

For personal services, including temporary labor, and service of cleaners as necessary at not to exceed 48 cents per hour, \$93,580: *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.

*Proviso.*  
 Employment of additional assistant engineers or watchmen.

Operating supplies.

For fuel, light, power, repairs, laundry, and miscellaneous supplies, \$28,300.

Assessor's office.

ASSESSOR'S OFFICE

For personal services, \$225,000.

Collector's office.

COLLECTOR'S OFFICE

For personal services, \$45,650.

Auditor's office.

AUDITOR'S OFFICE

Personal services.  
 Present disbursing officer permitted other duties.

For personal services, \$124,700; 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.

Corporation Counsel's office.

OFFICE OF CORPORATION COUNSEL

Extra pay, Public Utilities Commission.  
*Post*, p. 576.

Corporation counsel, including extra compensation as general counsel of the Public Utilities Commission, and other personal services, \$99,520.

Alcoholic Beverage Control Board.

ALCOHOLIC BEVERAGE CONTROL BOARD

Salaries and expenses.  
 Purchase of supplies.

For personal services, street-car and bus transportation, telephone service, not exceeding \$500 for the purchase of samples, and other necessary contingent and miscellaneous expenses, \$40,150.

Coroner's office.

CORONER'S OFFICE

Personal services.  
 U. S. C., p. 85.

For personal services, including deputy coroners, in accordance with the Classification Act of 1923, as amended, \$10,180.

Morgue, etc., expenses.  
*Post*, p. 576.

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, \$4,500.

OFFICE OF SUPERINTENDENT OF WEIGHTS, MEASURES, AND MARKETS

For personal services, \$53,800.

For contingent expenses, and maintenance and repairs to markets, including not to exceed \$1,000 for purchase of commodities and for personal services in connection with investigation and detection of sales of short weight and measure, maintenance and repair of nonpassenger-carrying motor vehicles, not to exceed \$141 (to be immediately available) as an additional amount for the purchase and exchange of one nonpassenger-carrying motor vehicle for which \$530 was provided in the District of Columbia Appropriation Act for the fiscal year 1935, and not to exceed \$671 for the purchase and exchange of one nonpassenger-carrying motor vehicle, \$9,042.

For necessary repairs, replacements, additions and improvements to paving, plumbing, water lines, and sewerage at Municipal fish wharf and market, \$5,000.

Office of Superintendent of Weights, Measures, and Markets.  
Personal services.  
Contingent expenses.

Vehicles.

Municipal Fish Wharf, etc.

OFFICE OF CHIEF CLERK, ENGINEER DEPARTMENT

For personal services, \$29,340.

MUNICIPAL ARCHITECT'S OFFICE

For personal services, \$46,920.

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  $2\frac{3}{4}$  per centum of a total of the appropriations in excess of \$2,000,000.

Engineer Department.  
Chief Clerk's office.

Municipal Architect's office.

Personal services.  
Apportionments.

PUBLIC UTILITIES COMMISSION

For two commissioners, people's counsel, and for other personal services, \$69,000, of which amount not to exceed \$5,000 may be used for the employment of expert services by contract or otherwise and without reference to the Classification Act of 1923, as amended.

For incidental and all other general necessary expenses authorized by law, including the purchase of newspapers, \$1,500.

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, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Utilities Commission.

Public Utilities Commission.

Commissioners, people's counsel, etc.  
Experts.

Incidental, etc., expenses.

Issuance of orders requiring meters in taxicabs forbidden.

BOARD OF EXAMINERS, STEAM ENGINEERS

Salaries: Three members, at \$150 each, \$450.

Examiners, steam engineers.

DEPARTMENT OF INSURANCE

For personal services, \$24,620.

Insurance department.

SURVEYOR'S OFFICE

For personal services, \$79,500.

Surveyor's office.

DISTRICT OF COLUMBIA EMPLOYEES' COMPENSATION FUND

Employees' compensation fund.

Payments for injuries.  
Vol. 41, p. 104.  
*Post*, p. 576.

Vol. 39, p. 742; U. S. C., p. 98.

Administrative expenses, compensation to injured employees.  
Vol. 45, p. 600.  
U. S. C., p. 1500.

Transfer to Employees' Compensation Commission.

Retirement Act. Contribution to, from District revenues.  
Vol. 41, p. 614; Vol. 44, p. 904; Vol. 46, p. 468.  
U. S. C., p. 98.

Vehicles and Traffic Department.

Personal services.

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, \$32,500.

Administrative expenses, compensation to injured employees in 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. VII, title 33, sec. 901), \$53,300, for transfer to and expenditure by the Employees' Compensation Commission under its appropriations "Salaries and expenses", \$53,000, and "Printing and binding", \$300.

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, \$69,600; temporary clerk hire, \$4,000; in all, \$73,600.

Expenses, etc.

For purchase, installation, and modification of electric traffic lights, signals and controls, markers, painting white lines, labor, maintenance of non-passenger-carrying motor vehicles and such other expenses as may be necessary in the judgment of the Commissioners, \$63,000, of which not less than \$25,000 shall be expended for the purchase, installation, and modification of electric traffic-light signals: *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.

*Proviso.*  
Not available for street-car loading platforms.

Identification plates.

For the purchase of motor vehicle identification number plates, \$20,000.

Register of Wills.

REGISTER OF WILLS

Personal services.

For personal services, \$73,500.

Miscellaneous expenses.

For miscellaneous and contingent expenses, telephone bills, printing, typewriters, photostat paper and supplies, including laboratory 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.

For personal services, \$104,580.

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, \$12,500.

For rent of offices of the recorder of deeds, \$12,600.

Rent.

### CONTINGENT AND MISCELLANEOUS EXPENSES

Contingent and miscellaneous expenses.

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; 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; \$26,000: *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.

Objects specified.  
*Post*, p. 576.

Removing unsafe, etc., buildings.

*Proviso*.  
Printing, etc., list of supplies forbidden.

For printing and binding, \$43,000, and the last proviso of this paragraph shall not apply to work which can be performed in the central duplicating section of the District of Columbia or the printing plant at the reformatory at Lorton, Virginia: *Provided*, That no part of the appropriations contained in this Act shall be available for expenditure for printing and binding unless the need for such expenditure shall have been specifically approved by the Commissioners of the District of Columbia, or by the purchasing officer and the auditor for the District of Columbia acting for such Commissioners: *Provided further*, That no part of this appropriation shall be available for expenditure unless such printing and binding is done at the Government Printing Office.

Printing and binding.  
Restriction not to apply to central duplicating section or Lorton plant.

*Provisos*.  
Approval of requisitions required.  
*Post*, p. 1611.

Work performed by Public Printer.

### CENTRAL GARAGE

Central garage.

For maintenance, care, repair, and operation of passenger-carrying automobiles owned by the District of Columbia, including personal services, \$58,340; for exchange of such passenger-carrying automobiles now owned by the District of Columbia as, in the judgment of the Commissioners of said District, have or shall become unserviceable, \$10,000; in all, \$68,340.

Automobiles, maintenance, etc.

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

Restriction on use of District-owned vehicles.

Under control of Commissioners.

Transportation between domicile and place of employment.

*Proviso*.  
Purchase, etc., restriction.

- Transfers forbidden. the value of a vehicle exchanged, exceeding \$650. No motor vehicles shall be transferred from the police or fire departments to any other branch of the government of the District of Columbia.
- Fire insurance premiums forbidden. Appropriations in this Act shall not be used for the payment of premiums or other cost of fire insurance.
- Postage. For postage for strictly official mail matter, including the rental of postage meter equipment, \$25,000.
- Transportation. 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.
- Provisos.*  
Limitation. Fire and police departments excepted.
- Judicial expenses. For judicial expenses, including witness fees, and expert services in District cases before the Supreme Court of said District, \$1,350: *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: *Provided further*, That neither the District of Columbia nor any officer thereof acting in his official capacity for the District of Columbia shall be required to pay court costs to the clerk of the Supreme Court of the District of Columbia.
- Provisos.*  
Contracts for reporting permitted.  
R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.
- No court costs, etc., in District Supreme Court required.
- General advertising. For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, \$5,000: *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.
- Proviso.*  
Outside advertising.
- Taxes in arrears.  
Vol. 30, p. 250.
- Proviso.*  
Publication of delinquent list.
- For advertising notice of taxes in arrears July 1, 1935, 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: *Provided*, That this appropriation shall not be available for the payment of advertising the delinquent tax list for more than once a week for two weeks in the regular issue of one morning or one evening newspaper published in the District of Columbia, notwithstanding the provisions of existing law.

## Employment service.

## EMPLOYMENT SERVICE

For personal services and miscellaneous and contingent expenses required for maintaining a public employment service for the District of Columbia, \$4,640.

## Emergency fund.

## EMERGENCY FUND

- Expenses; restriction. 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, \$1,500: *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.
- Proviso.*  
Voucher for expenses.

## 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.

For payment of amounts collected by the District erroneously on account of taxes, fines, fees, and similar charges, which are returned to the respective parties who may have paid the same, \$75,000: *Provided*, That this appropriation shall be available for refund of such erroneous payments made within the past three years only.

To aid in support of the National Conference of Commissioners on Uniform State Laws, \$250.

### REPAYMENT OF LOAN FROM PUBLIC WORKS ADMINISTRATION

For reimbursement to the United States, in compliance with section 3 of the Act approved June 25, 1934 (48 Stat., p. 1215), of funds loaned under the authority of said Act, \$1,000,000: *Provided*, That during the fiscal year 1936 no greater sum shall be deposited in the Treasury of the United States to the credit of the special account established under section 3 of said Act than is required by said section for reimbursement to the United States.

### 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, \$343,550.

Miscellaneous: For books, periodicals, newspapers, and other printed material, including payment in advance for subscription books, and society publications, \$70,000: *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, \$20,000.

For maintenance, alterations, repairs, fuel, lighting, fitting up buildings, care of grounds, maintenance of motor delivery vehicles, and other contingent expenses, including not to exceed \$800 for purchase and exchange of one motor delivery vehicle, \$32,625.

For rent of suitable quarters for branch libraries in Chevy Chase and Woodridge, \$4,320.

### STREET AND ROAD IMPROVEMENT AND REPAIR

For personal services, \$178,280, payable 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.

### GASOLINE TAX, ROAD AND STREET IMPROVEMENTS AND REPAIRS

For paving, repaving, grading, and otherwise improving streets, avenues, and roads, including personal services and the maintenance

Building permits.

*Proviso.*  
Restriction.

Erroneously collected taxes, fines, etc.

*Proviso.*  
Restriction.

Conference on Uniform State Laws.

Loan from Public Works Administration.

Reimbursement.  
Vol. 48, p. 1215.

*Proviso.*  
Amount of deposit, fiscal year 1936.

Free Public Library.

Personal services.

Miscellaneous.

*Proviso.*  
Advances for purchase of books, etc.

Accounting.

Binding.

Contingent expenses.

Chevy Chase and Woodridge branches.

Street and road improvement.

Personal services.  
Payable from gasoline tax fund.

Vol. 43, p. 106.

Gasoline tax, road and street fund.

Paving, etc., streets and roads from.

Vol. 43, p. 106.

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:

Improvements designated.

For paving, repaving, and surfacing, including curbing and gutters where necessary, the following:

Northeast: Eighteenth Street, Otis Street to Bunker Hill Road, \$37,400;

Northwest: Fourteenth Street, Alaska Avenue to Holly Street, \$15,400;

Northwest: Van Buren Street, Blair Road to Piney Branch Road, \$30,800;

Northeast: Eastern Avenue, Bladensburg Road to Rhode Island Avenue, \$49,500;

Northeast: Shepherd Street, Thirteenth Street to Fourteenth Street, \$7,000;

Northeast: Thirteenth Place, Shepherd Street to Taylor Street, \$3,700;

Northwest: Quackenbos Street, Fifth Street to Seventh Street, \$7,700;

Northwest: Sixth Street, Van Buren Street to Whittier Street, \$5,000;

Northeast: Twentieth Street, Quincy Street to Bunker Hill Road, \$11,000;

Northeast: South Dakota Avenue, Twentieth Street to approximately two hundred feet north of Quincy Street, \$12,100;

Northeast: Quincy Street, Twentieth Street to South Dakota Avenue, \$4,400;

Northwest: Juniper Street, Fourteenth Street to Sixteenth Street, \$8,300;

Northwest: Allison Street, Seventeenth Street to Eighteenth Street, \$7,700;

Grading; culverts.

For grading streets, alleys, and roads, including construction of necessary culverts and retaining walls, \$50,000;

Paving center strips.

For paving the unpaved center strips of paved roadways, \$15,000;

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, \$225,000;

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;

Bridges, construction, repair, etc.

For construction, maintenance, operation, and repair of bridges, including maintenance of nonpassenger-carrying motor vehicles, \$65,000;

Street, etc., repairs.

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, \$765,000:

Proviso.  
Purchase of asphalt plant authorized.

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 the construction and repair of pavements of street railways in accordance with the provisions of the Merger Act, approved January 14, 1933 (47 Stat., p. 752). The proportion of the amount thus expended which under the terms of the said Act is required to be paid by the street-railway company shall be collected, upon the neglect or the refusal of such street-railway company to pay, from the said street-railway company in the manner 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 it is collected;

For beginning the construction of a viaduct or bridge and approaches thereto in line of Michigan Avenue Northeast, pursuant to authority contained in the Act approved February 12, 1931 (Public Numbered 618, Seventy-first Congress), as now located on the permanent system of highways of the District of Columbia, between Brookland Avenue and Perry Street Northeast, over the tracks and right-of-way of the Baltimore and Ohio Railroad Company, in accordance with plans and profiles of said work to be approved by the Commissioners of the District of Columbia, including the purchase and condemnation under chapter 15 of the Code of Law for the District of Columbia, and amendments thereto, of necessary land in accordance with the highway plan, construction of and changes in sewer and water mains, personal services, and engineering and incidental expenses, \$100,000: *Provided*, That one-half of the total cost, excepting land, of constructing said viaduct or bridge and approaches shall be borne and paid by the said railroad company, its successors and assigns, to the collector of taxes of the District of Columbia, to the credit of the District of Columbia, and the same shall be a valid and subsisting lien against the franchises and property of the said railroad company and shall constitute a legal indebtedness of said company in favor of the District of Columbia, and the said lien may be enforced in the name of the District of Columbia by a bill in equity brought by the said Commissioners in the Supreme Court of the District of Columbia, or by any other lawful proceeding against the said railroad company: *Provided further*, That from and after the completion of the said viaduct and approaches the highway grade crossing over the tracks and right-of-way of the said Baltimore and Ohio Railroad Company in line of present Michigan Avenue shall be forever closed against further traffic of any kind;

For the widening, altering, and strengthening of the existing viaduct and approaches in the line of Benning Road Northeast, between Kenilworth and Minnesota Avenues over the tracks and right-of-way of the Pennsylvania Railroad Company and the Baltimore and Ohio Railroad Company, in accordance with plans and profiles to be approved by the Commissioners of the District of Columbia, including construction of and changes in sewer and water mains, personal services, and engineering and incidental expenses, \$175,000;

For the construction of a viaduct or bridge and approaches thereto in line of Franklin Street Northeast, over the tracks of the Baltimore and Ohio Railroad, in accordance with plans and profiles to be approved by the Commissioners of the District of Columbia, including construction of and changes in sewer and water mains, personal services, and engineering and incidental expenses, \$200,000: *Provided*, That one-half of the total cost thereof shall be borne and paid by the said railroad company, its successors and assigns, to the collector of taxes of the District of Columbia to the credit of the

Street railways, pavements.  
Vol. 47, p. 752.

Proportion of expenses chargeable to railway company.  
Vol. 20, p. 105.

Michigan Avenue Northeast, construction.  
Vol. 46, p. 1087.

Vol. 31, p. 1266; Vol. 45, p. 1437.

*Provisos.*  
Division of cost.

Lien against railroad property, etc.

Enforcement.

Grade crossing closed.

Benning Road.  
Improving existing viaduct.  
Vol. 33, p. 525.

Franklin Street viaduct.  
Construction over railroad tracks.

*Proviso.*  
Division of costs.

Lien against railroad property, etc. District of Columbia, and the same shall be a valid and subsisting lien against the franchises and property of the said railroad company, and shall constitute a legal indebtedness of said company in favor of the District of Columbia, and the said lien may be enforced in the name of the District of Columbia by a bill in equity brought by the said Commissioners in the Supreme Court of the District of Columbia, or by any other lawful proceeding against the said railroad company;

Enforcement.

Opening streets, etc., permanent highway system. Vol. 37, p. 950. 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, including the procurement of chains of title, \$200,000: *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;

*Proviso.* Alley improvements, building lines, etc. Disbursements, etc. In all, not to exceed \$2,375,000, 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.

*Proviso.* Assessments existing law. under

MISCELLANEOUS ROAD AND STREET IMPROVEMENTS AND REPAIRS

Assessment and permit work. 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 non-passenger-carrying motor vehicles, \$150,000.

Changing widths of sidewalks, etc. 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.

Open competition for street repair, etc., contracts. 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.

Repairs due to inferior work by contractor. 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.

Laboratory tests. 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.

## WHARVES

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.

## TREES AND PARKINGS

For personal services, \$26,600.

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, and tree spaces on city and suburban streets, purchase and maintenance of non-passenger-carrying motor vehicles, and miscellaneous items, \$100,000.

## SEWERS

For personal services, \$184,710.

For cleaning and repairing sewers and basins; including the replacement of the following motor trucks: One at not to exceed \$650; two at not to exceed \$975 each; 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 non-passenger-carrying motor vehicles used in this work, \$222,000.

For main and pipe sewers and receiving basins, \$100,000.

For suburban sewers, including the maintenance of non-passenger-carrying motor vehicles used in this work, and the replacement of the following motor trucks: Two at not to exceed \$3,500 each; two at not to exceed \$975 each; one at not to exceed \$750; \$175,000.

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, \$200,000.

For the control and prevention of the spread of mosquitoes in the District of Columbia, including personal services, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles, purchase of oil, and other necessary expenses, to be immediately available, \$12,000.

## COLLECTION AND DISPOSAL OF REFUSE

For personal services, \$137,270.

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 garages; maintenance and repair of non-passenger-carrying motor-propelled vehicles necessary in cleaning streets and purchase of motor-propelled street-cleaning equipment; and necessary incidental expenses, \$400,000: *Provided*, That appropriations contained in this Act for highways, sewers, and the water department, shall be available for snow removal when specifically and in writing ordered by the Commissioners.

To enable the Commissioners to carry out the provisions of existing law governing the collection and disposal of garbage, dead

Wharves.

Reconstruction, etc.

Trees and parkings.

Personal services.

Contingent expenses.

Sewers.

Personal services.

Cleaning, repair, etc.  
*Post*, p. 1612.

Main and pipe.

Suburban.

Motor trucks.

Assessment and permit work.

Mosquito control.

City refuse.

Personal services.

Sweeping, cleaning, snow and ice removal, etc.

*Post*, p. 1612.*Proviso*.  
Use of other funds for snow removal.

Garbage, dead animals, ashes, etc.

*Proviso.*  
Proceeds covered in;  
division of.

Collection restriction.

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 incidental expenses, \$795,000: *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.

## Public Playgrounds.

## PUBLIC PLAYGROUNDS

*Personal services.*  
*Proviso.*  
Employments restricted.  
Vol. 42, p. 1340.

For personal services, \$113,000: *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, and not to exceed \$1,000 for purchase of one motor truck, \$40,000.

## 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, \$26,500.

## Swimming or bathing pools.

For temporary services, including superintendence, supplies, repairs, maintenance, and expenses necessary in the operation of swimming or bathing pools, \$11,300.

## Electrical Department.

## ELECTRICAL DEPARTMENT

*Personal services.*

For personal services, \$135,300.

## Supplies, contingent expenses, etc.

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, extra labor, new boxes, maintenance of motor trucks, and other necessary items, including not to exceed \$540 for the purchase and exchange of one non-passenger-carrying motor vehicle, \$27,500.

## 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, \$25,000.

## Lighting, etc.

## Airway lights.

**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 accordance 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 Colum-



bia Appropriation Act for the fiscal year 1913 (37 Stat., pp. 181-184, sec. 7), and other laws applicable thereto, and including not to exceed \$28,000 for operation and maintenance of electric traffic lights, signals, and controls, \$801,000: *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.

*Provisos.*  
Electric street lighting rates.

Awards to lowest competitor.

## PUBLIC SCHOOLS

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, \$671,100.

Administrative and supervisory officers.

Vol. 43, p. 367.

For personal services of clerks and other employees, \$187,880.

Personal services.

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), \$41,900.

School attendance and work permit department.

Vol. 43, pp. 367, 806; 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, \$6,953,100, of which not exceeding \$5,000 may be expended for compensation to be fixed by the Board of Education and traveling expenses of educational consultants employed on special educational projects: *Provided*, That as teacher vacancies occur during the fiscal year 1936 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 1936 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.

Teachers, librarians, etc.  
Vol. 43, pp. 367-375.

Traveling expenses.

*Provisos.*  
Assignment of kindergarten teachers in grades 1 to 4.

Placing unassigned teachers of special, etc., subjects.

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, \$29,400.

Vacation schools.

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 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.

Soliciting subscriptions, etc., in schools prohibited.

Exception.

Annuitants.  
Vol. 41, p. 387; Vol.  
44, p. 727.

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.

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, \$91,360.

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, \$10,000.

Deaf, dumb, and blind.

#### THE DEAF, DUMB, AND BLIND

Maintenance, etc., instruction.

R. S., sec. 4864, p. 912.  
Post, p. 577.

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, \$34,500.

Colored deaf mutes.

Tuition of, under contract.

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, \$5,000: *Provided*, That all expenditures under this appropriation shall be made under the supervision of the Board of Education.

*Proviso.*  
Supervision of expenditure.

Blind children.  
Tuition of, under contract.

*Proviso.*  
Supervision of expenditure.

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, \$11,500: *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, \$8,800.

Contingent expenses.

For contingent and other necessary expenses, including books, equipment, and supplies, \$600.

Children of veterans who lost their lives during World War; instruction.  
Vol. 48, p. 1125.

For carrying out the provisions of the Act of June 19, 1934 (48 Stat., p. 1125), entitled "An Act providing educational opportunities for the children of soldiers, sailors, and marines who were killed in action or died during the World War", \$3,000.

Community centers.

#### COMMUNITY CENTER DEPARTMENT

Salaries and expenses.  
Vol. 43, p. 369.

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, \$50,000.

Care of buildings and grounds.

#### CARE OF BUILDINGS AND GROUNDS

Salaries.  
Smaller buildings and rented rooms.

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, \$915,360.

## MISCELLANEOUS

For the maintenance of schools for tubercular and crippled pupils, \$7,500.

For transportation for pupils attending schools for tubercular pupils, sight conservation pupils, and crippled pupils, \$20,000: *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.

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.

For fuel, gas, and electric light and power, \$300,000.

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, \$119,500, 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.

For completing the purchase of furniture and equipment, including pianos and window shades, for the Woodrow Wilson Senior High School, \$15,000: *Provided*, That the total amount expended under this appropriation and the appropriation for this purpose contained in the District of Columbia Appropriation Act for the fiscal year 1935 shall not exceed \$150,000.

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.

For completely furnishing and equipping buildings and additions to buildings as follows: Anacostia Junior High School, \$41,200; Deal Junior High School addition, \$11,000; Powell Junior High School gymnasium, \$1,700; Browne Junior High School addition, \$11,000; Grimke School addition, \$2,100; in all, \$67,000.

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.

For maintenance of kindergartens, \$5,600, to be immediately available.

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, \$14,000, to be immediately available.

For utensils, material, and labor, for establishment and maintenance of school gardens, including rent of grounds, \$2,000.

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.

## Miscellaneous.

Schools for tubercular and crippled pupils.

## Transportation.

*Proviso.*  
Car, etc., fare.

Manual, etc., training expenses.

Fuel, light, and power.

*Post*, p. 577.  
Contingent expenses.

*Proviso.*  
No bond for Army supplies to cadets.

Woodrow Wilson Senior High; furniture, etc.

*Post*, p. 577.  
*Proviso.*  
Total amount for.

Requisitions for school equipment subject to Commissioners' approval.

Furnishings, etc., for buildings designated.

Supplies to pupils.  
Vol. 48, p. 62.

Kindergartens.

Supplies for general science departments.

School gardens.

Nature study, etc., teachers.

Children of Army, Navy officers, 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: *Provided*, That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person teaching or advocating Communism.

*Proviso.*  
Restriction on salary payments.

Repairs, etc., to buildings.

For repairs and improvements to school buildings and grounds, 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, including not to exceed \$1,950 for the purchase of two one and one-half ton trucks, \$420,950, of which amount \$100,000 shall be immediately available.

School-yard playgrounds.  
*Proviso.*  
Hours of opening.

For the purchase, installation, and maintenance of equipment, for school yards for the purposes of play of pupils, \$7,000: *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.

School buildings and grounds.

#### BUILDINGS AND GROUNDS

John F. Cook site.

For the construction of an eight-room building on the old John F. Cook School site, \$110,000.

Eliot Junior High, addition.

For the construction of an addition to the Eliot Junior High School, including ten classrooms and one gymnasium, \$175,000.

Randall Junior High, addition.

For the construction of an eight-room addition to the Randall Junior High School, including remodeling of the present heating plant, \$100,000.

Anacostia Junior High, addition.

For beginning construction of an addition to the Anacostia Junior High School to be used for senior high school pupils, \$250,000, and the Commissioners are authorized to enter into contract or contracts for said construction at a cost not to exceed \$350,000.

Woodrow Wilson High.

For the completion of construction, and for improvement of grounds of the Woodrow Wilson High School, \$70,000.

Armstrong High.

For improvements at the Armstrong High School, \$70,000.

Phelps Vocational, additional site.

For the purchase of additional land at the Phelps Vocational School for elementary-school purposes, \$55,000.

Aggregate; accounted for as one fund.

In all, \$830,000, 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.

*Proviso.*  
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, 1935, and children entering during the second half of the school year who will be five years of age by March 15, 1936: *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.

*Proviso.*  
Webster School Americanization work excepted.

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.

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. 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.

*Proviso.*  
Right to reject bids.

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, \$3,280,000.

Salaries, officers, etc.  
*Post*, p. 1858.

Vol. 43, p. 174.  
Vol. 46, p. 839.

For personal services, \$121,700.

Personal services.

### MISCELLANEOUS

For fuel, \$7,300.

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 fire arms, 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, 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, \$69,770, 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 systems.

Prevention and detection of crime.

*Proviso.*  
Repairs to speedometers.

## Motor vehicles.

For purchase, exchange, and maintenance of passenger-carrying and other motor vehicles and the replacement of those worn out in the service and condemned, \$65,000.

## 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, \$50,125.

## 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 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, \$8,400; for personal services, \$9,420; in all, \$17,820.

## Policemen and Firemen's Relief Fund.

## POLICEMEN AND FIREMEN'S RELIEF FUND

## Payments from.

*Proviso.*  
Deposit of relief funds.  
Vol. 39, p. 718.

To pay the relief and other allowances as authorized by law, from the policemen and firemen's relief fund, \$1,010,000: *Provided*, That commencing with July 1, 1935, and thereafter, all moneys now required to be deposited to the credit of the policemen and firemen's relief fund, District of Columbia, under section 12 of the Act approved September 1, 1916 (39 Stat. 718), as amended, shall be paid to the collector of taxes of the District of Columbia and deposited in the Treasury to the credit of the revenues of said District.

## Fire Department.

## FIRE DEPARTMENT

## SALARIES

## Salaries of officers, etc.

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), \$2,177,000.

Vol. 43, p. 176; Vol. 46, p. 839.

## Personal services.

For personal services, \$5,620.

## Miscellaneous.

## MISCELLANEOUS

Repairs, etc., to buildings.  
Uniforms.

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, \$23,000.

## 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, \$45,000: *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.

*Proviso.*  
Construction at repair shop.

For hose, \$29,500.

For fuel, \$23,000.

For contingent expenses, furniture, fixtures, oil, blacksmithing, gas and electric lighting, flags, and halyards, medals of award, and other necessary items, \$20,000.

For three combination hose wagons and one pumping engine, triple combination, all motor driven, \$34,500.

For house, furniture, and furnishings for a truck company on land now owned by the District of Columbia at Fourteenth Street and Rhode Island Avenue, Northeast, including the cost of necessary instruments for receiving alarms and connecting said house with fire-alarm headquarters, \$77,241.

HEALTH DEPARTMENT

SALARIES

For personal services, \$178,500.

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, \$33,500: *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.

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, \$52,000: *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.

Hose.  
Fuel.  
Contingent expenses.

New apparatus.

Truck house, etc.

Health Department.

Salaries.

Personal services.  
*Post*, p. 577.

Prevention of contagious diseases.

Contingent expenses.  
Vol. 29, p. 635.  
*Post*, p. 577.

Vol. 34, p. 889.  
Tuberculosis registration.  
Vol. 35, p. 126.

Infantile paralysis.  
Venereal diseases.  
Vol. 43, p. 1001.

Disinfecting service.

*Proviso*.  
Bacteriological examination of milk, etc.

Tuberculosis and venereal dispensaries.

*Provisos*.  
Volunteer service.

Compensation.

Drainage of lots, etc.  
Vol. 29, p. 125.

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, \$1,000.

Abatement of nuisances.  
Vol. 34, p. 114.

Hygiene, etc., public schools.  
Free dental clinics.

Hygiene and sanitation, public schools, 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, \$102,500: *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.

*Proviso.*  
Inspectors and nurses,  
division of.

Maintenance of laboratories, etc.

For maintenance of laboratories, including reference books and periodicals, apparatus, equipment, and necessary contingent and miscellaneous expenses, \$1,800.

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 Act.  
Vol. 34, p. 768.

Milk regulations.  
Vol. 43, p. 1004.

*Proviso.*  
Dairy farms inspection; vehicle allowance.

Motor vehicles.

For maintenance and operation of motor ambulances and motor vehicles, \$900.

Child welfare and hygiene.

Child welfare and hygiene: For maintaining a child hygiene service, including the establishment and maintenance of child-welfare stations for clinical examinations, advice in the care of children under six years of age, payment for personal services, rent, fuel, periodicals, and supplies, \$50,000: *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 services.

No pay therefor.

Courts.

## COURTS

Juvenile Court.

### JUVENILE COURT

Salaries.

Salaries: For personal services, \$59,940.

Miscellaneous.

Miscellaneous: For compensation of jurors, \$2,000.

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, \$3,000.



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.

Advances authorized for returning, etc., absconding probationers.

## POLICE COURT

Police Court.

Salaries: For personal services, \$100,550.

Salaries.

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, \$5,100, of which not exceeding \$750 shall be available for telephone and telegraph service.

Contingent expenses.

For witness fees and compensation of jurors, \$22,500.

Witness fees and jurors' compensation.  
Repairs to building.

For repairs and alterations to building, \$1,500.

## MUNICIPAL COURT

Municipal Court.

Salaries: For personal services, including compensation of five judges without reference to the limitation in this Act restricting salaries within the grade, \$77,170.

Salaries.

For compensation of jurors, \$6,000: *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' compensation.  
*Proviso.*  
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, \$3,250.

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, \$133,700.

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.  
R. S., sec. 850, p. 160.  
Vol. 44, p. 323.  
U. S. C., p. 1295.

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, \$37,400: *Provided*, That the compensation of each jury commissioner for the fiscal year 1936 shall not exceed \$250.

Bailiffs, etc.  
*Post*, p. 1613.

*Proviso.*  
Jury commissioners.

Probation system. Probation system: For personal services, \$11,480; contingent expenses, \$250; in all, \$11,730.

Courthouse, care, etc. Courthouse: For personal services for care and protection of the courthouse, under the direction of the United States marshal of the District of Columbia, \$35,290, to be expended under the direction of the Attorney General.

Repairs, 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, \$5,000, to be expended under the direction of the Architect of the Capitol.

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 \$520 for necessary expenditures in the conduct of the clerk's office; in all, \$99,300: *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 United States Court of Appeals Building, including one mechanic, under the direction of the Architect of the Capitol, \$8,340: *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.

Building repairs, etc.

For repairs and improvements to the United States Court of Appeals Building, including repair and maintenance of the mechanical equipment, and for labor and material and every item incident thereto, \$1,500, to be expended under the direction of the Architect of the Capitol.

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, \$60,000.

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, \$1,000.

Miscellaneous expenses as authorized by Attorney General.  
*Post*, p. 1613.

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 United States Court of Appeals, District of Columbia, \$25,000.

Printing and binding.

Printing and binding: For printing and binding for the Supreme Court and the United States Court of Appeals of the District of Columbia, except records and briefs in cases in which the United States is a party, \$5,500.

PUBLIC WELFARE

BOARD OF PUBLIC WELFARE

For personal services, \$115,990.

DIVISION OF CHILD WELFARE

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 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 \$13,060 for personal services in the District of Columbia, \$163,060: *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 and no more than \$400 shall be paid for burial of children dying while beneficiaries under said Act.

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 medicinal supplies, rental, repair and upkeep of buildings, fuel, gas, electricity, ice, supplies and equipment, and other necessary expenses including not to exceed \$19,120 for personal services, \$36,680.

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, \$76,470.

For maintenance and support of prisoners of the District of Columbia at the jail, expenses incurred in identifying and pursuing

Public Welfare.

Board of Public Welfare.  
*Post*, p. 578.  
Personal services.

Child Welfare Division.

Administrative expenses.

Restriction on expenditure.

Board, etc., of children.  
*Post*, p. 1613.

Home care of dependent children.  
Vol. 44, p. 758.

*Proviso*.  
Apportionment restrictions.

Receiving home for children under seventeen.  
Maintenance, etc.  
*Post*, p. 1613.

Advances to director.

Limit.

Jail.

Salaries.

Maintenance, etc., of prisoners.  
*Post*, p. 1613.

escaped prisoners and rewards for their capture; 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, \$82,000.

Workhouse and Reformatory.

GENERAL ADMINISTRATION, WORKHOUSE AND REFORMATORY, DISTRICT OF COLUMBIA

Personal services.

For personal services, \$389,560.

Maintenance, etc.  
Post, p. 1614.

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 non-passenger-carrying vehicles and motor bus; fuel for heating, lighting, and power, and all other necessary items, \$350,000.

Fuel, etc.

Building construction, etc.

For continuing construction of buildings and inclosing walls, including equipment and furniture, to provide for the custody of such prisoners as should be confined within a walled inclosure, \$100,000, to be immediately available.

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, \$30,000: *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 1936 for the purchase and repair of machinery, tools, and equipment, purchase of raw materials and manufacturing supplies, purchase, maintenance, and operation of non-passenger-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 a revolving fund; availability.

Water supply, filtration system.  
Post, p. 1115.

Advances authorized for returning escaped prisoners.

For construction of a sand filter for the permanent water supply system, to be immediately available, \$25,000.

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, \$60,000.

NATIONAL TRAINING SCHOOL FOR GIRLS

National Training School for Girls.

Salaries and expenses.

Salaries: For personal services, \$31,550.

For groceries, provisions, light, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicines, medical attendance, transportation, 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 non-passenger-carrying motor vehicles, \$30,500.

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, \$36,500.

Central Dispensary and Emergency Hospital, \$55,000.

Eastern Dispensary and Casualty Hospital, \$25,000.

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, \$99,500.

Salaries and expenses. Post, p. 1614.

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, \$65,000.

For repairs and improvements to buildings and grounds, including roads and sidewalks, \$3,000.

Repairs, etc.

CHILDREN'S TUBERCULOSIS SANATORIUM

Children's Tuberculosis Sanatorium.

Salaries and expenses.

Salaries: For personal services, including not to exceed \$1,000 for temporary labor, \$77,410.

For provisions, fuel, forage, harness, and vehicles, and repairs to same, maintenance and purchase of horses and horse-drawn vehicles, 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, maintenance of motor truck, and other necessary items, \$67,000.

For repairs and improvements to buildings and grounds, including roads and sidewalks, \$2,000.

Repairs, etc.

For purchase of furniture and equipment, \$40,000.

Furniture, etc.

GALLINGER MUNICIPAL HOSPITAL

Gallinger Hospital.

Salaries: For personal services, including not to exceed \$2,000 for temporary labor, \$396,300.

Salaries.

Maintenance, etc. 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 non-passenger-carrying motor vehicles; and for all other necessary expenses, \$230,000.

Repairs, etc. For repairs and improvements to buildings and grounds, \$4,500.

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

Personal services. For personal services, including not to exceed \$1,000 for temporary labor, \$90,540.

Maintenance, etc. For maintenance and other necessary expenses, including the maintenance of non-passenger-carrying motor vehicles, the purchase and maintenance of horses and wagons, farm machinery and implements, and not to exceed \$200 for the purchase of books, books of reference, and periodicals, \$84,000.

Repairs, etc. For repairs and improvements to buildings and grounds, \$5,000.

Industrial Home School for Colored Children.

INDUSTRIAL HOME SCHOOL FOR COLORED CHILDREN

Salaries. Salaries: For personal services, \$35,970; temporary labor, \$500; in all, \$36,470.

Maintenance, etc. For maintenance, including purchase and maintenance of farm implements, horses, wagons, and harness, and maintenance of non-passenger-carrying motor vehicles, and not to exceed \$1,250 for manual-training equipment and materials, \$25,500.

Repairs, etc. For repairs and improvements to buildings and grounds, \$2,500.

Industrial Home School.

INDUSTRIAL HOME SCHOOL

Salaries. Salaries: For personal services, \$24,200; temporary labor, \$500; in all, \$24,700.

Maintenance. For maintenance, including purchase of equipment, maintenance of non-passenger-carrying motor vehicle, \$22,500.

Repairs, etc. For repairs and improvements to buildings and grounds, \$2,500.

Home for Aged and Infirm.

HOME FOR AGED AND INFIRM

Salaries. Salaries: For personal services, \$61,880; temporary labor, \$2,000; in all, \$63,880.

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 non-passenger-carrying motor vehicles, \$70,000.

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.

MUNICIPAL LODGING HOUSE AND WOOD YARD

For personal services, \$3,600; maintenance, \$4,000; in all, \$7,600.

## EMERGENCY RELIEF

Emergency relief.

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 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, \$2,000,000, to be immediately available, of which amount not more than \$79,000 shall be available for free lunches for necessitous school children.

Wholly from District revenues.  
Post, p. 1186.

## TEMPORARY HOME FOR FORMER SOLDIERS AND SAILORS

For personal services, \$4,620; maintenance, \$9,250; and repairs to buildings and grounds, \$500; in all, \$14,370, to be expended under the direction of the Commissioners; and former Union soldiers, sailors, or marines of the Civil War, former soldiers, sailors, or marines of the Spanish War, Philippine Insurrection, or China relief expedition, and former 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.

Temporary home for former soldiers and sailors.

Personal services; maintenance, etc.

Admittance.

## 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, \$9,000.

Florence Crittenton Home.

## 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, \$2,101,572.

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, \$9,000.

Deporting nonresident insane.  
Vol. 30, p. 811.  
Post, p. 1615.

Advances authorized  
to Director of Public  
Welfare.

Limit.

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 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 non-resident 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, \$13,000.

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, \$450.

#### TRANSPORTATION OF INDIGENT PERSONS

Transporting indigent persons.

For transportation of indigent persons, including indigent veterans of the World War and their families, \$3,500.

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 (U. S. C., Supp. VII, title 29, secs. 47-47f), \$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.  
Post, p. 1615.

For personal services, \$21,200; temporary labor, \$5,800; 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 non-passenger-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 conven-



tions of associations pertaining to the National Guard; and for general incidental expenses of the service, \$9,000; in all, \$36,000.

### ANACOSTIA RIVER AND FLATS

Anacostia Park.

For continuing the reclamation and development of Anacostia Park, in accordance with the revised plan as set forth in Senate Document Numbered 37, Sixty-eighth Congress, first session, \$40,000.

Continuing develop-  
ment.

### NATIONAL CAPITAL PARKS

National Capital  
Parks.

#### SALARIES, PUBLIC PARKS, DISTRICT OF COLUMBIA

For personal services, \$350,000.

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 National Park Service, including not to exceed \$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, \$365,000: *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; and not exceeding \$10,000 for the erection of minor auxiliary structures.

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, \$175,000.

Salaries.  
Vol. 43, p. 176; Vol.  
44, p. 834; 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, \$8,000.

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, \$300,000.

Reimbursing United  
States for lands ac-  
quired for park system.  
Vol. 46, p. 486.

Incidental expenses.  
Vol. 43, p. 463.  
U. S. C., p. 1773.

For each and every purpose, except the acquisition of land, requisite for and incident to the work of the National Capital Park and Planning Commission as authorized by the Act entitled "An Act providing for a comprehensive development of the park and playground 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 \$1,000 for printing and binding, not to exceed \$500 for traveling expenses and carfare of employees of the commission, and not to exceed \$300 for professional, scientific, technical, and reference books, and periodicals, \$37,500.

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; purchase and exchange, at not to exceed \$650, and 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, \$215,000, no part of which sum shall be available for architect's fees or compensation.

Water Service.

## WATER SERVICE

From water revenues.

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, \$450,000.

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.

For revenue and inspection and distribution branches: For personal services, \$176,470. Revenue, inspection and distribution.

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 motor vehicles such as are now owned, and the replacement by purchase and exchange of the following motor-propelled vehicles: One two-passenger coupe at not to exceed \$650; two trucks at not to exceed \$500 each; two trucks at not to exceed \$750 each; and one truck at not to exceed \$3,000; 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 \$2,500; postage, purchase of technical reference books and periodicals not to exceed \$275, and other necessary items, \$7,500; in all for maintenance, \$345,000, 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. Operating expenses.

For extension of the water department distribution system, laying of such service mains as may be necessary under the assessment system, \$225,000. 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, \$90,000. Meters.

For installing fire and public hydrants, \$20,000. 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, \$120,000, to be immediately available. Replacing mains.

During the fiscal year ending June 30, 1936, the Commissioners of the District of Columbia are authorized to allow a reduction of not to exceed 25 per centum in the water charges within the District of Columbia fixed by existing law, and the present metered allowance of seven thousand five hundred cubic feet is increased to ten thousand cubic feet during such fiscal year. Discounts allowed on water charges.

For six thousand five hundred feet of thirty-six inch water main from Eleventh and Kenyon Streets Northwest to Seventeenth and Taylor Streets Northwest, \$120,250. Metered allowance increased.

For two thousand eight hundred feet of thirty-inch water main from Fourth and E Streets Southwest to Canal and E Streets Southeast, \$46,200. New mains.

For seven thousand seven hundred feet of forty-eight inch water main from Second and Bryant Streets to New Jersey Avenue and L Street Northwest, \$192,400.

For the purchase and installation of two twenty-five million gallon daily electrical motor driven centrifugal pumping units at the Bryant Street pumping station, including all necessary appurtenances and alterations and removal of one twelve-million gallon and one twenty-million gallon obsolete steam pumping units, \$123,000. New pumping units. Post, p. 1615.

For the purchase and installation of one one-million-gallon daily capacity electrically driven pumping unit with all necessary appurtenances at the Anacostia pumping station, \$3,000.

For the refunding of water rents and other water charges erroneously paid in the District of Columbia, to be refunded in the manner prescribed by law for the refunding of erroneously paid taxes, \$3,500: Refunds of erroneous charges.

*Proviso.*  
Time limitation.

*Provided*, That this appropriation shall be available for such refunds of payments made within the past two years.

Construction work,  
etc., under Commis-  
sioners.

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 1936: *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.

*Provisos.*  
Expense limitation.  
Period of employ-  
ment.

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

Specific authority re-  
quired.

*Proviso.*  
Temporary work,  
etc.

under the conditions named in section 2 of this Act in relation to the employment of laborers, skilled laborers, and mechanics.

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.

Miscellaneous trust funds.  
Expenses, payable from.  
Vol. 33, p. 368.

*Proviso.*  
Employment of labor, etc.

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.

Leaves of absence.

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 Procurement Division of the Treasury Department or from 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 8, 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.

Material, supplies, vehicles, etc.

Purchase from stock of Government activities no longer needed.

Price stipulation.

*Proviso.*  
Transfers under Executive Order.

SEC. 6. No part of the funds appropriated in this Act for any activity shall be available for transfer to any other activity or between subheads of the same activity unless specifically authorized by the Director of the Bureau of the Budget.

Transfer of funds restricted.

SEC. 7. No part of the funds appropriated in this Act shall be available for the payment of rental of quarters for any activity at a rate in excess of 90 per centum of the per annum rate paid by the District of Columbia for such quarters on June 30, 1933: *Provided*, That the provisions of this paragraph shall not apply to leases made prior to the passage of this Act, except when renewals thereof are made hereafter: *Provided further*, That the appropriations or portions of appropriations unexpended by reason of the operation of this paragraph shall not be used for any purpose, but shall be impounded and deposited in the Treasury to the credit of the District of Columbia.

Limitation on rentals.

*Proviso.*  
Prior leases.

Unexpended balances covered in.

Approved, June 14, 1935.

## [CHAPTER 242.]

## AN ACT

June 14, 1935.

[H. R. 6371.]

[Public, No. 139.]

To authorize an increase in the annual appropriation for books for the adult blind.

Books for the adult blind.

Annual appropriation for, increased.

Vol. 46, p. 1487; Vol. 47, p. 1570; U. S. C., p. 16.

Proviso.

Division of amount.

Applicability.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1, as amended, of the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931 (U. S. C., Supp. VII, title 2, sec. 135a), is amended (1) by striking out "\$100,000" and inserting in lieu thereof "\$175,000", and (2) by inserting before the period at the end thereof a colon and the following: "Provided, That of said annual appropriation of \$175,000, not exceeding \$100,000 thereof shall be expended for books in raised characters, and not exceeding \$75,000 thereof shall be expended for sound-reproduction records."

SEC. 2. This Act shall be applicable with respect to the fiscal year ending June 30, 1936, and for each fiscal year thereafter.

Approved, June 14, 1935.

## [CHAPTER 243.]

## AN ACT

June 14, 1935.

[H. R. 6987.]

[Public, No. 140.]

Authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near a point where Louisiana Highway Numbered 7 meets Texas Highway Numbered 87.

Sabine River.  
Louisiana and Texas may bridge, near junction of designated highways.

Construction.

Vol. 34, p. 84.

U. S. C., p. 1474.

Right to acquire real estate, etc., for location, approaches, etc.

Condemnation proceedings.

Amendment.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the State of Louisiana and the State of Texas be, and are hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Sabine River, at a point suitable to the interests of navigation, at or near a point where Louisiana Highway Numbered 7 meets Texas Highway Numbered 87, 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. There is hereby conferred upon the State of Louisiana and the State of Texas all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property 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 in which such real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 14, 1935.

## [CHAPTER 244.]

## AN ACT

To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebraska.

June 14, 1935.  
[H. R. 7081.]  
[Public, No. 141.]

*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 26, 1929, heretofore extended by Acts of Congress approved June 10, 1930, March 4, 1933, and June 12, 1934, to be built by the Brownville Bridge Company across the Missouri River, at or near Brownville, Nebraska, are hereby further extended one and three years, respectively, from June 12, 1935.

Missouri River.  
Time extended for  
bridging, at Brown-  
ville, Nebr.  
Vol. 45, p. 1309; Vol.  
46, p. 551; Vol. 47, p.  
1554; Vol. 48, p. 947.

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

Amendment.

Approved, June 14, 1935.

## [CHAPTER 245.]

## JOINT RESOLUTION

To extend from June 16, 1935, to June 16, 1938, the period within which loans made prior to June 16, 1933, to executive officers of member banks of the Federal Reserve System may be renewed or extended.

June 14, 1935.  
[H. J. Res. 320.]  
[Pub. Res., No. 25.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (g) of section 22 of the Federal Reserve Act is hereby amended by striking out: "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." and inserting in lieu thereof: "Provided, That loans made to any such officer prior to June 16, 1933, may be renewed or extended for periods expiring not more than five years from such date where the board of directors of the member bank shall have satisfied themselves that such extension or renewal is in the best interest of the bank and that the officer indebted has made reasonable effort to reduce his obligation, these findings to be evidenced by resolution of the board of directors spread upon the minute book of the bank."

Federal Reserve Act,  
amendment.  
Vol. 48, p. 182; U. S.  
C., p. 398.

Post, p. 716.

Loans to executive  
officers of member  
banks.  
Extension or renewal.

Approved, June 14, 1935.

## [CHAPTER 246.]

## JOINT RESOLUTION

To extend until April 1, 1936, certain provisions of Title I of the National Industrial Recovery Act, and for other purposes.

June 14, 1935.  
[S. J. Res. 113.]  
[Pub. Res., No. 26.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2 (c) of Title I of the National Industrial Recovery Act is amended by striking out "at the expiration of two years after the date of enactment of this Act" and inserting in lieu thereof "on April 1, 1936".

National Industrial  
Recovery Act.  
Duration of Act;  
agencies established.  
Vol. 48, p. 196.  
U. S. C., p. 582.

SEC. 2. All the provisions of Title I of such Act delegating power to the President to approve or prescribe codes of fair competition and providing for the enforcement of such codes are hereby repealed: *Provided,* That the exemption provided in section 5 of such title shall extend only to agreements and action thereunder (1) putting into effect the requirements of section 7 (a), including minimum wages, maximum hours, and prohibition of child labor; and (2) prohibiting unfair competitive practices which offend against existing law, including the antitrust laws, or which constitute unfair methods of competition under the Federal Trade Commission Act, as amended.

Codes of fair compe-  
tition, approval, etc.;  
provisions repealed.

*Proviso.*  
Exemption of agree-  
ments, etc., from opera-  
tion of antitrust laws.

Vol. 38, p. 717;  
U. S. C., p. 514.

Approved, June 14, 1935.

[CHAPTER 247.]

JOINT RESOLUTION

June 14, 1935.  
[S. J. Res. 112.]  
[Pub. Res., No. 27.]

Extending the effective period of the Emergency Railroad Transportation Act, 1933

Emergency Railroad Transportation Act, 1933.

Vol. 48, p. 211.  
Title I—Emergency powers; continued.  
Orders of Coordinator, etc.; effectiveness of subsequent State laws.

Vol. 48, p. 215; U. S. C., p. 2256.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Title I of the Emergency Railroad Transportation Act, 1933, shall continue in full force and effect until June 17, 1936, 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.

Assessment on carriers.

Vol. 48, pp. 216, 954; U. S. C., p. 2256.

SEC. 2. That it shall be the duty of each carrier to pay into the fund provided for by section 14 of the Emergency Railroad Transportation Act, 1933, within twenty days after June 16, 1935, \$2 for every mile of road operated by it on December 31, 1934, as reported to the Commission, and it shall be the duty of the Secretary of the Treasury to collect such assessments.

Approved, June 14, 1935.

[CHAPTER 248.]

JOINT RESOLUTION

June 14, 1935.  
[S. J. Res. 130.]  
[Pub. Res., No. 28.]

Making immediately available the appropriation for the fiscal year 1936 for the construction, repair, and maintenance of Indian-reservation roads.

Indian Reservation roads.

Funds for, in Interior Department Act, made immediately available.  
*Ante*, p. 196.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the appropriation of \$4,000,000 for the construction, repair, and maintenance of Indian-reservation roads, contained in the Interior Department Appropriation Act for the fiscal year ending June 30, 1936, is hereby made immediately available.

Approved, June 14, 1935.

[CHAPTER 255.]

AN ACT

June 15, 1935.  
[H. R. 67.]  
[Public, No. 142.]

To repeal certain laws providing that certain aliens who have filed declarations of intention to become citizens of the United States shall be considered citizens for the purposes of service and protection on American vessels.

Alien seamen declarants.

Citizenship status of certain, repealed.

Vol. 40, p. 544; U. S. C., p. 215.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subdivision "Eighth" of section 4 of the Act of June 29, 1906, entitled "An Act to establish a Bureau of Immigration and Naturalization and to provide a uniform rule for the naturalization of aliens throughout the United States", as amended by section 1 of the Act entitled "An Act to amend the naturalization laws and to repeal certain sections of the Revised Statutes of the United States and other laws relating to naturalization, and for other purposes", approved May 9, 1918 (U. S. C., title 8, sec. 376), is hereby repealed.

SEC. 2. This Act shall take effect ninety days after its enactment.

Approved, June 15, 1935.

Effective date.



## [CHAPTER 256.]

## AN ACT

To amend the Act entitled "An Act to give war-time rank to retired officers and former officers of the Army, Navy, Marine Corps, and/or Coast Guard of the United States", approved June 21, 1930, so as to give class B officers of the Army benefits of such Act.

June 15, 1935.

[S. 927.]

[Public, No. 143.]

*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 give war-time rank to retired officers and former officers of the Army, Navy, Marine Corps, and/or Coast Guard of the United States", approved June 21, 1930, is amended by striking out the words "except those retired under the provisions of section 24b of the Act of June 4, 1920."

War-time rank on retirement to Army, etc., officers serving during World War.  
Vol. 46, p. 793; U. S. C., p. 278.  
Class B officers.  
Vol. 41, p. 773; U. S. C., p. 258.

Approved, June 15, 1935.

## [CHAPTER 257.]

## AN ACT

To authorize naval and Marine Corps service of Army officers to be included in computing dates of retirement.

June 15, 1935.

[S. 2029.]

[Public, No. 144.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in computing service for the purpose of retirement of an officer of the Army, there shall be included, in addition to service now authorized by law to be included, all service in the Navy or Marine Corps which is authorized by law to be included for the purpose of retirement of an officer of the Navy or Marine Corps.

Army officers.  
Computation of retirement date; Naval and Marine Corps service.  
R. S., sec. 1243, p. 218; U. S. C., p. 275.

Approved, June 15, 1935.

## [CHAPTER 258.]

## AN ACT

To provide funds for acquisition of a site, erection of buildings, and the furnishing thereof for the use of the diplomatic and consular establishments of the United States at Helsingfors, Finland.

June 15, 1935.

[H. R. 4448.]

[Public, No. 145.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purpose of further carrying into effect the provisions of the Foreign Service Buildings Act of 1926, as amended, there is authorized to be appropriated, in addition to the amount authorized by such Act, an amount not to exceed \$300,000 for the purpose of acquiring a site, erection of buildings, and the furnishings thereof, for the use of the diplomatic and consular establishments of the United States at Helsingfors, Finland. Sums appropriated pursuant to this Act shall be available for the purpose and be subject to the conditions and limitations of the Foreign Service Buildings Act of 1926, as amended.

Foreign Service Buildings Act of 1926.  
Sum authorized for site, etc., at Helsingfors, Finland.  
Post, p. 590.

Vol. 44, p. 403; U. S. C., p. 967.

Sums available.

Approved, June 15, 1935.

## [CHAPTER 259.]

## AN ACT

Relating to the powers and duties of United States marshals.

June 15, 1935.

[H. R. 5456.]

[Public, No. 146.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 787 of the Revised Statutes (U. S. C., title 28, sec. 503), be, and the same is hereby, amended to read as follows:

Marshals, United States Courts.  
R. S., sec. 787, p. 148; U. S. C., p. 1284.

Duties.

"SEC. 787. It shall be the duty of the marshal of each district to attend the district courts when sitting therein and to execute all lawful precepts issued under the authority of the United States; and he shall have power to command all necessary assistance in the execution of his duty."

Power to arrest without warrant in specified cases, added.

SEC. 2. That, in addition to all other powers, United States marshals and their deputies shall have the power to make arrests without warrant for any offense against the laws of the United States committed in their presence or for any felony cognizable under the laws of the United States in cases where such felony has in fact been or is being committed and they have reasonable grounds to believe that the person to be arrested has committed or is committing it. The marshals and their deputies shall also have the power to carry firearms.

Approved, June 15, 1935.

[CHAPTER 260.]

AN ACT

To define the election procedure under the Act of June 18, 1934, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in any election heretofore or hereafter held under the Act of June 18, 1934 (48 Stat. 984), on the question of excluding a reservation from the application of the said Act or on the question of adopting a constitution and bylaws or amendments thereto or on the question of ratifying a charter, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate such exclusion, adoption, or ratification, as the case may be: *Provided, however,* That in each instance the total vote cast shall not be less than 30 per centum of those entitled to vote.

Indians; election procedure under Act of June 18, 1934.  
Vol. 48, p. 984.

*Proriso.*  
Vote requirement.

Time extended for holding election.

SEC. 2. The time for holding elections on the question of excluding a reservation from the application of said Act of June 18, 1934, is hereby extended to June 18, 1936.

Period of trust or restrictions on alienation of Indian land, extended; conditions.

SEC. 3. If the period of trust or of restriction on any Indian land has not, before the passage of this Act, been extended to a date subsequent to December 31, 1936, and if the reservation containing such lands has voted or shall vote to exclude itself from the application of the Act of June 18, 1934, the periods of trust or the restrictions on alienation of such lands are hereby extended to December 31, 1936.

Existing laws and treaty provisions effective.

SEC. 4. All laws, general and special, and all treaty provisions affecting any Indian reservation which has voted or may vote to exclude itself from the application of the Act of June 18, 1934 (48 Stat. 984), shall be deemed to have been continuously effective as to such reservation, notwithstanding the passage of said Act of June 18, 1934. Nothing in the Act of June 18, 1934, shall be construed to abrogate or impair any rights guaranteed under any existing treaty with any Indian tribe, where such tribe voted not to exclude itself from the application of said Act.

Existing rights.

Approved, June 15, 1935.

[CHAPTER 261.]

AN ACT

To amend the Migratory Bird Hunting Stamp Act of March 16, 1934, and certain other Acts relating to game and other wildlife, administered by the Department of Agriculture, and for other purposes.

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

TITLE I—MIGRATORY BIRD HUNTING STAMP

SECTION 1. That section 1 of the Act entitled "An Act to supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and

Migratory Bird Hunting Stamp Act, amendments.  
Vol. 48, p. 451.

June 15, 1935.  
[H. R. 7982.]  
[Public, No. 148.]

administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes", approved March 16, 1934 (48 Stat. 451), is amended so as to read as follows:

"That no person over sixteen years of age shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired Federal migratory-bird hunting stamp validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds; except that no such stamp shall be required for the taking of migratory waterfowl by Federal or State institutions or official agencies, or for propagation, or by the resident owner, tenant, or share cropper of the property or officially designated agencies of the Department of Agriculture for the killing, under such restrictions as the Secretary of Agriculture may by regulation prescribe, of such waterfowl when found injuring crops or other property. Any person to whom a stamp has been sold under this Act shall upon request exhibit such stamp for inspection to any officer or employee of the Department of Agriculture authorized to enforce the provisions of this Act or to any officer of any State or any political subdivision thereof authorized to enforce game laws."

Hunting stamps; requirement.

Exceptions; regulations by Secretary of Agriculture.

Inspection of stamp.

SEC. 2. That section 2 of said Act is amended so as to read as follows:

"SEC. 2. That the stamps required by this Act shall be issued and sold by the Post Office Department under regulations prescribed by the Postmaster General: *Provided*, That the stamps shall be sold at all post offices of the first- and second-class and at such others as the Postmaster General shall direct. For each such stamp sold under the provisions of this Act there shall be collected by the Post Office Department the sum of \$1. No such stamp shall be valid under any circumstances to authorize the taking of migratory waterfowl except in compliance with Federal and State laws and regulations and then only when the person so taking such waterfowl shall himself have written his signature in ink across the face of the stamp prior to such taking. Each such stamp shall expire and be void after the 30th day of June next succeeding its issuance and all such stamps remaining unsold by the Post Office Department at the expiration of said June 30 shall be destroyed by said Department. No stamp sold under this Act shall be redeemable by said Department in cash or in kind."

Issue of, by Post Office Department.

*Provided*.  
Sale of.

Fees.

Validity provisions.

Expiration date.

Unsold stamps.

Redemptions.

Migratory bird conservation fund.  
Stamp fees; accounting.  
Vol. 48, p. 452.

SEC. 3. That section 4 of said Act is amended by striking out the word "postmaster" in the second line of said section and substituting in lieu thereof the words "Post Office Department" and by striking out subdivision (b) of said section and substituting in lieu thereof the following:

"(b) The remainder shall be available for expenses in executing this Act, the Migratory Bird Conservation Act, the Migratory Bird Treaty Act, and any other Act to carry into effect any treaty for the protection of migratory birds, including personal services in the District of Columbia and elsewhere, and also including advance allotments to be made by the Secretary of Agriculture to the Post Office Department at such times and in such amounts as may be mutually agreed upon by the Secretary of Agriculture and the Postmaster General for direct expenditure by the Post Office Department for engraving, printing, issuing, selling, and accounting for migratory bird hunting stamps and moneys received from the sale thereof, personal services in the District of Columbia and elsewhere, and for such other expenses as may be necessary in executing the duties and functions required of the Postal Service

Funds available for administrative expenses.  
Post, p. 1446.

Advances to Post Office Department.

*Proviso.*  
Cooperation with States, etc.  
Vol. 45, p. 1225; U. S. C., p. 687.  
Provision repealed.  
Vol. 48, p. 452.

Penalty provisions.

Loan or transfer of stamp.  
Vol. 48, p. 462.

Altering, counterfeit-  
ing, etc., stamps.

Interstate commerce  
in game and other wild  
life.

Vol. 35, p. 1137.  
U. S. C., p. 753.

Unlawful shipping,  
etc.  
*Post*, p. 1445.

Foreign trade.

by this Act: *Provided*, That the protection of said inviolate migratory-bird sanctuaries shall be, so far as possible, under section 17 of the Migratory Bird Conservation Act of February 18, 1929.”

SEC. 4. That subdivision (c) of said section 4 of said Act is hereby repealed.

SEC. 5. That section 5 of said Act is amended so as to read as follows:

“SEC. 5. (a) That no person to whom has been sold a migratory-bird hunting stamp, validated as provided in section 1 of this Act, shall loan or transfer such stamp to any person during the period of its validity; nor shall any person other than the person validating such stamp use it for any purpose during such period.

“(b) That no person shall alter, mutilate, imitate, or counterfeit any stamp authorized by this Act, or imitate or counterfeit any die, plate, or engraving therefor, or make, print, or knowingly use, sell, or have in his possession any such counterfeit, die, plate, or engraving.”

## TITLE II—INTERSTATE COMMERCE IN GAME AND OTHER WILD LIFE KILLED OR SHIPPED IN VIOLATION OF LAW

SECTION 201. That sections 242, 243, and 244 of the Act of March 4, 1909, entitled “An Act to codify, revise, and amend the penal laws of the United States” (35 Stat. 1088), are amended to read as follows:

“SEC. 242. It shall be unlawful for any person, firm, corporation, or association to deliver or knowingly receive for shipment, transportation, or carriage, or to ship, transport, or carry, by any means whatever, from any State, Territory, or the District of Columbia to, into, or through any other State, Territory, or the District of Columbia, or to a foreign country any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country contrary to any law of the United States, or captured, killed, taken, purchased, sold, or possessed contrary to any such law, or captured, killed, taken, shipped, transported, carried, purchased, sold, or possessed contrary to the law of any State, Territory, or the District of Columbia, or foreign country or State, Province, or other subdivision thereof in which it was captured, killed, taken, purchased, sold, or possessed or in which it was delivered or knowingly received for shipment, transportation, or carriage, or from which it was shipped, transported, or carried; and it shall be unlawful for any person, firm, corporation, or association to transport, bring, or convey, by any means whatever, from any foreign country into the United States any wild animal or bird, or the dead body or part thereof, or the egg of any such bird captured, killed, taken, shipped, transported, or carried contrary to the law of the foreign country or State, Province, or other subdivision thereof in which it was captured, killed, taken, delivered, or knowingly received for shipment, transportation, or carriage, or from which it was shipped, transported, or carried; and no person, firm, corporation, or association shall knowingly purchase or receive any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country or shipped, transported, carried, brought, or conveyed, in violation of this section; nor shall any person, firm, corporation, or association purchasing or receiving any wild animal or bird, or the dead body or part thereof, or the egg of any such bird, imported from any foreign country, or shipped, transported, or carried in interstate commerce make any false record or render any account that is false in any respect in reference thereto.

"SEC. 243. All packages or containers in which wild animals or birds, or the dead bodies or parts thereof, or the eggs of any such birds are shipped, transported, carried, brought, or conveyed, by any means whatever, from one State, Territory, or the District of Columbia to, into, or through another State, Territory, or the District of Columbia, or to or from a foreign country shall be plainly and clearly marked or labeled on the outside thereof with the names and addresses of the shipper and consignee and with an accurate statement showing by number and kind the contents thereof.

Marking of packages.

"SEC. 244. For each evasion or violation of, or failure to comply with, any provision of the three sections last preceding, any person, firm, corporation, or association, upon conviction thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months, or both."

Penalty for violations.

SEC. 202. That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of said sections 242 and 243, and any officer of the customs, shall have power to arrest any person committing a violation of any provision of said sections in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of said sections; and shall have authority to execute any warrant to search for and seize wild animals or birds, or the dead bodies or parts thereof, or the eggs of such birds, delivered or received for shipment, transportation, or carriage, or shipped, transported, carried, brought, conveyed, purchased, or received in violation of said sections 242 and 243. Any judge of a court established under the laws of the United States or any United States commissioner may, within his jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Wild animals or birds, or the dead bodies or parts thereof, or the eggs of such birds, delivered or received for shipment, transportation, or carriage, or shipped, transported, carried, brought, conveyed, purchased, or received contrary to the provisions of said sections 242 and 243 shall, when found, be taken into possession and custody by any such employee or by the United States marshal or his deputy, or by any officer of the customs, and held pending disposition thereof by the court; and when so taken into possession or custody, upon conviction of the offender or upon judgment of a court of the United States that the same were delivered or received for shipment, transportation, or carriage, or were shipped, transported, carried, brought, conveyed, purchased, or received contrary to any provision of said sections 242 and 243, or were imported in violation of any law of the United States, as a part of the penalty and in addition to any fine or imprisonment imposed under aforesaid section 244, or otherwise, shall be forfeited and disposed of as directed by the court.

Enforcement provisions.

Warrants to issue.

Seizures authorized.

### TITLE III—ACQUISITION OF LANDS FOR MIGRATORY BIRD REFUGES

Acquisition of lands for refuges.

SECTION 301. That section 6 of the Migratory Bird Conservation Act, approved February 18, 1929 (45 Stat. 1222), is amended to read as follows:

Vol. 45, p. 1223; U. S. C., p. 687.

"SEC. 6. That the Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this Act, but no payment shall be made for any such areas until the title thereto shall

Expenditures to acquire titles, etc.

Rights-of-way, easements, etc.

be satisfactory to the Attorney General, but the acquisition of such areas by the United States shall in no case be defeated because of rights-of-way, easements, and reservations which from their nature will in the opinion of the Secretary of Agriculture in no manner interfere with the use of the areas so encumbered for the purposes of this Act; but such rights-of-way, easements, and reservations retained by the grantor or lessor from whom the United States receives title under this or any other Act for the acquisition by the Secretary of Agriculture of areas for wildlife refuges shall be subject to rules and regulations prescribed by the Secretary of Agriculture for the occupation, use, operation, protection, and administration of such areas as inviolate sanctuaries for migratory birds or as refuges for wildlife; and it shall be expressed in the deed or lease that the use, occupation, and operation of such rights-of-way, easements, and reservations shall be subordinate to and subject to such rules and regulations as are set out in such deed or lease or, if deemed necessary by the Secretary of Agriculture, to such rules and regulations as may be prescribed by him from time to time."

Reservations to be stated in instrument of conveyance.

Exchanges of lands permitted.

SEC. 302. That when the public interests will be benefited thereby the Secretary of Agriculture is authorized, in his discretion, to accept on behalf of the United States title to any land which he deems chiefly valuable for wildlife refuges, and in exchange therefor to convey by deed on behalf of the United States an equal value of lands acquired by him for like purposes, or he may authorize the grantor to cut and remove from such lands an equal value of timber, hay, or other products, or to otherwise use said lands, when compatible with the protection of the wildlife thereon, the values in each case to be determined by said Secretary. Timber or other products so granted shall be cut and removed, and other uses exercised, under the laws and regulations applicable to such refuges and under the direction of the Secretary of Agriculture and under such supervision and restrictions as he may prescribe. Any lands acquired by the Secretary of Agriculture under the terms of this section shall immediately become a part of the refuge or reservation of which the lands, timber, and other products or uses given in exchange were or are a part and shall be administered under the laws and regulations applicable to such refuge or reservation.

Removal of timber under regulation.

Administration of acquired areas.

Exchange for non-mineral public lands.

SEC. 303. That when the public interests will be benefited thereby the Secretary of the Interior is authorized, in his discretion, to accept on behalf of the United States title to any lands which, in the opinion of the Secretary of Agriculture, are chiefly valuable for migratory bird or other wildlife refuges, and in exchange therefor may patent not to exceed an equal value of surveyed or unsurveyed, unappropriated, and unreserved nonmineral public lands of the United States in the same State, the value in each case to be determined by the Secretary of Agriculture. Before any such exchange is effected notice thereof, reciting the lands involved, shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands proposed to be granted by the United States in such exchange. Lands conveyed to the United States under this section shall be held and administered by the Secretary of Agriculture under the terms of section 10 of the aforesaid Migratory Bird Conservation Act of February 18, 1929, and all the provisions of said section of said Act are hereby extended to and shall be applicable to the lands so acquired.

Notice thereof to be published.

Administration of acquired areas.  
Vol. 45, p. 1224; U. S. C., p. 688.

Existing provisions affecting transfers, etc., continued.  
Vol. 45, p. 1223.

SEC. 304. That all the provisions of section 6 of the aforesaid Migratory Bird Conservation Act, as hereby amended, relating to rights-of-way, easements, and reservations shall apply equally to exchanges effected under the provisions of this Act, and in any such

exchanges the value of such rights-of-way, easements, and reservations shall be considered in determining the relation of value of the lands received by the United States to that of the land conveyed by the United States.

#### TITLE IV—PARTICIPATION OF STATES IN REVENUE FROM CERTAIN WILDLIFE REFUGES

SECTION 401. That 25 per centum of all money received during each fiscal year from the sale or other disposition of surplus wildlife, or of timber, hay, grass, or other spontaneous products of the soil, shell, sand, or gravel, and from other privileges on refuges established under the Migratory Bird Conservation Act of February 18, 1929, or under any other law, proclamation, or Executive order, administered by the Bureau of Biological Survey of the United States Department of Agriculture, shall be paid at the end of such year by the Secretary of the Treasury to the county or counties in which such refuge is situated, to be expended for the benefit of the public schools and roads in the county or counties in which such refuge is situated: *Provided*, That when any such refuge is in more than one State or Territory or county or subdivision, the distributive share to each from the proceeds of such refuge shall be proportional to its area therein: *Provided further*, That the disposition or sale of surplus animals, and products, and the grant of privileges on said wildlife refuges may be made upon such terms and conditions as the Secretary of Agriculture shall determine to be for the best interests of government or for the advancement of knowledge and the dissemination of information regarding the conservation of wildlife, including sale in the open market, exchange for animals of the same or other kinds, and gifts or loans to public or private institutions for exhibition or propagation: *And provided further*, That out of any moneys received from the grant, sale, or disposition of such animals, products, or privileges, or as a bonus upon the exchange of such animals the Secretary of Agriculture is authorized to pay any necessary expenses incurred in connection with and for the purpose of effecting the removal, grant, disposition, sale, or exchange of such animals, products, or privileges; and in all cases such expenditures shall be deducted from the gross receipts of the refuge before the Secretary of the Treasury shall distribute the 25 per centum thereof to the States as hereinbefore provided.

Participation of States in revenue from wildlife refuges.

Use of funds by States.

*Proviso.*  
Distribution where refuge is in more than one State, etc.

Disposition of surplus animals, etc.

Deducting expenses.

#### TITLE V—ACQUISITION OF WILDLIFE REFUGES

SECTION 501. The President of the United States is hereby authorized to allocate out of moneys appropriated to him under the terms of Public Resolution Numbered 11, Seventy-fourth Congress, approved April 8, 1935, such sum as he may deem necessary or advisable for the acquisition by purchase, or otherwise, including the necessary expenses incidental thereto, of areas of land and water or land or water for game bird and animal refuges and for migratory bird sanctuaries and refuges, to be expended in accordance with the provisions of the said Public Resolution Numbered 11.

Acquisition of wildlife refuges.  
*Ante*, p. 115.

#### TITLE VI—TRANSFER OF WIND CAVE NATIONAL GAME PRESERVE TO THE DEPARTMENT OF THE INTERIOR

SECTION 601. That, effective July 1, 1935, the Wind Cave National Game Preserve in the State of South Dakota, be, and the same is hereby, abolished, and all the property, real or personal, comprising

Wind Cave National Game Preserve, S. Dak.

Abolished; transfer of property to Interior Department.

the same is hereby transferred to and made a part of the Wind Cave National Park and the same shall hereafter be administered by the Secretary of the Interior as a part of said park, subject to all laws and regulations applicable thereto, for the purposes expressed in the Act of August 10, 1912 (37 Stat. 268-293), establishing said game preserve.

Vol. 37, p. 293; U. S. C., p. 681.

## TITLE VII—CONTINUANCE OF APPROPRIATIONS

Continuance of appropriations.  
Vol. 48, p. 274.

Available until expended.  
*Post*, pp. 1116, 1447.

Services in the District of Columbia.

That there is hereby appropriated out of the unexpended balance of the sum of \$3,300,000,000 appropriated by the Act of June 16, 1933 (48 Stat. 274), making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and for other purposes, the sum of \$6,000,000, which shall remain available until expended, to enable the Secretary of Agriculture to acquire by purchase or otherwise such lands as may be necessary in his opinion adequately to provide for the restoration, rehabilitation, and protection of migratory waterfowl and other wildlife and to erect and construct thereon and in connection therewith such buildings, dikes, dams, canals, and other works as may be necessary; and in the execution of this Act the Secretary of Agriculture is authorized to make such expenditures for personal services in the District of Columbia and elsewhere as he shall deem necessary.

Approved, June 15, 1935.

### [CHAPTER 265.]

#### AN ACT

June 17, 1935.

[S. 410.]

[Public, No. 149.]

To provide fees to be charged by the recorder of deeds of the District of Columbia, and for other purposes.

District of Columbia.  
Vol. 31, p. 1276.

Recorder of deeds.  
Fees for services.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 552 of the Code of Law for the District of Columbia, as amended, is amended to read as follows:

SEC. 552. FEES.—The legal fees for the services of the recorder shall be as follows:

“For filing, recording, and indexing, or for making certified copy of any instrument containing two hundred words or less, \$1, and 20 cents for each additional hundred words, to be collected at the time of filing, or when the copy is made.

“For each certificate and seal, 50 cents.

“For searching records extending back two years or less next preceding current date, 50 cents, and 15 cents for each additional year, to be paid by the party for whom the search may be made.

“For recording a plat or survey, 20 cents for each course such survey may contain.

“For recording a town plat, 25 cents for each lot such plat may contain.

“For taking any acknowledgment, 50 cents.

“For filing and indexing a bill of sale of chattels, or a mortgage or deed of trust thereof, or a conditional bill of sale of chattels or any release or satisfaction of any such, \$1.50.

“For filing and indexing any other paper required by law to be filed in his office, 50 cents.

“In addition to the fees herein required, all corporations hereafter incorporated in the District of Columbia shall pay to the recorder of deeds at the time of the filing of the certificate of incor-

Corporations; additional fee.  
Vol. 33, p. 689; Vol. 47, p. 327.



poration 50 cents on each thousand dollars of the amount of capital stock of the corporation as set forth in its said certificate: *Provided, however,* That the fee so paid shall not be less than \$50: *Provided further,* That the recorder of deeds shall not file or record any certificate of organization of any incorporation until it has been proved to his satisfaction that all the capital stock of said company has been subscribed for in good faith, and not less than 10 per centum of the par value of the stock has been actually paid in cash, and the money derived therefrom is then in the possession of the persons named as the first board of trustees.”

Approved, June 17, 1935.

*Provisos.*  
Minimum fee.  
  
Amount of paid-in capital stock required.

[CHAPTER 266.]

AN ACT

To amend an Act of Congress entitled “An Act to establish a Code of Law for the District of Columbia”, approved March 3, 1901, as amended, by adding three new sections to be numbered 802 (a), 802 (b), and 802 (c), respectively.

June 17, 1935.  
[S. 2100.]  
[Public, No. 150.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of Congress entitled “An Act to establish a Code of Law for the District of Columbia”, approved March 3, 1901, as amended, be further amended by adding immediately following section 802 three new sections to be numbered 802 (a), 802 (b), and 802 (c), respectively.

District of Columbia Code, amendments. Offenses against the person. Vol. 31, p. 1321.

“SEC. 802. (a) **NEGLIGENT HOMICIDE.**—Any person who, by the operation of any vehicle at an immoderate rate of speed or in a careless, reckless, or negligent manner, but not willfully or wantonly, shall cause the death of another, shall be guilty of a misdemeanor, and shall be punished by imprisonment for not more than one year or by a fine of not more than \$1,000, or both.

Negligent homicide. Punishment for.

“It shall be the duty of the coroner of the District of Columbia, upon any inquisition taken before him which results in the jury finding that negligent homicide, as defined herein, has been committed on the deceased, to require such witnesses as he thinks proper to give recognizance to appear and testify, or in default thereof to be committed to jail for appearance, in either the Supreme Court or the police court of the District of Columbia, and the coroner shall return to either said court the said inquisition, testimony, and recognizance or order by him taken or given.

Coroner's inquest.

Witnesses; appearance, testimony.

SEC. 802. (b) **NEGLIGENT HOMICIDE INCLUDED IN MANSLAUGHTER WHERE DEATH DUE TO OPERATION OF VEHICLE.**—The crime of negligent homicide defined in section 802 (a) shall be deemed to be included within every crime of manslaughter charged to have been committed in the operation of any vehicle, and in any case where a defendant is charged with manslaughter committed in the operation of any vehicle, if the jury shall find the defendant not guilty of the crime of manslaughter such jury may, in its discretion, render a verdict of guilty of negligent homicide.

Crime deemed included in manslaughter where death due to operation of vehicle.

“SEC. 802. (c) **IMMODERATE SPEED NOT DEPENDENT ON LEGAL RATE OF SPEED.**—In any prosecution under sections 802 (a) or 802 (b), whether the defendant was driving at an immoderate rate of speed shall not depend upon the rate of speed fixed by law for operating such vehicle.”

Defining immoderate speed.

Approved, June 17, 1935.

## [CHAPTER 267.]

## AN ACT

To provide for the printing and distribution of Government publications to The National Archives.

June 17, 1935.

[H. R. 6836.]

[Public, No. 151.]

Printing Act of 1895,  
amendment.  
Vol. 23, p. 624; U. S.  
C., p. 1943.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter 23 of the Printing Act, approved January 12, 1895, as amended (U. S. C., title 44, ch. 7), be and is hereby, amended by adding a new section as follows:

The National Archives.  
Publications to be  
supplied by Public  
Printer.

“SEC. . That there shall be printed and delivered by the Public Printer to The National Archives for official use which shall be chargeable to Congress two copies each of the following publications: “House documents and public reports, bound; Senate documents and public reports, bound; Senate and House journals, bound; United States Code and Supplements, bound; Statutes at Large, bound; Official Register of the United States, bound; Decisions of the Supreme Court of the United States, bound; and all other documents bearing a congressional number, and all documents not bearing a congressional number printed upon order of any committee in either House of Congress, or by order of any department, bureau, independent office or establishment, commission, or officer of the Government except confidential matter, blank forms, and circular letters not of a public character; and two copies each of all public bills and resolutions in Congress in each parliamentary stage.

By Superintendent  
of Documents.

“The Superintendent of Documents shall furnish without cost copies of such publications as may be available for free distribution.”

Approved, June 17, 1935.

## [CHAPTER 268.]

## JOINT RESOLUTION

Providing for extension of cooperative work of the Geological Survey to Puerto Rico.

June 17, 1935.

[H. J. Res. 27.]

[Pub. Res., No. 29.]

Puerto Rico.  
Geological surveys,  
investigations, etc., in.  
U. S. C., p. 1825.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of law authorizing the making of topographic and geological surveys and conducting investigations relating to mineral and water resources by the United States Geological Survey in various portions of the United States be, and the same are hereby, extended to authorize such surveys and investigations in Puerto Rico.

Approved, June 17, 1935.

## [CHAPTER 269.]

## JOINT RESOLUTION

Authorizing the erection of a memorial to the late Jean Jules Jusserand.

June 17, 1935.

[H. J. Res. 204.]

[Pub. Res., No. 30.]

Jean Jules Jusserand.  
Memorial in city of  
Washington authorized.

*Resolved 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 and directed to grant permission for the erection on public grounds of the United States in the city of Washington, other than those of the Capitol, the Library of Congress, and the White House, of a memorial of simple and artistic form to the late Jean Jules Jusserand, by his friends in America in memory and esteem of his fine friendship for the United States and its people during the twenty-two years of his service in Washington: *Provided,* That the site chosen and the design of the memorial shall have the approval of the National Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial.

Proviso.  
Approval of site.

No Federal expense.

Approved, June 17, 1935.

[CHAPTER 270.]

JOINT RESOLUTION

To permit the temporary entry into the United States under certain conditions of alien participants and officials of the National Boy Scout Jamboree to be held in the United States in 1935.

June 17, 1935.  
[H. J. Res. 285.]  
[Pub. Res., No. 31.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That alien Boy Scout participants, Boy Scout Officials, and Boy Scout Executives who are accredited members of delegations to the National Boy Scout Jamboree to be held in the United States in 1935, all of whom are non-immigrants, if otherwise admissible into the United States under the immigration laws, shall be exempted from the payment of the tax of \$8 prescribed by section 2 of the Immigration Act of 1917, and exempted from the fees prescribed by law to be collected in connection with executing an application for a visa and visaing the passport or other travel document of an alien for the purpose of entering the United States as a nonimmigrant, and such aliens shall not be required to present official passports issued by the governments to which they owe allegiance: *Provided,* That aliens shall be in possession of official Boy Scout identity cards issued by their own government or issued by the International Committee of the Boy Scouts indicating their Boy Scout status and nationality, and duly visaed without charge by American consular officers abroad: *And provided further,* That such aliens shall comply with regulations not inconsistent with the foregoing provisions which shall be prescribed by the Secretary of Labor and Secretary of State: *Provided, however,* That nothing herein shall relieve an alien from being required to obtain a gratis nonimmigration visa if coming to the United States as a nonimmigrant, or an immigration visa if coming to the United States as an immigrant.

National Boy Scout Jamboree, 1935.  
Temporary entry of alien participants.  
*Post.*, p. 1167.

Exempted from tax, etc.  
Vol. 39, p. 875; U. S. C., p. 185.

Passports.

*Provisos.*  
Identification required.

Compliance with prescribed regulations.

Visa requirements.

Free entry of personal effects.

SEC. 2. That such aliens shall be permitted the free entry of their personal effects and their equipment to be used in connection with the National Boy Scout Jamboree, under such regulations as may be prescribed by the Secretary of the Treasury.

Approved, June 17, 1935.

[CHAPTER 271.]

JOINT RESOLUTION

Authorizing the Secretary of Agriculture to pay necessary expenses of assemblages of the 4-H Clubs, and for other purposes.

June 17, 1935.  
[H. J. Res. 288.]  
[Pub. Res., No. 32.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That nothing contained in the Act of February 2, 1935 (Public Resolution Numbered 2, Seventy-fourth Congress), shall be construed to prohibit the Secretary of Agriculture from paying the necessary expenses for assemblages of the 4-H Boys and Girls Clubs, called by the Secretary of Agriculture in the District of Columbia or elsewhere, in the furtherance of the cooperative extension work of the Department.

4-H Club assemblages.  
Payment of necessary expenses of, permitted.  
*Ante.*, p. 19, waived.

Approved, June 17, 1935.

## [CHAPTER 275.]

## AN ACT

June 10, 1935.  
[H. R. 2756.]  
[Public, No. 152.]

Authorizing the Tlingit and Haida Indians of Alaska to bring suit in the United States Court of Claims, and conferring jurisdiction upon said court to hear, examine, adjudicate, and enter judgment upon any and all claims which said Indians may have, or claim to have, against the United States, and for other purposes.

Tlingit and Haida  
Indians of Alaska.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purposes of this Act the Tlingit and Haida Indians of Alaska shall be defined to be all those Indians of the whole or mixed blood of the Tlingit and Haida Tribes who are residing in Russian America, now called the Territory of Alaska, in the region known and described as southeastern Alaska, lying east of the one hundred and forty-first meridian.

Claims of, may be  
submitted to Court of  
Claims.

SEC. 2. All claims of whatever nature, legal or equitable, which the said Tlingit and Haida Indians of Alaska may have, or claim to have, against the United States, for lands or other tribal or community property rights, taken from them by the United States without compensation therefor, or for the failure or refusal of the United States to compensate them for said lands or other tribal or community property rights, claimed to be owned by said Indians, and which the United States appropriated to its own uses and purposes without the consent of said Indians, or for the failure or refusal of the United States to protect their interests in lands or other tribal or community property in Alaska, and for loss of use of the same, at the time of the purchase of the said Russian America, now Alaska, from Russia, or at any time since that date and prior to the passage and approval of this Act, shall be submitted to the said Court of Claims by said Tlingit and Haida Indians of Alaska for the settlement and determination of the equitable and just value thereof, and the amount equitably and justly due to said Indians from the United States therefor; and the loss to said Indians of their right, title, or interest, arising from occupancy and use, in lands or other tribal or community property, without just compensation therefor, shall be held sufficient ground for relief hereunder; and jurisdiction is hereby conferred upon said Court to hear such claims and to render judgment and decree thereon for such sum as said court shall find to be equitable and just for the reasonable value of their said property, if any was so taken by the United States without the consent of the said Indians and without compensation therefor; that from the decision of the Court of Claims in any suit or suits prosecuted under the authority of this Act an appeal may be taken by either party, as in other cases, to the Supreme Court of the United States.

Settlement and de-  
termination of amounts  
due.

Jurisdiction con-  
ferred.

Presentation of  
claims.

Time for filing suit.

Final judgment; ef-  
fect.

Authority of court.

SEC. 3. That the claim or claims of said Tlingit and Haida Indians of Alaska may be presented and prosecuted separately or jointly in one or more suits, by petition or petitions setting out the facts upon which they base their demands for relief and judgment or decree; the petition or petitions may be amended when necessary more fully or specifically to set forth their said claim or claims, and said suit or suits shall be filed in said Court of Claims within seven years after the date of the passage of this Act; such suit or suits shall make the said Indians parties plaintiff and the United States party defendant, and the final judgment or decree shall conclude and forever settle the claim or claims so presented; the Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit or suits any and all parties deemed by it necessary or proper to the final determination of the matters in controversy; such petition or petitions may be verified by any

attorney or attorneys employed by said Indians, under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and said contract shall be executed in behalf of said Indians by a committee chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior; verification may be upon information and belief as to the facts alleged; a true copy of the written contract or contracts by which such attorney or attorneys are employed by said Indians to represent them in such suit or suits shall be filed in said Court of Claims, as their authority by the said attorney or attorneys to so appear in said suit or suits for said Indians and to prosecute their said claim or claims in said Court of Claims.

Employment of attorneys for Indians.

SEC. 4. That if any claim or claims shall be submitted to said court it shall hear and settle the equitable and just rights therein, notwithstanding lapse of time, or statutes of limitations, or the fact that the said claim or claims have not been presented to any other tribunal, or the fact that said Tlingit and Haida Indians of Alaska may have been made citizens of the United States by the Act of Congress of June 2, 1924 (43 Stat. L. 253), or by any other law of the United States, or the fact that the said Indians, or any of them, collectively, prior to the passage and approval of this Act, may have severed their tribal relations with the said Tlingit and Haida Tribes. Any payment which may have been made by the United States or moneys heretofore or hereafter expended to date of award for the benefit of the said Tlingit and Haida Indians of Alaska, made under specific appropriations for the support, education, health, and civilization of said Indians, including purchase of lands, shall not be pleaded as an estoppel but may be pleaded by way of set-off.

Hearings and settlement of claims.

SEC. 5. Official letters, papers, documents, and public records, or certified copies thereof, from the files and records of the United States, or the Territory of Alaska, and Russian documents and similar records, and historical data and books prepared by American or other standard historians or authors, relating to the subject matter in controversy in said suit or suits, may be used in evidence by either party, and the departments of the United States Government shall give the attorneys for both parties access to such papers, correspondence, and documents as are in the files.

Vol. 43, p. 253; U. S. C., p. 173.

Prior payments.

Public records as evidence.

SEC. 6. The Court of Claims shall appoint at the proper time a commissioner or commissioners under the provisions of the Act of February 24, 1925 (43 Stat. L. 964), and Acts supplemental thereto, who shall have the aid of a stenographer to take the testimony to be used in the investigation of such claims. In addition to the present powers of such commissioner to take such testimony, he is hereby authorized to take the testimony of said Alaska Indians and their witnesses at such place or places in Alaska as are most convenient for said Indians and their witnesses; that the said Alaska Indians shall produce their witnesses in Alaska at such times and places as said commissioner shall direct, at their own expense, but the expenses of said commissioner and stenographer shall be paid by the United States out of the funds provided for such purposes in the said Act of February 24, 1925, and said supplemental Acts.

Commissioner to take testimony, etc., authorized.  
Vol. 43, p. 964; U. S. C., p. 1263.

Witnesses.

Expenses.  
Vol. 43, p. 965.

SEC. 7. That Tlingit and Haida Indians of Alaska who are entitled to share in any judgment or appropriation made to pay said claim or claims shall consist of all persons of Tlingit or Haida blood, living in or belonging to any local community of these tribes in the territory described in section 1 of this Act. Each tribal community shall prepare a roll of its tribal membership, which roll shall be submitted to a Tlingit and Haida central council for

Indians entitled to share in judgment.  
*Ante*, p. 388.

Tribal roll to be prepared.

its approval. The said central council shall prepare a combined roll of all communities and submit it to the Secretary of the Interior for approval. Approval of the roll by the said Secretary of the Interior shall operate as final proof of the right of such Indian communities to share in the benefits of this Act as set forth in section 8.

**Approval of roll; effect.** SEC. 8. The amount of any judgment in favor of said Tlingit and Haida Indians of Alaska, after payment of attorneys fees, shall be apportioned to the different Tlingit and Haida communities listed in the roll provided for in section 7 in direct proportion to the number of names on each roll, and shall become an asset thereof, and shall be deposited in the Treasury of the United States to the credit of each community, and such funds shall bear interest at the rate of 4 per centum per annum, and shall be expended from time to time upon requisition by the said communities by and with advice and consent of the Secretary of the Interior, and under regulations as he may prescribe, for the future economic security and stability of said Indian groups, through the acquisition or creation of productive economic instruments and resources of public benefit to such Indian communities: *Provided, however,* That the interest on such funds may be used for beneficial purposes such as the relief of distress, emergency relief and health: *Provided further,* That none of the funds above indicated or the interest thereon shall ever be used for per capita payments.

**Apportionment of benefits.** SEC. 9. That upon the final determination of any suit or suits instituted under this Act, if there is judgment for the plaintiff Indians, the Court of Claims shall inquire into the agreement or contract which said Indians have made with their attorneys for compensation for their services in said suit or suits, and if said Court of Claims shall find that such services have been faithfully performed by said attorneys, it shall make a finding to that effect and adjudge that said attorneys' compensation shall be paid as agreed upon in said contract out of the appropriation made for the payment of the sum found due to said Indians, but in no case to exceed 10 per centum of the amount of the total recovery, and said sum so found to be due to said attorneys shall be paid in full out of the sums so found due to said Indians and the remainder of said total sum due to said Indians shall be expended as provided in section 8 of this Act.

**Deposits and expenditures.** SEC. 10. A copy of the petition and other pleadings and briefs in said suit or suits brought under this Act shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case or cases.

**Provisos. Use of interest.**

**Per capita payments.**

**Attorneys' services.**

**Limitation.**

**Notice to Attorney General, etc.**

Approved, June 19, 1935.

[CHAPTER 276.]

AN ACT

To amend an Act entitled "An Act to regulate the manner in which property shall be sold under orders and decrees of any United States courts", approved March 3, 1893, as amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections 1, 2, and 3 of the Act entitled "An Act to regulate the manner in which property shall be sold under orders and decrees of any United States courts", approved March 3, 1893 (ch. 225, 27 Stat. 751, as amended;

June 19, 1935.

[S. 2638.]

[Public, No. 153.]

Sale of property under court order.  
*Ante*, p. 159, amended.

U. S. C., title 28, secs. 847, 848, and 849), be, and they hereby are, amended by inserting before the period at the end of each of said sections 1, 2, and 3 the following: "or by receivers or conservators of banks, appointed by the Comptroller of the Currency".

Sales of property of banks in liquidation excepted from provisions of Act.

Approved, June 19, 1935.

[CHAPTER 277.]

AN ACT

To amend the National Defense Act of June 3, 1916, as amended.

June 19, 1935.  
[H. R. 5720.]  
[Public, No. 154.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 38 of the National Defense Act of June 3, 1916, as amended be, and the same is hereby, amended by inserting the following paragraph after the third paragraph thereof:

National Defense Act amendments.  
Vol. 39, p. 190; Vol. 48, p. 155; U. S. C., p. 1431.

"To the extent provided for from time to time by appropriations for this specific purpose, the President may order officers of the National Guard of the United States to active duty in an emergency at any time and for the period thereof: *Provided*, That, except in time of a national emergency expressly declared by Congress, no officer of the National Guard of the United States shall be employed on active duty for more than fifteen days in any calendar year without his own consent. 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."

National Guard of the United States.  
Officers, emergency active service.

*Proviso*.  
Restriction, without consent.

Pay and allowances.

SEC. 2. That section 58 of said Act be, and the same is hereby, amended by adding thereto another paragraph to read as follows: "*: And provided further*, That in the grades of first lieutenant and second lieutenant the number shall be unlimited."

Composition of National Guard.  
Vol. 39, p. 197; Vol. 48, p. 155; U. S. C., p. 1429.  
First and second lieutenant grades; number.

SEC. 3. That section 70 of said Act be, and the same is hereby, amended by adding the following paragraph at the end thereof:

Vol. 39, p. 201; Vol. 48, p. 156; U. S. C., p. 1439.  
Enlistment oath.

"That the oath of enlistment prescribed in this section may be taken before any officer of the National Guard authorized to administer oaths of enlistment in the National Guard of the several States, Territories, and the District of Columbia, by respective laws thereof. All oaths of enlistment heretofore administered by the officers described above are hereby validated."

SEC. 4. That section 77 of said Act be, and the same is hereby, amended by striking out all of said section and inserting in lieu thereof the following:

Vol. 39, p. 202; Vol. 48, p. 159; U. S. C., p. 1438.

"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, and 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, transfer to the inactive National Guard and remain in the National Guard of the

Elimination and disposition of officers.

*Proviso*.  
Transfers to inactive status.

Withdrawal of Federal recognition.

Vol. 39, p. 202; Vol. 43, p. 158; U. S. C., p. 1438.

Chief, National Guard Bureau.

Eligibility to succeed himself.

Vol. 39, p. 203; Vol. 43, p. 159; U. S. C., p. 1442.

Caretakers.

Number.

Vol. 39, p. 205; Vol. 44, p. 673; U. S. C., p. 1433.

Compensation.

Pooling provisions.

Commissioned officers ineligible.

Vol. 45, p. 440.

Pay regulations.

Draft of National Guard into active service in national emergency.

Vol. 43, p. 160; U. S. C., p. 1436.

United States in the same or lower grade. 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. 5. That section 81 of said Act be, and the same is hereby amended, by striking out after the words "and shall" in the third sentence of said section the word "not."

SEC. 6. That section 90 of said Act be, and the same is hereby amended, following the word "provided" so as to read: "That the caretakers hereby authorized to be employed shall not exceed five for any one organization, except heavier-than-air squadrons, for each of which a maximum of thirteen is authorized, who shall be paid by the United States disbursing officer for each State, Territory, and the District of Columbia.

"The compensation paid to caretakers who belong to the National Guard, as herein authorized, shall be in addition to any compensation authorized for members of the National Guard under any of the provisions of the National Defense Act.

"Under such regulations as the Secretary of War shall prescribe, the material, animals, armament, and equipment, or any part thereof, of the National Guard of any State, Territory, or the District of Columbia or organizations thereof, may be put into a common pool for care, maintenance, and storage; and the employment of caretakers therefor, not to exceed fifteen for any one pool, is hereby authorized.

"Caretakers heretofore detailed or employed in pools shall be deemed to have been regularly detailed or employed as such under the law and regulations; and all payments heretofore or hereafter made therefor are hereby validated and authorized.

"Commissioned officers of the National Guard shall not be employed as caretakers, except that one such officer not above the grade of captain for each heavier-than-air squadron may be employed. Either enlisted men or civilians may be employed as caretakers, but if there are as many as two caretakers in any organization, one of them shall be an enlisted man.

"The Secretary of War shall, by regulations, fix the salaries of all caretakers hereby authorized to be employed and shall also designate by whom they shall be employed."

SEC. 7. That section 111 of said Act be, and is hereby amended, by striking out after the words "any or all units and" in the first sentence of said section, the words "the members thereof" and inserting in lieu thereof the word "members".

Approved, June 19, 1935.

[CHAPTER 278.]

#### JOINT RESOLUTION

Requesting the President to proclaim October 9 as Leif Erikson Day.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is hereby authorized and requested to issue a proclamation designating October 9, 1935, as Leif Erikson Day and calling upon officials of the Government to display the flag of the United States on all Government buildings on said date and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies.

Approved, June 19, 1935.

June 19, 1935.

[H. J. Res. 26.]

[Pub. Res., No. 33.]

Leif Erikson Day.  
October 9, 1935, designated as.



## [CHAPTER 281.]

## AN ACT

To reserve eighty acres on the public domain for the use and benefit of the Kanosh Band of Indians in the State of Utah.

June 20, 1935.  
[S. 380.]  
[Public, No. 155.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the west half southwest quarter section 10, township 23 south, range 5 west, Salt Lake meridian, Utah, be, and the same is hereby, reserved for the sole use and occupancy of the Kanosh Band of Indians of Utah: *Provided,* That the rights and claims of any bona fide settler initiated under the public-land laws prior to the approval hereof shall not be affected by this Act.

Public lands.  
Reserved for Kanosh  
Band of Indians, Utah.

*Proviso.*  
Rights of bona fide  
settlers not affected.

Approved, June 20, 1935.

## [CHAPTER 282.]

## AN ACT

Transferring certain national-forest lands to the Zuni Indian Reservation, New Mexico.

June 20, 1935.  
[S. 1831.]  
[Public, No. 156.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the lands in townships 8 and 9 north, ranges 16 and 17 west, of the New Mexico principal meridian, New Mexico, comprising the Miller Division of the Cibola National Forest, are hereby eliminated from the Cibola National Forest and withdrawn as an addition to the Zuni Indian Reservation, subject to any valid existing rights of any persons thereto.

Zuni Indian Reserva-  
tion, N. Mex.  
Designated forest  
lands transferred to.

Approved, June 20, 1935.

## [CHAPTER 283.]

## AN ACT

To provide for the establishment of the Big Bend National Park in the State of Texas, and for other purposes.

June 20, 1935.  
[S. 2131.]  
[Public, No. 157.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That when title to such lands as may be determined by the Secretary of the Interior as necessary for recreational park purposes within the boundaries to be determined by him within the area of approximately one million five hundred thousand acres, in the counties of Brewster and Presidio, in the State of Texas, known as the "Big Bend" area, shall have been vested in the United States, such lands shall be, and are hereby, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people and shall be known as the "Big Bend National Park": *Provided,* That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public and private donations.

Big Bend National  
Park, Tex.  
Establishment.

Area, location, etc.

*Proviso.*  
Lands secured by do-  
nation only.

Acceptance of title.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept, on behalf of the United States, title to the lands referred to in the previous section hereof as may be deemed by him necessary or desirable for national-park purposes: *Provided,* That no land for said park shall be accepted until exclusive jurisdiction over the entire area, in form satisfactory to the Secretary of the Interior, shall have been ceded by the State of Texas to the United States.

*Proviso.*  
Exclusive jurisdic-  
tion required.

National Park Service to administer, etc.

Vol. 39, p. 535; U. S. C., p. 591.

Proviso. Water Power Act not applicable.

Vol. 41, p. 1063; U. S. C., p. 694.

SEC. 3. The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes", as amended: *Provided*, That the provisions of the Act of June 10, 1920, known as the "Federal Water Power Act", shall not apply to this park.

Approved, June 20, 1935.

[CHAPTER 284.]

JOINT RESOLUTION

To amend section 289 of the Criminal Code.

June 20, 1935.  
[S. J. Res. 42.]  
[Public Res., No. 34.]

Criminal Code. Vol. 35, p. 1145; Vol. 48, p. 152; U. S. C., p. 762.

Offenses committed in places under Federal jurisdiction.

Adoption of State laws to punish.

*Resolved 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:

"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 April 1, 1935, 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 20, 1935.

[CHAPTER 286.]

AN ACT

To amend section 4865 of the Revised Statutes, as amended.

June 24, 1935.  
[S. 1180.]  
[Public, No. 153.]

Columbia Institution for the Deaf, D. C. Number of beneficiaries increased. R. S., sec. 4865, p. 942; U. S. C., p. 991. Vol. 40, p. 680.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the number of beneficiaries from the several States and Territories authorized by section 4865 of the Revised Statutes, as amended, for admission to the collegiate department of the Columbia Institution for the Deaf, be, and it hereby is, increased from one hundred and twenty-five to one hundred and forty-five.

Approved, June 24, 1935.

[CHAPTER 287.]

AN ACT

Authorizing the construction of buildings for the United States Representative in the Philippine Islands.

June 24, 1935.  
[S. 2278.]  
[Public, No. 159.]

Philippine Islands. Buildings for United States Representative in, authorized. Post, p. 595.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby authorized to be appropriated not to exceed \$750,000 for the necessary housing for office and residence purposes for the establishment of the United States Representative in the Philippine Islands, including the acquisition of land, the purchase, construction, and reconstruction of buildings, and the procurement of furniture, furnishings, and equipment.

Approved, June 24, 1935.

[CHAPTER 288.]

## AN ACT

To extend further time for naturalization to alien veterans of the World War under the Act approved May 25, 1932 (47 Stat. 165), to extend the same privileges to certain veterans of countries allied with the United States during the World War, and for other purposes.

June 24, 1935.  
[H. R. 2739.]  
[Public, No. 160.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subdivision (a) of section 1 of the Act entitled "An Act to further amend the naturalization laws, and for other purposes", approved May 25, 1932 (47 Stat. 165; U. S. C., Supp. VII, title 8, sec. 392b (a)) shall, as herein amended, continue in force and effect to include petitions for citizenship filed prior to May 25, 1937, with any court having naturalization jurisdiction: *Provided*, That for the purposes of this Act clause (1) of subdivision (a) of section 1 of the aforesaid Act of May 25, 1932, is amended by striking out the words "all such period" and in lieu thereof inserting the words "the five years immediately preceding the filing of his petition."

Naturalization of alien veterans residing in the United States. Vol. 47, p. 165; U. S. C., p. 218.

Extending privileges to May 25, 1937.

*Proviso.* Continued residence and good behavior provisions.

SEC. 2. The provisions of section 1 of this Act are hereby extended to include any alien lawfully admitted into the United States for permanent residence who departed therefrom between August 1, 1914,<sup>1</sup> and April 5, 1917, or who, having been denied entry into the military and naval forces of the United States, departed therefrom subsequent to April 5, 1917, for the purpose of serving, and actually served prior to November 11, 1918, in the military or naval forces of any of the countries allied with the United States in the World War and was discharged from such service under honorable circumstances: *Provided*, That before any applicant for citizenship under this section is admitted to citizenship, the court shall be satisfied by competent proof that he is entitled to, and has complied in all respects with, the provisions of this Act; and that he was and had been a bona fide lawfully admitted resident in the United States for two years before the passage of this Act.

Service in allied forces.

*Proviso.* Terms, conditions, etc.

SEC. 3. The Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, shall prescribe such rules and regulations as may be necessary for the enforcement of this Act.

Rules to be prescribed.

Approved, June 24, 1935.

[CHAPTER 289.]

## AN ACT

To authorize an exchange of lands between the Richmond, Fredericksburg and Potomac Railroad Company and the United States at Quantico, Virginia.

June 24, 1935.  
[S. 1611.]  
[Public, No. 161.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy is authorized on behalf of the United States to accept from the Richmond, Fredericksburg and Potomac Railroad Company, a corporation of the State of Virginia, free from all encumbrances and without cost to the United States, all right, title, and interest in fee simple in and to the following lands, together with all the right, title, and interest in and to the platted streets and riparian rights in Quantico Creek as may attach to the lots conveyed in subsection (a):

Richmond, Fredericksburg and Potomac Railroad Company. Exchange of lands with, authorized.

(a) Lots numbered 21, 22, 23, 38, 39, 51, 58, 59, 72, and 85 in the town of Carborough, county of Prince William, State of Virginia, as shown on the original plat filed with the condemnation of the above

Conveyances by railroad company.

<sup>1</sup> So in original.

lots by the Potomac Railroad Company, that lie to the east of a line drawn one hundred feet east from and parallel to the present center line of the Richmond, Fredericksburg and Potomac Railroad Company, purchased from the Potomac and Manassas Railroad Company by deed dated August 15, 1871, recorded January 1, 1872, in the clerk's office of Prince William County in deed book numbered 28, page 452, excepting therefrom that portion of lot numbered 22, sold by the Potomac Railroad Company to J. W. Norton by deed dated November 24, 1883, recorded in the clerk's office, Prince William County, on December 8, 1883, in deed book numbered 34, page 424, which portion is more particularly designated and described as lot numbered 22-A on plan marked "V. D. 41-4, R. F. & P. R. R. Co. Proposed exchange of lands at Quantico, Scale 1"=100 feet dated Oct. 1, 1932, revised Sept. 14, 1933", beginning at the United States Marine Corps Reservation corner numbered 154 along the boundary between the United States Marine Corps Reservation and lot numbered 23, south fifty-five degrees sixteen minutes east, a distance of thirty-eight and three-tenths feet to the corner of lot numbered 23, the place of beginning; thence along boundary line of United States Marine Corps Reservation south fifty-five degrees sixteen minutes east one hundred and thirty-one and seven-tenths feet to boundary monument numbered 153 of United States Marine Corps Reservation; thence on said boundary line north thirty-four degrees forty-four minutes east one hundred and forty-one and six-tenths feet to a point; thence leaving said boundary line north sixty-four degrees forty-six minutes west sixty feet to a point; thence north seventy-eight degrees forty-six minutes west forty-eight and five-tenths feet to a point; thence south fifty-nine degrees fifty-four minutes west sixty-four and five-tenths feet to a point; thence south thirty-four degrees forty-three minutes west fifty-three and eight-tenths feet to the point of beginning, containing three hundred and forty-eight thousandths of an acre.

(b) That certain parcel of land lying on the west side of the right-of-way north of Potomac Avenue, town of Quantico, county of Prince William, Virginia, beginning at a point where the western right-of-way line of the Richmond, Fredericksburg and Potomac Railroad Company intersects the northern curb line of Potomac Avenue; thence along said western right-of-way line in a northerly direction three hundred and sixteen and three-tenths feet to a point; thence at right angles in an easterly direction twenty feet to a point; thence by a line parallel to the present western right-of-way line and twenty feet east from it in a southerly direction one hundred and seventy-five and three-tenths feet to a point; thence at right angles in a westerly direction seven and five-tenths feet to a point; thence in a southerly direction by a line parallel to and twelve and five-tenths feet east from the present western right-of-way line, one hundred and thirty-nine feet to a point on the northern curb line of Potomac Avenue; thence in a westerly direction along said northern curb line of Potomac Avenue thirteen and two-tenths feet to the point of beginning, containing five thousand, two hundred and fifty-six square feet, subject however, to the easement for a right-of-way for ingress and egress to the rear of the building leased to the Mutual Ice Company over and through the above-described lot; said parcel being more particularly shown outlined in red on the map marked "R. F. & P. R. R. Co.—Location Plan Buildings, Tracks, etc., Potomac Avenue; Quantico, Va., dated Nov. 13, 1931, No. 10-D-27".

The above properties, when transferred to the United States shall become a part of the Marine Corps Reservation, Quantico, Virginia.

SEC. 2. In exchange for the above-described lands, the Secretary of the Navy is authorized to transfer by appropriate conveyance to the Richmond, Fredericksburg and Potomac Railroad Company, free from all encumbrances, and without cost to the Richmond, Fredericksburg and Potomac Railroad Company, all right, title, and interest of the United States in and to the lands contained within the Marine Corps Reservation at Quantico, Virginia, described generally as follows:

Lands transferred to railroad company, in exchange.

(1) Those two small parcels of land, part of what is known as the "Shipping Board Tract" as shown on the map of the United States Marine Corps Reservation, Prince William County, Virginia, dated June 25, 1920, signed Thomas J. Brady, Junior, Public Works officer, that lies to the west of a line drawn parallel to and one hundred feet east from the present center line of the Richmond, Fredericksburg and Potomac Railroad Company, and lying within the right-of-way of said railroad company, such land being shown more particularly in yellow on the map marked "V. D. 41-4—R. F. & P. R. R. Co.—Proposed exchange of land at Quantico, Scale 1"=100 feet dated Oct. 1, 1932, revised Sept. 14, 1933."

(2) That parcel of land adjoining the present eastern right-of-way line of the Richmond, Fredericksburg and Potomac Railroad Company between Fifth and Sixth Streets in the town of Quantico, Prince William County, Virginia, beginning at a point where the present southern line of Fifth Street intersects the present eastern right-of-way line of the Richmond, Fredericksburg and Potomac Railroad; thence in an easterly direction along said southern line of Fifth Street ten and thirteen one-hundredths feet to a point; thence in a southerly direction by a line parallel to and ten and thirteen one-hundredths feet east from the present eastern right-of-way line of the Richmond, Fredericksburg and Potomac Railroad fifty-six and fifty-eight one-hundredths feet to a point; thence bearing to the east by a line that is at right angles to the northern line of Sixth Street one hundred and eighty and seventeen one-hundredths feet to a point in said northern line of Sixth Street; thence in a westerly direction thirty-nine and fifty-seven one-hundredths feet to the eastern right-of-way line of the Richmond, Fredericksburg and Potomac Railroad; thence in a northerly direction along said right-of-way line two hundred and thirty-nine and fourteen one-hundredths feet to the point of beginning; containing five thousand and forty-seven square feet, all as more particularly shown in yellow on the map marked "V. D. 41-101—R. F. & P. R. R. Co. Easement desired from U. S. Govt. of Quantico, Va., dated Sept. 12, 1932".

Approved, June 24, 1935.

[CHAPTER 290.]

AN ACT

To authorize the naturalization of certain resident alien World War veterans.

June 24, 1935.

[S. 2508.]

[Public, No. 162.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the racial limitations contained within section 2169 of the Revised Statutes of the United States, as amended (U. S. C., title 8, sec. 359), and within section 14 of the Act of May 6, 1882, as amended (U. S. C., title 8, sec. 363), any alien veteran of the World War heretofore ineligible to citizenship because not a free white person or of African nativity or of African descent may be naturalized under this Act if he—

(a) Entered the service of the armed forces of the United States prior to November 11, 1918;

Naturalization of certain resident alien World War veterans. Racial limitations waived. R. S., sec. 2169, p. 380; U. S. C., p. 214.

Eligibility requirements.

(b) Actually rendered service with the armed forces of the United States between April 6, 1917, and November 11, 1918;

(c) Received an honorable discharge from such service for any reason other than his alienage;

(d) Resumed his previous permanent residence in the United States or any Territory thereof; and

(e) Has maintained a permanent residence continuously since the date of discharge and is now a permanent resident of the United States or any Territory thereof; upon compliance with all the requirements of the naturalization laws, except—

(f) No certificate of arrival and no declaration of intention shall be required;

(g) No additional residence shall be required before the filing of petition for certificate of citizenship; and

(h) The petition for certificate of citizenship shall be filed with a court having naturalization jurisdiction prior to January 1, 1937.

Compliance with naturalization laws required.

Exceptions.

Certificates of citizenship heretofore granted.

Vol. 40, p. 542; Vol. 41, p. 222; U. S. C., p. 218.

Stamping requirement.

Certificates in lieu of lost, etc., originals.

Vol. 45, p. 1515; U. S. C., p. 220.

Fees waived.

SEC. 2. Certificates of citizenship heretofore issued and heretofore granted by any court having naturalization jurisdiction under the provisions of the Act of May 9, 1918, or of the Act of July 19, 1919, to any alien veteran who is eligible to be naturalized under the provisions of section 1 of this Act, and orders or judgments authorizing such certificates, are hereby declared to be valid for all purposes insofar as the race of the veteran is concerned. Such certificates may be stamped, declaring their validity under this Act, by the Commissioner of Immigration and Naturalization upon submission of satisfactory proof to establish identity.

Certificates declared valid under the foregoing paragraph, which have been lost, mutilated, destroyed, or surrendered to any official of the United States may be replaced by a new certificate bearing date of original certificate upon compliance with the provisions of section 32 (a) of the Act of June 29, 1906, as amended.

SEC. 3. On applications filed for any benefits under this Act, the requirement of fees for naturalization documents is hereby waived.

Approved, June 24, 1935.

[CHAPTER 291.]

AN ACT

Making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1936, and for other purposes.

*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 Navy Department and the naval service for the fiscal year ending June 30, 1936, namely:

NAVAL ESTABLISHMENT

OFFICE OF THE SECRETARY

MISCELLANEOUS EXPENSES

For traveling expenses of civilian employees, including not to exceed \$4,000 for the expenses of attendance, at home and abroad, upon meetings of technical, professional, scientific, and other similar organizations when, in the judgment of the Secretary of the Navy, such attendance would be of benefit in the conduct of the work of the Navy Department; not to exceed \$2,000 for the part-time or

June 24, 1935.  
[H. R. 7672.]  
[Public, No. 163.]

Navy Department and naval service appropriations for fiscal year 1936.

Naval Establishment.

Secretary's office.

Miscellaneous expenses.

intermittent employment in the District of Columbia or elsewhere of such experts and at such rates of compensation as may be contracted for by and in the discretion of the Secretary of the Navy; expenses of courts martial, purchase of law and reference books, expenses of prisoners and prisons, courts of inquiry, boards of investigation, examining boards, clerical assistance; witnesses' fees and traveling expenses; not to exceed \$15,000 for promoting accident prevention and safety in shore establishments of the Navy, to be expended in the discretion of the Secretary of the Navy; newspapers and periodicals for the naval service; all advertising of the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); costs of suits; relief of vessels in distress; recovery of valuables from shipwrecks; maintenance of attachés abroad, including office rental and pay of employees, and not to exceed \$9,000 in the aggregate or \$450 for any one person for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U. S. C., Supp. VII, title 5, sec. 118a); the collection and classification of information; not to exceed \$175,000 for telephone, telegraph, and teletype rentals and tolls, telegrams, radiograms, and cablegrams; postage, foreign and domestic and post-office box rentals; necessary expenses for interned persons and prisoners of war under the jurisdiction of the Navy Department, including funeral expenses for such interned persons or prisoners of war as may die while under such jurisdiction; payment of claims for damages as provided in the Act making appropriations for the naval service for the fiscal year 1920, approved July 11, 1919 (U. S. C., title 34, sec. 600); and other necessary and incidental expenses; in all, \$1,062,700, of which \$2,500 shall be available immediately: *Provided*, That no part of any appropriation contained in this Act shall be available for the expense of any naval district in which there may be an active navy yard, naval training station, or naval operating base, unless the commandant of the naval district shall be also the commandant of one of such establishments: *Provided further*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$511,500.

Courts martial, etc.

Accident prevention  
in shore establish-  
ments.Living quarters, etc.  
Vol. 46, p. 818.  
U. S. C., p. 45.Damage claims.  
Vol. 41, p. 132.  
U. S. C., p. 1550.*Provisos.*  
Restriction on use in  
certain naval districts.Group IV (b) em-  
ployees.

Contingent, Navy.

## CONTINGENT, NAVY

For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department or any of its subordinate bureaus or offices at Washington, District of Columbia, arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, and for examination of estimates for appropriations and of naval activities in the field for any branch of the naval service, \$17,500, of which \$2,500 shall be available immediately.

## CARE OF LEPERS, AND SO FORTH, ISLAND OF GUAM

Lepers.

Naval station, island of Guam: For maintenance and care of lepers, special patients, and for other purposes, including cost of transfer of lepers from Guam to the island of Culion, in the Philippines, and their maintenance, \$20,000; for educational purposes, \$15,000; in all, \$35,000.

Care, etc., Guam and  
Culion, P. I.

Research laboratory.

NAVAL RESEARCH LABORATORY

Work of, for naval service.

For laboratory and research work and other necessary work of the naval research laboratory for the benefit of the naval service, including operation and maintenance of a laboratory, additions to equipment necessary properly to carry on work in hand, maintenance of buildings and grounds, temporary employment of such scientific and technical civilian assistants as may become necessary, and subscriptions to technical periodicals, to be expended under the direction of the Secretary of the Navy, \$310,000: *Provided*, That \$50,000 of this appropriation shall be available for the temporary employment of civilian scientists and technicians required on special problems: *Provided further*, That the sum to be paid out of this appropriation for employees assigned to Group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$120,000, in addition to the amount authorized by the preceding proviso.

*Provisos.*  
Temporary employment of scientists, etc.

Group IV (b) employees.

Naval petroleum reserves.

OPERATION AND CONSERVATION OF NAVAL PETROLEUM RESERVES

Conservation and operation.  
Vol. 41, p. 813.  
U. S. C., p. 1544.

To enable the Secretary of the Navy to carry out the provisions contained in the Act approved June 4, 1920 (U. S. C., title 34, sec. 524), requiring him to conserve, develop, use, and operate the naval petroleum reserves, \$63,000, of which amount not to exceed \$15,000 shall be available for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department: *Provided*, That out of any sums appropriated for naval purposes by this Act, any portion thereof, not to exceed \$10,000,000, shall be available to enable the Secretary of the Navy to protect Naval Petroleum Reserve Numbered 1, established by Executive order of September 2, 1912, pursuant to the Act of June 25, 1910 (U. S. C., title 43, secs. 141-143), by drilling wells and performing any work incident thereto, of which amount not to exceed \$100,000 shall be available for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department: *Provided further*, That no part of the sum made available for the protection of this property shall be expended if a satisfactory agreement can be made with adjoining landowners to not drill offset wells for the purpose of producing oil.

Group IV (b) employees.

*Provisos.*  
Protecting work on Reserve No. 1.

Vol. 36, p. 847.  
U. S. C., p. 1832.

Group IV (b) employees.

Agreement with adjoining landowners not to drill offset wells.

Naval prison farms and prison personnel.

NAVAL PRISON FARMS AND PRISON PERSONNEL

Operation, etc.

For the operation, maintenance, and improvement of naval prison farms and for the welfare, recreation, and education of prison personnel, to be expended under such regulations as the Secretary of the Navy may prescribe, \$14,270: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

*Proviso.*  
Limitation on expenditure.  
Vol. 48, p. 1227.

Bureau of Navigation.

BUREAU OF NAVIGATION

Training, education, etc.

TRAINING, EDUCATION, AND WELFARE, NAVY

*Post*, p. 1628.  
Naval War College, maintenance, etc.

Naval War College: For maintenance and operation, including repairs, improvements, and care of grounds; services of a professor of international law, \$2,000; services of lecturers, \$2,000; and other



civilian services; library expenses, including the purchase, binding, and repair of books and periodicals and subscriptions to newspapers and periodicals; and including contingencies of the President of the Naval War College to be expended in his discretion not exceeding \$1,000; and for other necessary expenses, \$120,420;

Naval training stations: For maintenance, operation, and other necessary expenses, including repairs, improvements, and care of grounds of the naval training stations which follow:

Training stations, maintenance, etc.

San Diego, California, \$162,975;

Newport, Rhode Island, \$115,559;

Great Lakes, Illinois, \$250,000;

Norfolk, Virginia, \$226,468;

Post, p. 1628.

Fleet training: For trophies and badges for excellence in gunnery, target practice, communication, engineering exercises and for economy in fuel consumption to be awarded under such rules as the Secretary of the Navy may formulate; for the purpose of recording, classifying, compiling, and publishing the rules and results; for the establishment and maintenance of shooting galleries, target houses, targets, and ranges; for hiring established ranges, and for transporting equipment to and from ranges; entrance fees in matches for the rifle team, and special equipment therefor, \$50,000;

Fleet training, gunnery, etc., prizes.

Instruction: For postgraduate instruction of officers in other than civil government and literature, and for special instruction, education, and individual training of officers and enlisted men at home and abroad, including maintenance of students abroad, except aviation training and submarine training otherwise appropriated for, \$178,000: *Provided*, That no part of this or any other appropriation contained in this Act shall be available for or on account of any expense incident to giving special educational courses or postgraduate instruction to officers with view to qualifying them or better qualifying them for the performance of duties required to be performed by or in pursuance of law by officers of the Supply Corps, Construction Corps, or Corps of Civil Engineers, except present students and except such officers who are commissioned in such corps or who have not been commissioned in the line of the Navy more than three years;

Instruction expenses.

Libraries: For libraries, professional books, textbooks, religious books, periodicals and newspaper subscriptions for ships and shore stations not otherwise appropriated for, \$58,000;

*Proviso.* Special courses to officers.

Student and Staff Corps, limitation.

Libraries.

Welfare and recreation: For welfare and recreation of the Navy, including periodicals and newspaper subscriptions, and not exceeding \$2,400 for care and operation of schools at naval stations at Guantanamo Bay and Tutuila, for the children of Naval and Marine Corps commissioned, enlisted, and civilian personnel, to be expended in the discretion of the Secretary of the Navy, under such regulations as he may prescribe, \$282,200;

Welfare and recreation.

Naval Reserve Officers' Training Corps: For all expenses incident to the conduct of the Naval Reserve Officers' Training Corps under such regulations as <sup>1</sup> the President has prescribed or hereafter may prescribe under the provisions of section 22 of the Act approved March 4, 1925 (43 Stat., p. 1276; U. S. C., Title 34, sec. 821), \$85,000, of which \$20,000 shall be available immediately: *Provided*, That uniforms and other equipment or material issued to the Naval Reserve Officers' Training Corps in accordance with law may be furnished from surplus or reserve stocks of the Navy without payment under this appropriation, except for actual expenses incurred in the manufacture or issue;

Naval Reserve Officers' Training Corps, operation, etc.

Vol. 43, p. 1276.  
U. S. C., p. 1564.

*Proviso.*  
Uniforms, etc.

<sup>1</sup> So in original.

Training, education,  
etc.  
*Proviso.*  
Group IV (b) em-  
ployees.

In all, training, education, and welfare, Navy, \$1,528,622: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department, exclusive of temporary services, shall not exceed the following amounts, respectively: Naval War College, \$77,000; Naval Training Station, San Diego, \$7,500; Naval Training Station, Newport, \$10,000; Naval Training Station, Great Lakes, \$14,500; Naval Training Station, Norfolk, \$5,500; Instruction, \$26,000; Libraries, \$24,000; Welfare and Recreation, \$2,500.

Limitations.

State Marine Schools.

STATE MARINE SCHOOLS, ACT OF MARCH 4, 1911

Reimbursing Cali-  
fornia, Massachusetts,  
New York, and Penn-  
sylvania for expenses.  
Vol. 36, p. 1353.  
U. S. C., p. 1578.

To reimburse the State of California, \$25,000; the State of Massachusetts, \$25,000; the State of New York, \$25,000; and the State of Pennsylvania, \$25,000, for expenses incurred in the maintenance and support of marine schools in such States as provided in the Act authorizing the establishment of marine schools, and so forth, approved March 4, 1911 (U. S. C., title 34, sec. 1121), and for the maintenance and repair of the particular vessels loaned by the United States to the said States on the date of the approval of this Act for use in connection with such State Marine Schools, \$90,000, and no other vessels shall be furnished by or through the Navy Department; in all, \$190,000.

Maintenance, etc., of  
vessel loaned.

Bureau of Naviga-  
tion.

INSTRUMENTS AND SUPPLIES, BUREAU OF NAVIGATION

Instruments and sup-  
plies.

For supplies for seamen's quarters; and for the purchase of all other articles of equipage at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; hire of launches or other small boats in Asiatic waters; quarantine expenses; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same; compasses, compass fittings, including binnacles, tripods, and other appendages of ship's compasses; logs and other appliances for measuring the ship's way and leads and other appliances for sounding; photographs, photographic instruments and materials, printing outfit and materials; music and musical instruments; commissions, warrants, diplomas, discharges, good-conduct badges, and medals for men and boys; transportation of effects of deceased officers, nurses, and enlisted men of the Navy, and of officers and men of the Naval Reserve who die while on duty; not to exceed \$5,000 for contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen and impossible to classify; and for the necessary civilian electricians for gyrocompass testing and inspection, \$630,000: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$36,000.

*Proviso.*  
Group IV (b) em-  
ployees.

Ocean and lake sur-  
veys.

OCEAN AND LAKE SURVEYS, BUREAU OF NAVIGATION

For hydrographic surveys, including the pay of the necessary hydrographic surveyors, cartographic draftsmen, and recorders, and for the purchase of nautical books, charts, and sailing directions,

\$70,000, of which \$8,000 shall be available immediately: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$27,400.

*Proviso.*  
Group IV (b) employees.

NAVAL RESERVE

Naval Reserve.

For expenses of organizing, administering, and recruiting the Naval Reserve and Naval Militia; pay and allowances of officers and enlisted men of the Naval Reserve when employed on authorized training duty; mileage for officers while traveling under orders to and from training duty; transportation of enlisted men to and from training duty, and subsistence and transfers en route, or cash in lieu thereof; subsistence of enlisted men during the actual period of training duty; subsistence of officers and enlisted men of the Fleet Naval Reserve while performing authorized training or other duty without pay; pay, mileage, and allowances of officers of the Naval Reserve and pay, allowances, subsistence and transportation with subsistence and transfers en route, or cash in lieu thereof of enlisted men of the Naval Reserve when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve; pay of officers and enlisted men of the Fleet Naval Reserve for the performance of not to exceed forty-eight drills per annum or other equivalent instruction or duty, or appropriate duties, and administrative duties, exclusive, however, of pay, allowances, or other expenses on account of members of any class of the Naval Reserve incident to their being given flight training unless, as a condition precedent, they shall have been found by such agency as the Secretary of the Navy may designate physically and psychologically qualified to serve as pilots of naval aircraft, \$7,352,825, of which amount \$122,306 shall be available immediately; not more than \$150,000 shall be available for maintenance and rental of armories, including pay of necessary janitors, and for wharfage; not more than \$81,000 shall be available for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department; not less than \$3,277,945 shall be available, in addition to other appropriations, for aviation material, equipment, fuel, and rental of hangars, and not more than \$397,914 shall be available, in addition to other appropriations, for fuel and the transportation thereof, and for all other expenses in connection with the maintenance, operation, repair, and upkeep of vessels assigned for training the Naval Reserve, and of such total sum \$5,062,396 shall be available exclusively for and on account of Naval and Marine Corps Reserve aviation: *Provided*, That no appropriation contained in this Act shall be available to pay more than nineteen officers of the Naval Reserve and one officer of the Marine Corps Reserve above the grade of lieutenant or captain, respectively, the pay and allowances of their grade for the performance of active duty other than the performance of drills or other equivalent instruction or duty, or appropriate duties, and the performance of fifteen days' active training duty, and other officers above such grades employed on such class of active duty (not to exceed four months in any calendar year) shall not be entitled to be paid a greater rate of pay and allowances than authorized by law for a lieutenant of the Navy or a captain of the Marine Corps entitled to not exceeding ten years' longevity pay: *Provided further*, That no appropriation made in this Act shall be available for pay, allowances, or traveling or other expenses of

Organizing, recruiting, etc., of, and Militia.  
*Ante*, p. 157.

Fleet Naval Reserve. Subsistence, etc.

Pay, mileage, etc.

Flight training.

Armories, wharfage, etc.

Group IV (b) employees.

Aviation material, hangars, etc.

*Provisos.*  
Reserve officers performing active duty.

Limitation.

Pay, allowances, etc., restrictions.

any officer or enlisted man of the Naval or Marine Corps Reserve who may be drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States; and "retired pay" as here used shall not include the pay of transferred members of such reserve forces.

Naval Academy.

NAVAL ACADEMY

Pay for professors, etc. Pay, Naval Academy: Pay for professors and others, Naval Academy: Pay of professors and instructors, including one professor as librarian, \$265,400: *Provided*, That not more than \$22,800 shall be paid for masters and instructors in swordsmanship and physical training.

*Proviso.* Swordsmanship instruction. For pay of employees, \$586,435: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$236,000.

*Employees.* *Proviso.* Group IV (b) employees. Current, etc., expenses. Lectures, etc. Library. Board of Visitors. Maintenance and repairs. Vehicles. *Proviso.* Group IV (b) employees. Current and miscellaneous expenses, Naval Academy: For text and reference books for use of instructors; stationery, blank books and forms, models, maps, newspapers, and periodicals; apparatus and materials for instruction in physical training and athletics; expenses of lectures and entertainments, not exceeding \$1,000, including pay and expenses of lecturer; chemicals, philosophical apparatus and instruments, stores, machinery, tools, fittings, apparatus, materials for instruction purposes, and purchase of and engraving of trophies and badges, \$78,800; for purchase, binding, and repair of books for the library (to be purchased in the open market on the written order of the superintendent), \$5,000; for expenses of the Board of Visitors to the Naval Academy, \$1,000; for contingencies for the superintendent of the academy, to be expended in his discretion, not exceeding \$4,000; for contingencies for the commandant of midshipmen, to be expended in his discretion, not exceeding \$1,200; in all, \$90,000, to be accounted for as one fund.

Maintenance and repairs, Naval Academy: For necessary repairs of public buildings, wharves, and walls enclosing the grounds of the Naval Academy, accident prevention, improvements, repairs, and fixtures; for books, periodicals, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants, machinery; purchase and maintenance of all horses and horse-drawn vehicles for use at the academy, including the maintenance, operation, and repair of three horse-drawn passenger-carrying vehicles to be used only for official purposes; seeds and plants; tools and repairs of the same; stationery; furniture for Government buildings and offices at the academy, including furniture for midshipmen's rooms; coal and other fuels; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up station and care of buildings; attendance on fires, lights, fire engines, fire apparatus, and plants, and telephone, telegraph, and clock systems; incidental labor, advertising, water tax, postage, telephones, telegrams, tolls, and ferriage; flags and awnings; packing boxes; pay of inspectors and draftsmen; and music and astronomical instruments, \$986,165: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$23,000.

## NAVAL HOME, PHILADELPHIA, PENNSYLVANIA

For pay of employees, \$90,120: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$15,500;

Maintenance: For water rent, heating, and lighting; cemetery, burial expenses, and headstones; general care and improvements of grounds, buildings, walls, and fences; repairs to power-plant equipment, implements, tools, and furniture, and purchase of the same; music in chapel and entertainments for beneficiaries; stationery, books, and periodicals; transportation of indigent and destitute beneficiaries to the Naval Home, and of sick and insane beneficiaries, their attendants and necessary subsistence for both, to and from other Government hospitals; employment of such beneficiaries in and about the Naval Home as may be authorized by the Secretary of the Navy, on the recommendation of the governor; support of beneficiaries and all other contingent expenses, including the maintenance, repair, and operation of two motor-propelled vehicles, and one motor-propelled passenger-carrying vehicle, to be used only for official purposes, \$99,880;

In all, Naval Home, \$190,000.

Naval Home, Philadelphia, Pa.

Personal services.  
*Proviso.*  
Group IV (b) employees.

Maintenance.

## BUREAU OF ENGINEERING

## ENGINEERING

For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, yard craft, and ships' boats, distilling and refrigerating apparatus; repairs, preservation, and renewals of electric interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; searchlights and fire-control equipments for antiaircraft defense at shore stations; maintenance and operation of coast signal service; equipage, supplies, and materials under the cognizance of the bureau required for the maintenance and operation of naval vessels, yard craft, and ships' boats; purchase, installation, repair, and preservation of machinery, tools, and appliances in navy yards and stations, accident prevention, pay of classified field force under the bureau; incidental expenses for naval vessels, navy yards, and stations, inspectors' offices, the engineering experiment station, such as photographing, technical books and periodicals, stationery, and instruments; services, instruments, machines and auxiliaries, apparatus and supplies, and technical books and periodicals necessary to carry on experimental and research work; maintenance and equipment of buildings and grounds at the engineering experiment station, Annapolis, Maryland; payment of part time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicians as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding \$20 per diem for any person so employed; in all, \$19,662,000, and in addition, \$500,000 of the unobligated balance on June 30, 1935, of the appropriation "General Expenses, Marine Corps, 1933", is hereby reappropriated and made available for the purposes of this paragraph: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules

Bureau of Engineering.

Engineering repairs, machinery, etc.  
Equipment supplies, etc.  
*Post*, p. 1628.

Annapolis, Md., engineering experiment station.

*Proviso.*  
Group IV (b) employees.

in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$1,667,000.

## BUREAU OF CONSTRUCTION AND REPAIR

Bureau of Construction and Repair.

Construction and repair of vessels.  
*Post*, p. 1628.

For designing naval vessels, including services, instruments, apparatus, and materials necessary for experimental and research work; payment of part time or intermittent employment in the District of Columbia, or elsewhere, of such scientists and technicians as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding \$20 per diem for any person so employed; maintenance, repairs, and alterations of vessels; care and preservation of vessels out of commission; docking of vessels; salvage and salvage services for naval floating property; construction and repair of district and yard craft; purchase and manufacture of equipage, appliances, supplies, and materials at home and abroad as required for the maintenance, repair, alteration, and operation of naval vessels and district and yard craft; carrying on work of the experimental model basin and wind tunnel; tools and appliances for all purposes in navy yards and naval stations; labor in navy yards and naval stations and elsewhere at home and abroad; accident prevention; pay of classified field force, including employees in material inspection and superintending constructors' offices; incidental expenses at navy yards and naval stations and in material inspection and superintending constructors' offices such as photographing, technical and professional books and magazines, plans, stationery, drafting instruments and other materials, \$18,288,000, and in addition \$500,000 of the unobligated balance on June 30, 1935, of the appropriation "General Expenses, Marine Corps, 1933", is hereby reappropriated and made available for the purposes of this paragraph: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$1,805,000.

Field force.

Amount reappropriated.

*Proviso.*  
Group IV (b) employees.

Bureau of Ordnance.

## BUREAU OF ORDNANCE

### ORDNANCE AND ORDNANCE STORES, BUREAU OF ORDNANCE

Procuring, etc., ordnance and ordnance stores.

For procuring, producing, preserving, and handling ordnance material, for the armament of ships; for the purchase and manufacture of torpedoes and appliances; for the purchase and manufacture of smokeless powder; for fuel, material, and labor to be used in the general work under the cognizance of the Bureau of Ordnance; for furniture at naval ammunition depots, torpedo stations, naval ordnance plants, and proving grounds; for technical books; plant appliances as now defined by the "Navy Classification of Accounts"; for machinery and machine tools; for accident prevention; for experimental work in connection with the development of ordnance material for the Navy; for maintenance of proving grounds, powder factory, torpedo stations, gun factory, ammunition depots, and naval ordnance plants, and for target practice; not to exceed \$15,000 for minor improvements to buildings, grounds, and appurtenances of a character which can be performed by regular station labor; for payment of part time or intermittent employment in the District of Columbia, or elsewhere, of such scientists and technicians as may be contracted for by the Secretary of the Navy in his discretion at a rate of pay not exceeding \$20 per diem for any person so

Plant appliances.

employed; for the maintenance, repair, and operation of horse-drawn and motor-propelled freight and passenger-carrying vehicles, to be used only for official purposes at naval ammunition depots, naval proving grounds, naval ordnance plants, and naval torpedo stations; for the pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots, and for care and operation of schools at ordnance stations at Indianhead, Maryland; Dahlgren, Virginia; and South Charleston, West Virginia, \$21,200,000, and in addition \$500,000 of the unobligated balance on June 30, 1935, of the appropriation "Fuel and Transportation, Bureau of Supplies and Accounts, 1934", is hereby reappropriated and made available for the purposes of this paragraph: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$1,275,000.

Operating schools at designated stations.

*Proviso.*  
Group IV (b) employees.

## BUREAU OF SUPPLIES AND ACCOUNTS

Bureau of Supplies and Accounts.

### PAY, SUBSISTENCE, AND TRANSPORTATION OF NAVAL PERSONNEL

Pay of naval personnel: For pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders (not to exceed nine hundred and eight officers of the Medical Corps, one hundred and eighty-six officers of the Dental Corps, five hundred and fifty-six officers of the Supply Corps, eighty-three officers of the Chaplain Corps, two hundred and thirty-three officers of the Construction Corps, one hundred and nine officers of the Civil Engineer Corps, and one thousand four hundred and sixty-one warrant and commissioned warrant officers: *Provided*, That if the number of warrant and commissioned warrant officers and officers in any staff corps holding commission on July 1, 1935, is in excess of the number herein stipulated, such excess officers may be retained in the Navy until the number is reduced to the limitations imposed by this Act), pay—\$32,948,940, including not to exceed \$1,628,858 for increased pay for making aerial flights, no part of which shall be available for increased pay for making aerial flights by more than three rear admirals nor by nonflying officers or observers at a rate in excess of \$1,440 per annum, which shall be the legal maximum rate as to such nonflying officers or observers; rental allowance, \$6,685,447; subsistence allowance, \$4,257,791; in all, \$43,892,178; officers on the retired list, \$7,717,150; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, \$3,000; pay of enlisted men on the retired list, \$6,050,042; interest on deposits by men, \$3,000; pay of petty officers (not to exceed an average of seven thousand and forty chief petty officers, of which number those with a permanent appointment as chief petty officer shall not exceed an average of six thousand one hundred and fifty), seamen, landsmen, and apprentice seamen, including men in the engineer's force and men detailed for duty with the Fish Commission, enlisted men, men in trade schools, pay of enlisted men of the Hospital Corps, extra pay for men for diving, and cash prizes (not to exceed \$75,000) for men for excellence in gunnery, target practice, communication, and

Pay of naval personnel.  
Officers.  
*Post*, p. 588.

*Proviso.*  
Excess to be carried.

Restriction on flights by nonflying officers.

Rental allowance.  
Retired officers.  
Hire of quarters.

Enlisted men.

Outfits, clothing, etc.	engineering competitions, \$73,872,972; outfits for all enlisted men and apprentice seamen of the Navy on first enlistment, civilian clothing not to exceed \$15 per man to men given discharges for bad conduct or undesirability or inaptitude, reimbursement in kind of clothing to persons in the Navy for losses in cases of marine or aircraft disasters or in the operation of water- or air-borne craft, and the authorized issue of clothing and equipment to the members of the Nurse Corps, \$2,246,523; pay of enlisted men undergoing sentence of court martial, \$64,400, and as many machinists as the President may from time to time deem necessary to appoint; pay and allowances of the Nurse Corps, including assistant superintendents, directors and assistant directors—pay, \$498,320; rental allowance, \$15,840; subsistence allowance, \$15,152; pay retired list, \$176,424; in all, \$705,736; rent of quarters for members of the Nurse Corps; pay and allowances of transferred and assigned men of the Fleet Naval Reserve, \$12,125,039; reimbursement for losses of property as provided in the Act approved October 6, 1917 (U. S. C., title 34, secs. 981, 982), as amended by the Act of March 3, 1927 (U. S. C., Supp. VII, title 34, sec. 983), \$10,000; payment of six months' death gratuity, \$100,000; in all, \$146,790,040; and no part of such sum shall be available to pay active-duty pay and allowances to officers in excess of eight on the retired list, except retired officers temporarily ordered to active duty as members of retiring and selection boards as authorized by law: <i>Provided</i> , That during the fiscal year ending June 30, 1936, no officer of the Navy shall be entitled to receive an addition to his pay in consequence of the provisions of the Act approved May 13, 1908 (U. S. C., title 34, sec. 867): <i>Provided further</i> , That, except for the public quarters occupied by the Chief of Office of Naval Operations, the Superintendent of the Naval Academy, and the Commandant of the Marine Corps and messes temporarily set up on shore for officers attached to seagoing vessels, to aviation units based on seagoing vessels including officers' messes at the fleet air bases, and to landing forces and expeditions, and in addition not to exceed forty in number at such places as shall be designated by the Secretary of the Navy, no appropriation contained in this Act shall be available for the pay, allowances, or other expenses of any enlisted man or civil employee performing service in the residence or quarters of an officer or officers on shore as a cook, waiter, or other work of a character performed by a household servant, but nothing herein shall be construed as preventing the voluntary employment in any such capacity of a retired enlisted man or a transferred member of the Fleet Naval Reserve without additional expense to the Government, nor the sale of meals to officers by general messes on shore as regulated by detailed instructions from the Navy Department;
Reimbursement.	
Nurse Corps.	
Fleet Naval Reserve. Property losses. Vol. 40, p. 389; Vol. 44, p. 1368. U. S. C., p. 1572.	
Active-duty pay, etc., retired officers, etc.	
<i>Provisos.</i> Aids to rear admiral; pay restriction. Vol. 35, p. 128. U. S. C., p. 1566.	
Pay and allowances, domestic service.	
Enlisted men ashore as household servants.	
Voluntary, etc., services.	
Sales of meals to officers on shore duty.	
Subsistence. Provisions, commutation of rations, etc.	
Unavoidable absences.	
Detached duty; Naval Reserve.	



prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement; in all, \$16,936,280;

Transportation and recruiting of naval personnel: For mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers of the Navy while traveling under orders, including not to exceed \$2,000 for the expenses of attendance at home and abroad, upon meetings of technical, professional, scientific, and other similar organizations, when, in the judgment of the Secretary of the Navy, such attendance would be of benefit in the conduct of the work of the Navy Department, for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen, and not more than \$2,500 shall be available for transportation of midshipmen, including reimbursement of traveling expenses while traveling under orders after appointment as midshipmen; for actual traveling expenses of female nurses; for travel allowance or for transportation and subsistence as authorized by law of enlisted men upon discharge; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their home, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen and insane supernumerary patients to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation; expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties; transportation of dependents of officers and enlisted men, including travel had during the fiscal years 1935 and 1936, but not in excess of from the last duty station to home, in connection with retirement, \$818,650; expenses of funeral escorts of naval personnel; actual expenses of officers and midshipmen while on shore-patrol duty, including the hire of automobiles when necessary for the use of shore-patrol detachment; in all, \$4,556,763;

In all, for pay, subsistence, and transportation of naval personnel, \$168,283,083, of which sum \$1,000,000 shall be immediately available, and the money herein specifically appropriated for "Pay, subsistence, and transportation of naval personnel", shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That additional commissioned, warranted, appointed, enlisted, and civilian personnel of the Medical Department of the Navy, required for the care of patients of the United States Veterans' Administration in naval hospitals, may be employed in addition to the numbers appropriated for in this Act: *Provided further*, That no part of this appropriation shall be available for the pay of any midshipmen whose admission subsequent to January 30, 1935, would result in exceeding at any time an allowance of four midshipmen for each Senator, Representative, and Delegate in Congress; of one midshipman for Puerto Rico, a native of the island, appointed on nomination of the Governor, and of four midshipmen from Puerto Rico, appointed on nomination of the Resident Commissioner; and of four midshipmen from the

Transportation.

Attendance at meetings.

Apprehending deserters, etc.

Recruiting.

Transporting dependents.

Funeral escorts.

Aggregate; sum immediately available.

Accounting, etc.

*Proviso.*  
Additional medical detail for Veterans' Administration patients in naval hospitals.

Restriction on admissions to Naval Academy after January 30, 1935.

Appointments at large from enlisted men not affected.

Sea service requirements of appointees from enlisted men.

District of Columbia: *Provided further*, That nothing herein shall be construed to repeal or modify in any way existing laws relative to the appointment of midshipmen at large, from the enlisted personnel of the naval service, or from the Naval Reserve: *Provided further*, That no part of this appropriation shall be available for the pay of any midshipman appointed from enlisted men of the Navy for admission to the Naval Academy in the class entering in the calendar year 1936 who has not served aboard a vessel of the Navy in full commission for at least nine months prior to such admission.

Maintenance.

#### MAINTENANCE, BUREAU OF SUPPLIES AND ACCOUNTS

For equipage, supplies, and services under the cognizance of the Bureau of Supplies and Accounts, including stationery for commanding, executive, communication, and navigating officers of ships, boards and courts on ships, and chaplains; commissions, interest, and exchange; ferrriage and bridge tolls; including street-car fares; rent of buildings and offices not in navy yards except for use of naval attachés and recruiting officers; accident prevention; services of civilian employees under the cognizance of the Bureau of Supplies and Accounts; freight, express, and parcel-post charges, including transportation of funds and cost of insurance on shipments of money when necessary, and ice for cooling drinking water on shore (except at naval hospitals and shops at industrial navy yards), pertaining to the Navy Department and Naval Establishment, \$8,350,540: *Provided*, That no part of this or any other appropriation contained in this Act shall be available for or on account of the supply or replacement of table linen, dishes, glassware, silver, and kitchen utensils for use in the residences or quarters of officers on shore: *Provided further*, That no appropriation contained in this Act shall be available for any expense for or incident to the transportation of privately owned automobiles except on account of the return to the United States of such privately owned automobiles as may have been transported to points outside of the continental limits of the United States at public expense prior to July 1, 1932: *Provided further*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$4,400,000: *Provided further*, That, without deposit to the credit of the Treasurer of the United States and withdrawal on money requisitions, receipts of public moneys from sales or other sources by officers of the Navy and Marine Corps on disbursing duty and charged in their official accounts may be used by them as required for current expenditures, all necessary bookkeeping adjustments of appropriations, funds, and accounts to be made in the settlement of their disbursing accounts.

Freight, etc., charges.

*Provisos.*  
Supply or replacement of kitchen, etc., ware for officers' quarters ashore forbidden.

Transporting privately owned automobiles forbidden; exception.

Group IV (b) employees.

Use of certain receipts for current expenditures; accounting.

#### CLOTHING, NAVAL RESERVE

Clothing and small-stores fund.  
Issue to aviation cadets and Naval Reserve.

The clothing and small-stores fund shall be charged with the value of all issues of clothing and small stores made to aviation cadets and enlisted men of the Naval Reserve and the uniform gratuity paid to officers of the Naval Reserve.

Evacuation of high explosives.

#### EVACUATION OF HIGH EXPLOSIVES, NAVY

Handling, transporting, etc.

Toward the handling and transportation of high explosives to the naval ammunition depot, Hawthorne, Nevada, and other points, and expenses incident thereto, in accordance with the primary recom-

mentations contained in House Document Numbered 199, Seventieth Congress, first session, as modified by the Second Deficiency Act, fiscal year 1928, approved May 29, 1928 (45 Stat., p. 908), the unexpended balance of the appropriation under this head shall remain available until expended.

Vol. 45, p. 908.  
Vol. 48, p. 414.  
Balance continued available.

#### FUEL AND TRANSPORTATION, BUREAU OF SUPPLIES AND ACCOUNTS

For coal and other fuel for submarine bases and steamers' and ships' use, including expenses of transportation, storage, and handling the same and the removal of fuel refuse from ships; maintenance and general operation of machinery of naval fuel depots and fuel plants; water for all purposes on board naval vessels, and ice for the cooling of water, including the expense of transportation and storage of both, \$7,812,200: *Provided*, That fuel acquired other than by purchase shall not be issued without charging the applicable appropriation with the cost of such fuel at the rate current at the time of issue for fuel purchased: *Provided further*, That the President may direct the use, wholly or in part, of fuel on hand, however acquired, to be charged at the last issue rate for fuel acquired by purchase, when, in his judgment, prices quoted for supplying fuel are excessive: *Provided further*, That no part of this appropriation shall be available, any provision in this Act to the contrary notwithstanding, for the purchase of any kind of fuel oil of 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 may be procurable, notwithstanding that oil of the production of the United States or its possessions may cost more than oil of foreign production, if such excess of cost, in the opinion of the Secretary of the Navy, which shall be conclusive, be not unreasonable.

Fuel and transportation.  
*Post*, pp. 589, 1623.

*Provisos*.  
Issue to be charged to applicable appropriation.

Prices for fuel on hand.

Restriction on use, etc., of foreign fuel oil.

#### BUREAU OF MEDICINE AND SURGERY

Bureau of Medicine and Surgery.

##### MEDICAL DEPARTMENT

For surgeons' necessaries for vessels in commission, navy yards, naval stations, and Marine Corps; and for the civil establishment at the several naval hospitals, navy yards, naval medical supply depots, Naval Medical School and dispensary, Washington, and Naval Academy; for tolls and ferriages; purchase of books and stationery; hygienic and sanitary investigation and illustration; sanitary, hygienic, administrative, and special instruction, including the issuing of naval medical bulletins and supplements; purchase and repairs of nonpassenger-carrying wagons, automobile ambulances, and harness; purchase of and feed for horses and cows; maintenance, repair, and operation of three passenger-carrying motor vehicles for naval dispensary, Washington, District of Columbia, and of one motor-propelled vehicle for official use only for the medical officer on out-patient medical service at the Naval Academy; trees, plants, care of grounds, garden tools, and seeds; incidental articles for the Naval Medical School and naval dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks; washing for medical department at Naval Medical School and naval dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks, dispensaries at navy yards and naval stations, and ships; and for minor repairs on buildings and grounds of the United States Naval Medical School and naval medical supply depots; rent of rooms for naval dispensary, Washington, District of Columbia, not to exceed \$1,200;

Surgeons' necessaries.  
Civil establishment.

Vehicles, etc.

Care, etc., of insane on Pacific Coast.

*Proviso.*  
Group IV (b) employees.

for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast, including supernumeraries held for transfer to Saint Elizabeths Hospital; for dental outfits and dental material; and all other necessary contingent expenses; in all, \$2,179,400: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$200,000.

Care of the dead.

#### CARE OF THE DEAD

Interment or transporting expenses.

For the care of the dead; for funeral expenses and interment or transportation to their homes or to designated cemeteries of the remains of officers (including officers who die within the United States) and enlisted men of the Navy and Marine Corps, of members of the Nurse Corps, reservists on active or training duty, and accepted applicants for enlistment, civilian employees of the Navy Department and Naval Establishment who die outside of the continental limits of the United States, and former enlisted men who are discharged while in naval hospitals and are inmates of said hospitals on the date of their death; for funeral expenses and interment of the remains of pensioners and destitute patients who die in naval hospitals; for purchase and care of cemetery lots; for care of graves outside of the continental limits of the United States, including those in sites not owned by the United States; for removal of remains from abandoned cemeteries to naval or national cemeteries, or to their homes, including remains interred in isolated graves at home and abroad, and remains temporarily interred, \$70,000: *Provided*, That the above provision shall apply in the case of officers and enlisted men of the Navy and Marine Corps on the retired list who die while on active duty.

Civilian employees dying abroad.

*Proviso.*  
Retired officers, etc., on active duty included.

Bureau of Yards and Docks.

#### BUREAU OF YARDS AND DOCKS

##### MAINTENANCE, BUREAU OF YARDS AND DOCKS

General maintenance, etc.

For the labor, materials, and supplies necessary, as determined by the Secretary of the Navy, for the general maintenance of the activities and properties now or hereafter under the cognizance of the Bureau of Yards and Docks, including accident prevention; the purchase, maintenance, repair, and operation of passenger-carrying vehicles for the Navy Department (not to exceed ten in number) and the Naval Establishment not otherwise provided for; not to exceed \$1,600,000 for employees assigned to Group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department, and part-time or intermittent employment in the District of Columbia, or elsewhere, of such engineers and architects as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding \$25 per diem for any person so employed, \$7,952,800: *Provided*, That during the fiscal year 1936 the motor-propelled passenger-carrying vehicles to be purchased hereunder shall not exceed the following respective numbers and costs: One at \$2,500, eight at \$900 each, thirty-eight at \$600 each, and four motor busses at \$4,000 each: *Provided further*, That expenditures from appropriations contained in this Act for the maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, including the compensation of civilian chauffeurs and the compensation of any greater number than ninety enlisted men

Vehicles.

Group IV (b) employees.

*Provisos.*  
Limitation on vehicle purchases, etc.

Vehicle operation, etc.

detailed to such duty, shall not exceed in the aggregate \$70,000, exclusive of such vehicles owned and operated by the Marine Corps in connection with expeditionary duty without the continental limits of the United States and motorcycles, and on any one vehicle shall not exceed for maintenance, upkeep, and repair, exclusive of garage rent, pay of operators, tires, fuel, and lubricants, one-third of the market price of a new vehicle of the same make or class, and in any case not more than \$400.

#### CONTINGENT, BUREAU OF YARDS AND DOCKS

For contingent expenses and minor extensions and improvements of public works at navy yards and stations, \$140,000.

Contingent.

#### PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

For public works and public utilities, Bureau of Yards and Docks, \$1,475,000, of which not to exceed \$60,000 shall be available for the employment of classified personal services in the Bureau of Yards and Docks and in the field service to be engaged upon such work and to be in addition to employees otherwise provided for: *Provided*, That the Secretary of the Navy is authorized to commence, continue, or complete the construction of, or make provision for, by contract or otherwise, projects heretofore authorized and appropriated for, and the following-named public works and public utilities projects at a limit of cost not to exceed the amount stated for each project enumerated, respectively:

Public works, etc.

Navy Yard, Boston, Massachusetts: Improvement of electric system, \$100,000;

Boston, Mass.

Navy Yard, Charleston, South Carolina: Shore structures and facilities for ship building, \$300,000;

Charleston, S. C.

Navy Yard, Mare Island, California: Improvement of electric system, \$250,000;

Mare Island, Calif.

Navy Yard, Puget Sound, Washington: Improvement of electric system, \$200,000;

Puget Sound, Wash.

Navy Yard, Pearl Harbor, Hawaii: Improvement of fuel oil facilities, \$50,000; services and extension of repair basin, \$300,000;

Pearl Harbor, Hawaii.

Submarine Base, Coco Solo, Canal Zone: Improvement of waterfront, \$50,000;

Coco Solo, C. Z.

Naval Air Station, San Diego, California: Seaplane runway, \$40,000; runway to assembly shop for seaplanes, \$70,000;

San Diego, Calif.

Fleet Air Base, Coco Solo, Canal Zone: Improvement of electric system, \$40,000;

Coco Solo, C. Z., air base.

Naval Radio Station, Annapolis, Maryland: Extension of radio facilities, \$75,000.

Annapolis, Md., radio station.

#### BUREAU OF AERONAUTICS

Bureau of Aeronautics.

##### AVIATION, NAVY

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1935, \$498,200; for maintenance, repair, and operation of aircraft factory, air stations, fleet air bases, fleet and all other aviation activities, accident prevention, testing laboratories, for overhauling of planes, and for the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, \$11,020,450, including \$120,000 for the equipment of vessels with catapults and including not to exceed \$10,000 for the procurement of helium, which sum of \$10,000 shall be transferred to and made available to the Bureau of Mines on

Designated aviation expenses.

Helium.  
*Ante*, p. 134.

July 1, 1935, in addition to which sum the Bureau of Mines may use for helium plant operation in the fiscal year 1936 the unexpended balance of funds transferred to it for such operation in the fiscal year 1935, and the bureau may lease, after competition, surplus metal cylinders acquired for use as helium containers; for continuing experiments and development work on all types of aircraft, including the payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicians as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding \$20 per diem for any person so employed, \$2,498,000; for new construction and procurement of aircraft and equipment, spare parts and accessories, \$26,715,660, of which amount not to exceed \$8,500,000 shall be available for the payment of obligations incurred under the contract authorizations carried in the Navy Appropriation Acts for the fiscal years 1934 and 1935 and \$17,475,000 shall remain available until June 30, 1937; in all, \$40,732,310; and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$1,505,000: *Provided, further*, That in addition to the amount herein appropriated, the Secretary of the Navy may, prior to July 1, 1937, enter into contracts for the production and purchase of new airplanes and their equipment, spare parts, and accessories, to an amount not in excess of \$6,590,000: *Provided further*, That the Secretary of the Treasury is authorized and directed, upon the request of the Secretary of the Navy, to transfer not to exceed in the aggregate \$24,000 from this appropriation to the appropriations "Pay, Subsistence, and Transportation, Navy", and "Pay, Marine Corps" to cover authorized traveling expenses of officers and enlisted men in connection with flying new airplanes from contractor's works to assigned station or ship, including travel to contractor's works and return of personnel to stations of duty, and the amount so transferred shall be in addition to any limitations contained in the appropriations "Pay, Subsistence, and Transportation, Navy", and "Pay, Marine Corps": *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coast of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes: *Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft where such claim does not exceed the sum of \$500.

Marine Corps.

## MARINE CORPS

### PAY, MARINE CORPS

Pay, etc., officers on active list.  
*Ante*, p. 157.

Pay of officers, active list: For pay and allowances prescribed by law for all officers on the active list—pay and allowance, \$4,117,400, including not to exceed \$193,551 for increased pay for making aerial flights, none of which shall be available for increased pay for making aerial flights by nonflying officers at a rate in excess of \$1,440

per annum, which shall be the legal maximum rate as to such non-flying officers; subsistence allowance, \$548,814; rental allowance, \$750,591; in all \$5,416,805; and no part of such sum shall be available to pay active-duty pay and allowances to officers on the retired list;

For pay of officers prescribed by law on the retired list, \$1,049,688;

Retired officers.

Pay of enlisted men, active list: For pay and allowances of non-commissioned officers, musicians, and privates, as prescribed by law, and for the expenses of clerks of the United States Marine Corps traveling under orders, including not to exceed \$250 for the expenses of attendance upon meetings of technical, professional, scientific, and other organizations, when, in the judgment of the Secretary of the Navy, such attendance would be of benefit in the conduct of the work of the Marine Corps, and including additional compensation for enlisted men of the Marine Corps, qualified as expert riflemen, sharpshooters, marksmen, or regularly detailed as gun captains, gun pointers, cooks, messmen, including interest on deposits by enlisted men, post-exchange debts of deserters, and of men discharged or sentenced to terms of imprisonment while in debt to the United States, under such rules as the Secretary of the Navy may prescribe, and the authorized travel allowance of discharged enlisted men, and for prizes for excellence in gunnery exercises and target practice, and for pay of enlisted men designated as Navy mail clerks and assistant Navy mail clerks both afloat and ashore, and for gratuities to enlisted men discharged not under honorable conditions—pay and allowances, \$7,565,858; allowance for lodging and subsistence, \$590,725; in all, \$8,156,583;

Enlisted men, active list.

Pay and allowances.

For pay and allowances prescribed by law of enlisted men on the retired list, \$759,744;

Retired enlisted men.

Undrawn clothing: For payment to discharged enlisted men for clothing undrawn, \$224,782;

Undrawn clothing.

For pay and allowances of the Marine Corps Reserve (a) excluding transferred and assigned men, \$518,690; (b) transferred men, \$376,612; in all, \$895,302;

Marine Corps Reserve.

For mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers traveling under orders without troops, \$90,000;

Mileage, etc.

In all, \$16,592,904, and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law and shall constitute one fund.

Accounting.

#### PAY OF CIVIL EMPLOYEES, MARINE CORPS

Pay of civil force: For personal services in the District of Columbia, as follows:

Civil force at headquarters.

Offices of the Major General Commandant and adjutant inspector, \$105,500;

Office of paymaster, \$45,168;

Office of the quartermaster, \$116,000; in all, \$266,668: *Provided*, That the total number of enlisted men on duty at Marine Corps headquarters on May 7, 1930, shall not be increased, and in lieu of enlisted men whose services at such headquarters shall be terminated for any cause prior to July 1, 1936, their places may be filled by civilians, for the pay of whom, in accordance with the Classification Act of 1923, as amended, either or both the appropriations "Pay, Marine Corps", and "General expenses, Marine Corps", shall be available.

*Proviso.*  
Number of enlisted men at headquarters.  
Vacancies to be filled by civilians.  
Pay rates according to Classification Act.  
Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.  
U. S. C., p. 85.

## General expenses.

## GENERAL EXPENSES, MARINE CORPS

Authorized work. Post, p. 1629.	For every expenditure requisite for, and incident to, the authorized work of the Marine Corps, other than as appropriated for under the headings of pay and salaries, as follows:
Provisions, etc.	For provisions, subsistence, board and lodging of enlisted men, recruits and recruiting parties, and applicants for enlistment, cash allowance for lodging and subsistence to enlisted men traveling on duty; ice, ice machines and their maintenance, \$2,467,000;
Clothing.	For clothing for enlisted men, \$720,000;
Fuel, etc.	For fuel, heat, light, and power, including sales to officers, \$470,000;
Military supplies, etc. Purchase, preserva- tion, etc.	For military supplies and equipment, including their purchase, repair, preservation, and handling; recreational, school, educational, library, musical, amusement, field sport and gymnasium supplies, equipment, services, and incidental expenses; purchase and marking
Prizes, badges, etc.	of prizes for excellence in gunnery and rifle practice, good-conduct badges, medals, and buttons awarded to officers and enlisted men by the Government for conspicuous, gallant, and special service; rental and maintenance of target ranges and entrance fees for competitions, \$473,000;
Transportation, etc.	For transportation of troops and applicants for enlistment, including cash in lieu of ferriage and transfers en route; toilet kits for issue to recruits upon their first enlistment and other incidental
Dependents.	expenses of the recruiting service; and for transportation for dependents of officers and enlisted men, including travel had during the fiscal years 1935 and 1936, but not in excess of from the last duty station to home, in connection with retirement, \$300,000;
Repairs, etc., to bar- racks, quarters, etc.	For repairs and improvements to barracks, quarters, and other public buildings at posts and stations; for the renting, leasing, and improvement of buildings in the District of Columbia, and at such other places as the public exigencies require, and the erection of temporary buildings upon the approval of the Secretary of the Navy at a total cost of not to exceed \$10,000 during the year, \$350,000;
Forage, etc.	For forage and stabling of public animals and the authorized number of officers' horses, \$25,000.
Contingent.	For miscellaneous supplies, material, equipment, personal and other services, and for other incidental expenses for the Marine Corps not otherwise provided for; purchase, repair, and exchange of typewriters and calculating machines; purchase and repair of furni-
Vehicles, etc.	ture and fixtures; repair of motor-propelled passenger-carrying vehicles; and purchase, exchange, and repair of horse-drawn pas-
Horses, etc.	senger-carrying and other vehicles, including parts; veterinary services and medicines for public animals and the authorized number of officers' horses; purchase of mounts and horse equipment for all officers below the grade of major required to be mounted; shoeing for public animals and the authorized number of officers' horses; books, newspapers, and periodicals; printing and binding; packing
Funeral expenses.	and crating of officers' allowance of baggage; funeral expenses of officers and enlisted men and accepted applicants for enlistment and retired officers on active duty, including the transportation of their bodies, arms, and wearing apparel from the place of demise to the homes of the deceased in the United States; construction, operation, and maintenance of laundries; and for all emergencies and extraordinary expenses, \$1,879,300: <i>Provided</i> , That there may be expended out of this appropriation not to exceed \$4,200 (including the exchange value of any vehicle that may be used as part payment) for the purchase of motor-propelled passenger-carrying vehicles, the
Proviso. Purchase, etc., auto- mobiles, etc.	



gross cost of any one vehicle not to be in excess of the respective amounts as follows: Three, \$900 each; five motorcycles, \$300 each.

Marine Corps Reserve: For clothing, including clothing for aviation cadets, subsistence, heat, light, transportation, and miscellaneous expenses, \$224,238;

In all, \$6,908,538, to be accounted for as one fund: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$80,000.

Marine Corps Reserve.

Accounting. *Proviso.*  
Group IV (b) employees.

## INCREASE OF THE NAVY

Increase of the Navy.

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, including (1) the expenses in connection with continuing the construction of fourteen destroyers and six submarines which were commenced in the fiscal year 1935 under funds made available from the "Emergency Appropriation Act, fiscal year 1935" and (2) for the commencement of two cruisers of subcategory (b) authorized by the Act approved February 13, 1929 (45 Stat. 1165), and one aircraft carrier, fifteen destroyers, and six submarines authorized by the Act approved March 27, 1934 (48 Stat., pp. 503-505), \$88,310,000, and in addition \$6,000,000 in the aggregate of the unobligated balances on June 30, 1935, of the appropriations "Maintenance, Bureau of Yards and Docks, 1934", "Ordnance and Ordnance Stores, Bureau of Ordnance, 1934", "Construction and Repair, Bureau of Construction and Repair, 1934", "Engineering, Bureau of Engineering, 1934", "Maintenance, Bureau of Supplies and Accounts, 1934", "Construction and Repair, Bureau of Construction and Repair, 1933", "Pay, Subsistence, and Transportation, Navy, 1933", "Fuel and Transportation, Bureau of Supplies and Accounts, 1933", and "Aviation, Navy, 1933", are hereby reappropriated and made available for the purposes of this paragraph, and the total sum herein made available shall remain available until expended: *Provided*, The sum to be paid out of the amount available for expenditure under the head of "Construction and Machinery" for the fiscal year 1936 for employees in the field service assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$1,000,000: *Provided*, That of the appropriations contained in this Act under the head of "Increase of the Navy", there shall be available such sums as the Secretary of the Navy may from time to time determine to be necessary for the engagement of technical services, and the employment of personnel in the Navy Department and in the field, the purchase of plans, drafting and other supplies, and the expenses of printing and travel, in addition to those otherwise provided for, owing to the construction of vessels which have been, or may hereafter be authorized: *Provided further*, That the appropriation limitation on expenditures, including armor and armament, on vessels authorized on or prior to February 13, 1929, is hereby waived.

Construction and machinery; vessels heretofore authorized. *Post*, pp. 1418, 1629.

Vol. 46, p. 1055.

Vol. 45, p. 1165.

Vol. 48, p. 503.

Additional sums. *Vol. 47*, pp. 1537, 1523, 1527, 1532, 423, 430, 433, 437.

Available until expended.

*Proviso.*  
Group IV (b) field service.

Technical services. Miscellaneous.

Light cruisers, construction limitation waived. *Vol. 45*, p. 1165.

Armor, armament, and ammunition: Toward the armor, armament, and ammunition for vessels heretofore authorized, \$32,485,000, to remain available until expended, and \$1,000,000 of such sum shall

Armor, etc., for vessels authorized. *Post*, p. 1417.

*Proviso.*  
Group IV (b) em-  
ployees.

be available immediately: *Provided*, That the sum to be paid out of the amount available for expenditure under this head for the fiscal year 1936 for employees in the field service assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$385,000.

Purchase of foreign  
products, etc., forbid-  
den.

That in the expenditure of appropriations in this Act the Secretary of the Navy shall, unless in his discretion the interest of the Government will not permit, purchase or contract for, within the limits of the United States, only articles of the growth, production, or manufacture of the United States, notwithstanding that such articles of the growth, production, or manufacture of the United States may cost more, if such excess of cost be not unreasonable.

Purchase of letters  
patent, etc.

The appropriations made in this Act for the purchase or manufacture of equipment or material or of a particular class of equipment or material shall be available for the purchase of letters patent, applications for letters patent, licenses under letters patent, and applications for letters patent that pertain to such equipment or material for which the appropriations are made.

Department use lim-  
ited.

No part of any appropriation made for the Navy shall be expended for any of the purposes herein provided for on account of the Navy Department in the District of Columbia, including personal services of civilians and of enlisted men of the Navy, except as herein expressly authorized: *Provided*, That there may be detailed to the Bureau of Navigation not to exceed at any one time six enlisted men of the Navy: *Provided further*, That enlisted men detailed to the naval dispensary and the radio communication service shall not be regarded as detailed to the Navy Department in the District of Columbia.

*Provisos.*  
Details to Naviga-  
tion Bureau.

Dispensary and ra-  
dio, etc., services not  
regarded as Depart-  
ment details.

No pay to officer, etc.,  
using time-measuring  
device on work of em-  
ployee.

No part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person or persons having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this Act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government: *Provided*, That nothing herein shall be construed as altering or repealing the provisos contained in the Acts to authorize the construction of certain naval vessels, approved February 13, 1929, and March 27, 1934, which provide that the first and succeeding alternate vessels in each category, except the fifteen-thousand-ton aircraft carrier, upon which work is undertaken, together with the main engines, armor, and armament shall be constructed or manufactured in the Government

Cash rewards pro-  
hibited.

Repair, etc., at other  
than navy yards, etc.,  
restricted.

*Proviso.*  
Construction, etc., of  
first and alternate  
cruisers at Govern-  
ment yards, factories,  
etc., required.

Vol. 45, p. 1651; Vol.  
48, p. 503.

U. S. C., p. 1541.

navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States, except such material or parts as are not customarily manufactured in such Government plants.

No part of the funds herein appropriated shall be available to pay a contractor upon any contract for a naval vessel entered into under authority of this Act unless, at the time of filing his bid, he shall also file the estimates upon which such bid was based.

## NAVY DEPARTMENT

### SALARIES

Navy Department.

Salaries.

For compensation for personal services in the District of Columbia, as follows:

Office of the Secretary of the Navy: Secretary of the Navy, Assistant Secretary of the Navy, and other personal services, \$163,380.

Secretary, Assistant, and civilian personnel in office, etc., designated.

General board, \$12,560.

Naval examining and retiring boards, \$10,600.

Compensation board, \$6,840.

Office of Naval Records and Library, \$34,080.

Office of Judge Advocate General, \$116,780.

Office of Chief of Naval Operations, \$70,000.

Board of Inspection and Survey, \$17,240.

Office of Director of Naval Communications, \$125,000.

Office of Naval Intelligence, \$56,080.

Bureau of Navigation, \$460,000.

Hydrographic Office, \$397,000.

Naval Observatory, including \$2,500 for pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, \$169,460.

American Ephemeris, etc.

Bureau of Engineering, \$297,500.

Bureau of Construction and Repair, \$347,479.

Bureau of Ordnance, \$149,000.

Bureau of Supplies and Accounts, \$765,100.

Bureau of Medicine and Surgery, \$83,240.

Bureau of Yards and Docks, \$276,800.

Bureau of Aeronautics, \$337,000.

In all, salaries, Navy Department, \$3,895,139.

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, with the exception of the Assistant Secretaries of the Navy, 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, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, 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 a different bureau, office, or other appropriation unit, (4) to

Salaries limited to average rates under Classification Act. Vol. 46, p. 1003. U. S. C., p. 85.

*Proviso.* Restriction not applicable to clerical-mechanical service. No reduction in fixed salaries. Vol. 42, p. 1490. Transfers to another position without reduction.

Payments under higher rates permitted.

If only one position in a grade.

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.

#### CONTINGENT EXPENSES

Department contingent expenses.

Naval records of World War.

Naval service appropriations not to be used for department expenses.

For professional and technical books and periodicals, law books, and necessary reference books, including city directories, railway guides, freight, passenger, and express tariff books and photostating, for department library; for purchase of photographs, maps, documents, and pictorial records of the Navy, photostating and other necessary incidental expenses in connection with the preparation for publication of the naval records of the war with the Central Powers of Europe; for stationery, furniture, newspapers, plans, drawings, and drawing materials; purchase and exchange of motor trucks or motor-delivery wagons, maintenance, repair, and operation of motor trucks or motor-delivery wagons; garage rent; street-car fares not exceeding \$500; freight, expressage, postage, typewriters, and computing machines, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, \$85,000; it shall not be lawful to expend, unless otherwise specifically provided herein, for any of the offices or bureaus of the Navy Department in the District of Columbia, any sum out of appropriations made for the naval service for any of the purposes mentioned or authorized in this paragraph.

#### PRINTING AND BINDING

Printing and binding.

For printing and binding for the Navy Department and the Naval Establishment executed at the Government Printing Office, \$410,000, including not exceeding \$95,000 for the Hydrographic Office and \$2,800 for the Naval Reserve Officers' Training Corps.

#### PRINTING HISTORICAL AND NAVAL DOCUMENTS

Historical and Naval Documents.  
Vol. 43, p. 414.  
*Post*, p. 1419.

*Proviso.*  
Copies to Library of Congress.

For continuing the printing of historical and naval documents, including composition, clerical copying in the Navy Department, and other preparatory work, in accordance with the provisions of the appropriation made for the commencement of this work as contained in the Naval Appropriation Act for the fiscal year 1935, \$20,000, together with the unexpended balance for this purpose for the fiscal year 1935: *Provided*, That nothing in such Act shall preclude the Public Printer from furnishing one hundred and fifty copies of each volume published to the Library of Congress.

Hydrographic Office.

#### CONTINGENT AND MISCELLANEOUS EXPENSES, HYDROGRAPHIC OFFICE

Contingent and miscellaneous expenses.

For purchase and printing of nautical books, charts, and sailing directions, copperplates, steel plates, chart paper, packing boxes, chart portfolios, electrotyping copperplates, cleaning copperplates; tools, instruments, power, and material for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; purchase of equipment for the storage of plates used in making charts and for the storage of Hydrographic Office charts and publications; purchase of one new offset press and an aerocartograph; modernization, care and repair to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; preparation of pilot charts and their

Pilot charts.

supplements, and printing and mailing same; purchase of data for charts and sailing directions and other nautical publications; books of reference and works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, and to other professional and technical subjects connected with the work of the Hydrographic Office, \$93,000.

For contingent expenses of branch hydrographic offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oregon), Portland (Maine), Chicago, Cleveland, Detroit, Buffalo, Duluth, Sault Sainte Marie, Seattle, Panama, San Juan (Puerto Rico), Los Angeles, Honolulu, and Galveston, including furniture, fuel, lights, works, and periodicals, relating to hydrography, marine meteorology, navigation, surveying, oceanography and terrestrial magnetism, stationery, miscellaneous articles, rent and care of offices, care of time balls, car fare and ferriage in visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the latest information for pilot charts, and for other purposes for which the offices were established, \$12,160.

Branch offices.

For services of necessary employees at branch offices, \$47,220.

CONTINGENT AND MISCELLANEOUS EXPENSES, NAVAL OBSERVATORY

Naval Observatory.

For professional and scientific books, books of reference, periodicals, engravings, photographs, and fixtures for the library; for apparatus and instruments, and for repairs of the same; for repairs to buildings (including quarters), fixtures, and fences; for cleaning, repair, and upkeep of grounds and roads; furniture and furnishings for offices and quarters, gas, chemicals, paints, and stationery, including transmission of public documents through the Smithsonian exchange, foreign postage; plants, seeds, and fertilizers; for fuel, oil, grease, pipe, wire, and other materials needed for the maintenance and repair of boilers, engines, heating apparatus, electric lighting and power, and water supply; purchase and maintenance of teams; maintenance, repair, and operation of motor trucks and passenger automobiles, and of horse-drawn vehicles; telegraph and telephone service; and other absolutely necessary expenses, \$21,500.

Library, apparatus, etc.

SEC. 2. No part of any money appropriated by this Act shall be used for maintaining, driving, or operating any Government-owned motor-propelled passenger-carrying vehicle not used exclusively for official purposes; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the Department. This section shall not apply to any motor vehicle for official use of the Secretary of the Navy, and no other persons connected with the Navy Department or the naval service, except the commander in chief of the United States Asiatic Fleet, Marine Corps officers serving with expeditionary forces in foreign countries, and medical officers on out-patient medical service, shall have a Government-owned motor vehicle assigned for their exclusive use.

Government-owned automobiles.  
Use restricted to official business.  
Transportation between domicile and place of employment.

Exemptions.

SEC. 3. During the fiscal year 1935 and thereafter, the words "permanent change of station" as used in section 12 of the Act approved May 18, 1920 (41 Stat. 604), as amended, shall be held to include the home of an officer or man to which he is ordered in connection with retirement.

"Permanent change of station" construed.  
Vol. 41, p. 604;  
U. S. C., p. 266.

Approved, June 24, 1935.

## [CHAPTER 308.]

## AN ACT

June 25, 1935.  
[S. 1066.]  
[Public, No. 164.]

To extend the provisions of section 2 of the Act of February 28, 1925, authorizing reservations of timber, minerals, or easements to exchanges of lands in the State of New Mexico, under the Act of February 14, 1923, and the Act of February 7, 1929.

Lincoln National Forest, N. Mex. Reservations of timber, minerals, or easements to exchanges of lands.  
Vol. 43, p. 1090; Vol. 42, p. 465.  
Vol. 45, p. 1154.  
U. S. C., p. 660.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of section 2 of the Act of Congress approved February 28, 1925 (43 Stat. 1090; U. S. C., title 16, sec. 486), authorizing reservations by either party to an exchange under the Act of Congress approved March 20, 1922 (42 Stat. 465; U. S. C., title 16, sec. 485), are hereby extended and made applicable to exchanges of lands under the Acts of Congress approved February 14, 1923 (42 Stat. 1245), and February 7, 1929 (45 Stat. 1154), which authorize the United States to acquire privately owned lands situated within certain townships in the Lincoln National Forest in the State of New Mexico, by exchanging therefor an equal value of unreserved and unappropriated public lands within said State.

Approved, June 25, 1935.

## [CHAPTER 309.]

## AN ACT

June 25, 1935.  
[S. 2185.]  
[Public, No. 165.]

To amend an Act entitled "An Act to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes."

Crater Lake National Park, Oreg.  
Vol. 39, p. 523.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 6, paragraph 1, of an Act entitled "An Act to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes", approved August 21, 1916 (39 Stat. L. 523), be amended so as to read:

Commissioner. Appointment, residence, authority, etc.

"SEC. 6. That the United States District Court for Oregon shall appoint a commissioner, who shall reside within the exterior boundaries of the Crater Lake National Park or at a place reasonably adjacent to the park, the place of residence to be designated by the Secretary of the Interior, and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by this Act."

SEC. 2. That section 9 of the said Act be amended by striking out the words, "Provided, That the said commissioner shall reside within the exterior boundaries of said Crater Lake National Park, at a place to be designated by the court making such appointment."

Payment of accrued salary.

SEC. 3. Any commissioner heretofore appointed under authority of the said Act shall be entitled to receive the salary provided by law, which may have accrued at the date this Act becomes effective, without regard to whether such commissioner or commissioners may have resided within the exterior boundaries of the Crater Lake National Park.

Approved, June 25, 1935.

## [CHAPTER 310.]

## AN ACT

To repeal the limitation on the sale price of the Federal building at Main and Ervay Streets, Dallas, Texas.

June 25, 1935.  
[S. 2780.]  
[Public, No. 166.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the proviso in the fifteenth paragraph under the caption "Projects outside the District of Columbia under section 5, Public Buildings Act approved May 25, 1926", of title 1 of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes", approved March 5, 1928, relating to the minimum price for which the Federal building and site at Main and Ervay Streets, Dallas, Texas, may be sold, is hereby repealed.

Dallas, Tex.  
Limitation on sale price of Federal building at, repealed.  
Vol. 45, p. 178.

Approved, June 25, 1935.

## [CHAPTER 315.]

## AN ACT

To create a national memorial military park at and in the vicinity of Kennesaw Mountain in the State of Georgia, and for other purposes.

June 26, 1935.  
[H. R. 59.]  
[Public, No. 167.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That when title to all the lands, structures, and other property within the military battlefield area and other areas of Civil War interest at and in the vicinity of Kennesaw Mountain in the State of Georgia, as shall be designated by the Secretary of the Interior, in the exercise of his discretion, as necessary or desirable for national battlefield park purposes, shall have been vested in the United States, such areas shall be, and they are hereby, established, dedicated, and set apart as a public park for the benefit and inspiration of the people and shall be known as the "Kennesaw Mountain National Battlefield Park."

Kennesaw Mountain National Battlefield Park, Ga.  
Establishment; condition.  
*Post*, pp. 584, 1794.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to accept donations of land, interests in land, buildings, structures, and other property within the boundaries of said national battlefield park as determined and fixed hereunder, the title and evidence of title to lands purchased to be satisfactory to the Secretary of the Interior: *Provided*, That under such funds available therefor he may acquire on behalf of the United States by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of the Act of August 1, 1888, such tracts of land within the said national battlefield park as may be necessary for the completion thereof.

Acceptance of donations, etc.

*Proviso.*  
Acquisition of land.  
Vol. 25, p. 357; U. S. C., p. 1785.

SEC. 3. Upon creation of the national battlefield park the Secretary of the Interior shall—

(a) Allow monuments and memorials to be erected in the park by and to the various organizations and individuals of either the Union or Confederate Armies, subject to the written approval of said Secretary as to the location and character of such monuments and memorials.

Erection of monuments, etc.

(b) Make such regulations as are necessary from time to time for the care and protection of the park. Any person violating such regulations shall be guilty of an offense punishable by a fine of not more than \$500, or imprisonment not exceeding six months, or both.

Regulations.  
Punishment for violations.

(c) Provide for the ascertainment and marking of the route of march of the Union and Confederate armies from Chattanooga, Tennessee, through Georgia, and of principal battle lines, breastworks, fortifications, and other historical features along such route,

Marking battle lines, etc.

and for the maintenance of such markers to such extent as deemed advisable and practicable.

National Park Service to administer, etc. Vol. 39, p. 535; U. S. C., p. 591.

SEC. 4. That the administration, protection, and development of the aforesaid national battlefield park shall be exercised under the direction of the Secretary of the Interior by the National Park Service subject to the provisions of the Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes", as amended.

Appropriation authorized. Post, p. 584.

SEC. 5. The sum of \$100,000 is hereby authorized to be appropriated out of any sums in the Treasury not otherwise appropriated for the purposes herein designated.

Inconsistent Acts repealed.

SEC. 6. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Approved, June 26, 1935.

[CHAPTER 316.]

JOINT RESOLUTION

June 26, 1935. [H. J. Res. 147.] [Pub. Res., No. 35.]

Authorizing the erection of a monument to Grover Cleveland in Washington, District of Columbia.

Grover Cleveland. Erection of monument to, authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That authority is hereby granted to any association organized within two years from the date of the approval of this resolution for that purpose, to erect a statue of Grover Cleveland, President of the United States, 1885 to 1889 and 1893 to 1897, in the city of Washington at such place as may be designated by the Fine Arts Commission, subject to the approval of the Joint Committee on the Library, the model of the statue so to be erected and the pedestal thereof to be first approved by the said Commission and by the Joint Committee on the Library, the same to be presented by such association to the people of the United States.

Approval required.

Sum authorized for site and pedestal.

That for the preparation of the site and the erection of a pedestal upon which to place the said statue, under the direction of the Director of the National Park Service, Department of the Interior, the sum of \$10,000, or so much thereof as may be necessary, is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

Approved, June 26, 1935.

[CHAPTER 319.]

AN ACT

June 27, 1935. [H. R. 7206.] [Public, No. 168.]

To amend the Ship Mortgage Act, 1920, otherwise known as "section 30" of the Merchant Marine Act, 1920, approved June 5, 1920, to allow the benefits of said Act to be enjoyed by owners of certain vessels of the United States of less than two hundred gross tons.

Ship Mortgage Act, 1920. Vol. 41, p. 1006; U. S. C., p. 2071.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 30, subsection D, subdivision (a), of the Act of June 5, 1920, known as the "Ship Mortgage Act, 1920", be amended by striking out the words "of two hundred gross tons and upwards", and adding immediately following the words "vessel of the United States" the following: "(other than towboat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than two hundred gross tons)", and as so amended be reenacted so as to read as follows:

Mortgages of vessels. Benefits of Act extended to certain vessels of less than 200 gross tons.

"A valid mortgage which at the time it is made, includes the whole of any vessel of the United States (other than a towboat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than two hundred gross tons), shall, in addition, have, in respect to such vessel and as of



the date of the compliance with all the provisions of this subdivision, the preferred status given by the provisions of subsection M, if—

“(1) The mortgage is endorsed upon the vessel’s documents in accordance with the provisions of this section;

“(2) The mortgage is recorded as provided in subsection C, together with the time and date when the mortgage is so endorsed;

“(3) An affidavit is filed with the record of such mortgage to the effect that the mortgage is made in good faith and without any design to hinder, delay, or defraud any existing or future creditor of the mortgagor or any lienor of the mortgaged vessel;

“(4) The mortgage does not stipulate that the mortgagee waives the preferred status thereof; and

“(5) The mortgagee is a citizen of the United States and for the purposes of this act the Reconstruction Finance Corporation shall, in addition to those designated in sections 37 and 38 of this Act, be deemed a citizen of the United States.”

Conditions.

Status of Reconstruction Finance Corporation.  
Vol. 41, p. 1008.  
U. S. C., p. 2055.

Approved, June 27, 1935.

[CHAPTER 320.]

AN ACT

To authorize the furnishing of steam from the central heating plant to the Federal Reserve Board, and for other purposes.

June 27, 1935.  
[H. R. 7652.]  
[Public, No. 169.]

*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 through the National Park Service be, and he is hereby, authorized to furnish steam from the central heating plant for the use of the Federal Reserve Board on the property which has been acquired by it in squares east of 87 and east of 88 in the District of Columbia: *Provided*, That the Federal Reserve Board agrees to pay for the steam furnished at reasonable rates, not less than cost, as may be determined by the Secretary of the Interior: *Provided further*, That the Federal Reserve Board agrees to provide the necessary connections with the Government mains at its own expense and in a manner satisfactory to the Secretary of the Interior.

District of Columbia.  
Central heating plant to furnish steam to Federal Reserve Board.

*Provisos.*  
Payment therefor.

Installation expenses.

SEC. 2. That hereafter the rates to be paid for steam furnished to the Corcoran Gallery of Art, the buildings, old and new, of the Pan American Union, the American Red Cross Buildings, and such other non-Federal public buildings as are or hereafter may be authorized to receive steam from the central heating plant shall be determined by the Secretary of the Interior.

Rates for designated buildings to be determined.

SEC. 3. That all Acts and parts of Acts which may be inconsistent or in conflict with this Act are hereby repealed to the extent of such inconsistency or conflict.

Inconsistent laws repealed.

Approved, June 27, 1935.

[CHAPTER 322.]

AN ACT

To authorize participation by the United States in the Interparliamentary Union.

June 23, 1935.  
[S. 2276.]  
[Public, No. 170.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an appropriation of \$20,000 annually is hereby authorized, \$10,000 of which shall be for the annual contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration; and \$10,000, or so much thereof as may be necessary, to assist in meeting the expenses

Interparliamentary Union.  
Sum authorized for annual contribution and participation.  
*Ante*, p. 73; *Post*, p. 591.

of the American group of the Interparliamentary Union for each fiscal year for which an appropriation is made, such appropriation to be disbursed on vouchers to be approved by the President and the executive secretary of the American group.

Disbursements.

Annual report to Congress.

SEC. 2. That the American group of the Interparliamentary Union shall submit to the Congress a report for each fiscal year for which an appropriation is made, including its expenditures under such appropriation.

Approved, June 28, 1935.

[CHAPTER 323.]

AN ACT

June 28, 1935.  
[S. 2917.]

[Public, No. 171.]

Authorizing an appropriation to effect a settlement of the remainder due on Pershing Hall, a memorial already erected in Paris, France, to the Commander in Chief, officers, and men of the Expeditionary Forces, and for other purposes.

Pershing Hall, Paris, France.

Sum authorized for settlement of indebtedness.

Payable from Army recreation fund.

Vol. 47, p. 1573.

Post, p. 594.

Proviso.  
Title to vest in United States Government.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That \$482,032.92 of the fund entitled "Recreation fund—Army", created by the War Department Appropriation Act, approved March 4, 1933, is hereby authorized to be appropriated by the Secretary of the Treasury for effecting a settlement of any indebtedness connected with Pershing Hall, a memorial already erected in Paris, France, under the auspices of the American Legion, Inc., to the commander in chief, officers, men and auxiliary services of the American Expeditionary Forces, to the end that such memorial as so freed from debt may be perpetuated: *Provided,* That the amount herein provided shall not be used for the purposes indicated herein, until the legal title to said property shall have been vested in the Government of the United States for the use and benefit of all American officers and enlisted men of the World War.

Pershing Hall Memorial Fund, created.

Investment of funds.

SEC. 2. Any balance remaining after settlement of such indebtedness shall be retained by the Secretary of the Treasury as a special fund to be known as the "Pershing Hall Memorial Fund." The Secretary of the Treasury is authorized (a) to invest and reinvest any part or all of the corpus of this fund so remaining in interest-bearing United States Government bonds and retain custody thereof; and (b) upon request of the American Legion, Inc., the Secretary of the Treasury shall pay to the National Treasurer of the American Legion, Inc., from time to time any part of the earnings upon the fund for use in the maintenance and/or perpetuation of Pershing Hall.

Report to Congress.

SEC. 3. An itemized report shall be transmitted to the Senate and House of Representatives on the first day of each regular session of Congress of expenditures made in pursuance herewith.

Approved, June 28, 1935.

[CHAPTER 324.]

AN ACT

June 28, 1935.

[H. R. 4505.]

[Public, No. 172.]

Granting the consent of Congress to the State of Maine and the Dominion of Canada to maintain a bridge already constructed across the Saint John River between Madawaska, Maine, and Edmundston, New Brunswick, Canada.

Saint John River.  
Bridge across, between Madawaska, Me., and Edmundston, N. B., legalized.  
Vol. 34, p. 84.  
U. S. C., p. 1474.

*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 Maine and the Dominion of Canada, their successors and assigns, 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 across the Saint John River between Madawaska, Maine, and Edmundston, New Brunswick, Canada, 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.

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

Approved, June 28, 1935.

Amendment.

[CHAPTER 325.]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Rio Grande at or near Rio Grande City, Texas.

June 28, 1935.  
[H. R. 6630.]  
[Public, No. 173.]

*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 Rio Grande, at or near Rio Grande City, Texas, authorized to be built by the Rio Grande City-Camargo Bridge Company, by an Act of Congress approved February 15, 1929, heretofore extended by Acts of Congress approved January 31, 1931, and March 2, 1933, are hereby further extended one and three years, respectively, from February 15, 1935.

Rio Grande.  
Time extended for  
bridging, at Rio  
Grande City, Tex.  
Vol. 45, p. 1184; Vol.  
46, p. 1055; Vol. 47, p.  
1421, amended.

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

Approved, June 28, 1935.

Amendment.

[CHAPTER 326.]

AN ACT

To amend section 1 of the Act of July 8, 1932.

June 28, 1935.  
[H. R. 6717.]  
[Public, No. 174.]

*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 of July 8, 1932 (47 Stat., ch. 464; U. S. C., Supp. VII, title 18, sec. 338a), be amended to read as follows:

Postal service.  
Vol. 47, p. 649; U. S.  
C., p. 748.

“Whoever, with intent to extort from any person any money or other thing of value, shall knowingly deposit or cause to be deposited in any post office or station thereof, or in any authorized depository for mail matter, to be sent or delivered by the post-office establishment of the United States, or shall knowingly cause to be delivered by the post-office establishment of the United States according to the direction thereon, any written or printed letter or other communication with or without a name or designating mark subscribed thereto, addressed to any other person, and containing any threat (1) to injure the person, property, or reputation of the addressee or of another or the reputation of a deceased person, or (2) to kidnap any person, or (3) to accuse the addressee or any other person of a crime, or containing any demand or request for ransom or reward for the release of any kidnaped person, shall be fined not more than \$5,000 or imprisoned not more than twenty years, or both: *Provided*, That any person violating this section may be prosecuted in the judicial district in which such letter or other communication is deposited in such post office, station, or authorized depository for mail matter, or in the judicial district into which such letter or other communication was carried by the United States mail for delivery according to the direction thereon.”

Threatening commu-  
nication; mailing.

Causing delivery.

Punishment for.

*Proviso.*  
Venue of prosecution.

Approved, June 28, 1935.

## [CHAPTER 327.]

## AN ACT

June 28, 1935.

[H. R. 6988.]

[Public, No. 175.]

Authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near a point where Louisiana Highway Numbered 21 meets Texas Highway Numbered 45.

Sabine River.  
Louisiana and Texas  
may bridge, at junction  
of designated highway.

Construction.  
Vol. 34, p. 84.  
U. S. C., p. 1474.

Right to acquire  
realty, etc., for ap-  
proaches, etc.

Amendment.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the State of Louisiana and the State of Texas be and are hereby authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Sabine River, at a point suitable to the interests of navigation, at or near a point where Louisiana Highway Numbered 21 meets Texas Highway Numbered 45, 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. There is hereby conferred upon the State of Louisiana and the State of Texas all rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property 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 in which such real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 28, 1935.

## [CHAPTER 328.]

## AN ACT

June 28, 1935.

[H. R. 7044.]

[Public, No. 176.]

Authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near a point where Louisiana Highway Numbered 6 in Sabine Parish, Louisiana, meets Texas Highway Numbered 21 in Sabine County, Texas.

Sabine River.  
Louisiana and Texas  
may bridge, between  
Sabine Parish, La., and  
Sabine County, Tex.

Construction.  
Vol. 34, p. 84.  
U. S. C., p. 1474.

Right to acquire  
realty, etc., for ap-  
proaches, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes the State of Louisiana and the State of Texas be, and are hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Sabine River, at a point suitable to the interests of navigation, at or near a point where Louisiana Highway Numbered 6 in Sabine Parish, Louisiana, meets Texas Highway Numbered 21 in Sabine County, Texas, 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. There is hereby conferred upon the State of Louisiana and the State of Texas all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property 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 corpo-

rations for bridge purposes in the State in which such real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 28, 1935.

Amendment.

[CHAPTER 329.]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Merom, Sullivan County, Indiana.

June 28, 1935.  
[H. R. 7083.]  
[Public, No. 177.]

*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 Wabash River, at or near Merom, Sullivan County, Indiana, authorized to be built by Sullivan County, Indiana, or any board or commission of said county which is or may be created or established for the purpose, by an Act of Congress approved February 10, 1932, heretofore extended by an Act of Congress approved April 30, 1934, are hereby further extended one and three years, respectively, from April 30, 1935.

Wabash River.  
Time extended for  
bridging, at Merom,  
Ind.  
Vol. 47, p. 44; Vol.  
48, p. 654.  
Post, p. 1254.

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

Approved, June 28, 1935.

Amendment.

[CHAPTER 330.]

AN ACT

To amend section 98 of the Judicial Code to provide for the inclusion of Durham County, North Carolina, in the middle district of North Carolina, and for other purposes.

June 28, 1935.  
[H. R. 7374.]  
[Public, No. 178.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 98 of the Judicial Code, as amended (U. S. C., Supp. VII, title 28, sec. 179), is amended (1) by striking out "Durham", in the second paragraph thereof, and (2) by inserting "Durham", immediately after the comma following the word "Davie" in the fourth paragraph of such section.

United States Courts.  
North Carolina Ju-  
dicial districts.  
Durham County  
transferred to middle  
district.  
Vol. 44, p. 1339.

SEC. 2. The Act entitled "An Act to provide for the times and places for holding court for the eastern district of North Carolina", approved May 10, 1928, as amended (U. S. C., Supp. VII, title 28, sec. 179a), is amended (1) by striking out "at Durham on the first Mondays in March and September;" and (2) by amending the second proviso to read as follows: "And provided further, That at Wilson it shall be made incumbent upon that place to provide suitable facilities for holding the court."

Terms of court, east-  
ern district.  
Vol. 45, p. 495; Vol.  
47, p. 1350; U. S. C.,  
p. 1249.

Terms at Durham  
abolished.

Court rooms at Wil-  
son.

Approved, June 28, 1935.

## [CHAPTER 331.]

## AN ACT

June 28, 1935.  
[H. R. 7526.]  
[Public, No. 179.]

To amend the Act approved February 20, 1931 (Public, Numbered 703, Seventy-first Congress), entitled "An Act to provide for special assessments for the paving of roadways and the laying of curbs and gutters."

District of Columbia.  
Assessment for paving  
roadways, etc.  
Vol. 46, p. 1197,  
amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act approved February 20, 1931 (Public, Numbered 703, Seventy-first Congress), entitled "An Act to provide for special assessments for the paving of roadways and the laying of curbs and gutters", be amended by adding thereto a new section as follows:

Fixing date beyond  
which payment of prior  
assessment not recog-  
nized.

"SEC. 14. (a) The provisions of sections 5, 6, and 7 hereof shall not preclude the levying of assessments hereunder if the improvement for which such prior assessment was levied, or, if the original paving, curbing, or curbing and guttering, laid at the whole cost of the owner, were completed prior to January 1, 1885.

Property abutting  
two or more streets.  
Assessment provi-  
sions inapplicable.

"(b) The provision of section 8 hereof, relating to legal assessments heretofore levied, shall not be applicable where said prior assessments were levied for any improvement completed prior to January 1, 1885."

Existing levies not  
affected.

SEC. 2. The provisions herein contained shall not apply to assessments levied prior to the date of approval of this Act.

Approved, June 28, 1935.

## [CHAPTER 332.]

## AN ACT

June 28, 1935.  
[H. R. 7765.]  
[Public, No. 180.]

To amend (1) An Act entitled "An Act providing a permanent form of government for the District of Columbia"; (2) an Act entitled "An Act to establish a Code of Law for the District of Columbia"; to regulate the giving of official bonds by officers and employees of the District of Columbia, and for other purposes.

District of Columbia.  
Bond of District  
Commissioners; re-  
quirement repealed.  
Vol. 20, p. 103.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2 of the Act approved June 11, 1878 (20 Stat. 103, ch. 180), entitled "An Act providing a permanent form of government for the District of Columbia" be, and the same hereby is, amended by repealing the provision "and shall, before entering upon the duties of the office, each give bond in the sum of \$50,000, with surety as is required by existing law", and said section is further amended by adding at the end thereof the following:

Bond of officers and  
employees.

"The said Commissioners are hereby authorized and empowered to determine which officers and employees of the District of Columbia shall hereafter be required to give, or renew, bond for the faithful discharge of their duties and to fix the penalty of any such bond: *Provided*, That this power of the Commissioners shall not apply to officers and employees who receive, disburse, account for, or otherwise are responsible for the handling of money, and whose bonds are now fixed by law. The provisions of the Act of Congress entitled 'An Act making appropriations to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and nine, and for other purposes', approved August 5, 1909 (36 Stat. 118, 125), relating to rates of premiums for bonds for officers and employees of the United States shall be, and are hereby, made applicable to the rates of premiums for bonds of officers and employees of the government of the District of Columbia."

*Proviso.*  
Financial officers, etc.,  
not affected.

Premium rates.  
Vol. 30, p. 125.  
U. S. C., p. 106.

SEC. 2. That section 1578, chapter LV, of the Act approved March 3, 1901 (31 Stat. 1424), entitled "An Act to establish a Code of Law for the District of Columbia", is hereby amended so as to read:

Surveyor.  
Vol. 31, p. 1424,  
amended.

"The surveyor shall take and subscribe an oath or affirmation before the Commissioners that he will faithfully and impartially discharge the duties of his office, which oath shall be deposited with the Commissioners of the District of Columbia."

Oath of office.  
Provision for furnishing  
bond repealed.

SEC. 3. That section 1592 of said Code of Law for the District of Columbia is amended so as to read:

Assistant surveyor.  
Vol. 31, p. 1426.

"The assistant surveyor shall take the same oath his principal is required to take, and may, during the continuance of his office, discharge and perform any of the official duties of his principal."

Oath and duties.  
Bond requirement re-  
pealed.

SEC. 4. That said Code of Law for the District of Columbia is further amended by repealing in its entirety section 1597 thereof.

Recovery for Survey-  
or's errors.  
Provision repealed.  
Vol. 31, p. 1427.  
Inconsistent laws re-  
pealed.

SEC. 5. All Acts or part of Acts inconsistent herewith are hereby repealed.

Approved, June 28, 1935.

[CHAPTER 333.]

JOINT RESOLUTION

To provide revenue, and for other purposes.

June 28, 1935.  
[H. J. Res. 324.]  
[Pub. Res., No. 36.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That title IV, as amended, and parts I, II, III, and IV of title V, as amended, of the Revenue Act of 1932, are further amended by striking out "1935" wherever appearing therein, and inserting in lieu thereof "1937". Section 1001(a), as amended, of the Revenue Act of 1932, and section 2, as amended, of the Act entitled "An Act to extend the gasoline tax for one year, to modify postage rates on mail matter, and for other purposes", approved June 16, 1933, are further amended by striking out "1935" wherever appearing therein, and inserting in lieu thereof "1937".

Revenue Act of 1932.  
Certain excise and  
miscellaneous taxes  
continued.  
Vol. 47, pp. 259, 270-  
276.  
Postal rates.  
Vol. 47, p. 285; Vol.  
48, p. 254.

Approved, June 28, 1935.

[CHAPTER 334.]

JOINT RESOLUTION

Providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes.

June 28, 1935.  
[S. J. Res. 131.]  
[Pub. Res., No. 37.]

Whereas there is to be held in the State of Texas during the years 1935 and 1936 an exposition and celebrations commemorating the historic period of Texas history and celebrating a century of independence and progress; and

Texas Centennial  
Exposition, 1935 and  
1936.  
Preamble.  
Post, pp. 575, 1136.

Whereas the State of Texas, the city of Dallas, Texas, and the Texas Centennial Central Exposition, a corporation, are making \$9,000,000 available for such exposition through appropriations and bond issues; and

Whereas such exposition is commemorative of a heroic and successful struggle to establish the independence of a Republic, and this accomplishment resulted from the efforts of patriotic Americans of all sections of our country and led to the acquisition of territory extending far beyond the borders of Texas; and

Whereas the Republic of Texas continued for nine years after the establishment of its independence and prior to its admission to the Union as a State, and foreign Governments sent their diplomatic representatives to the Republic of Texas; and

Whereas such exposition and celebrations are worthy and deserving of the support and encouragement of the United States; and the United States has aided and encouraged such expositions and celebrations in the past: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is authorized and requested, by proclamation or in such manner as he may deem proper, to invite all foreign countries and nations to such proposed exposition with a request that they participate therein.

Participation of foreign nations.

National Commission established. Composition.

SEC. 2. There is hereby established a Commission, to be known as "The United States Texas Centennial Commission" and hereinafter referred to as the "Commission" and to be composed of the Vice President, the Secretary of State, the Secretary of Agriculture, and the Secretary of Commerce; which Commission shall serve without additional compensation and shall represent the United States in connection with the holding of an exposition and celebrations during the observance of the Texas Centennial in the State of Texas during the years 1935 and 1936.

United States Commissioner General, assistant commissioners. Appointment, salaries, etc. *Post*, p. 542.

SEC. 3. There is hereby created a United States Commissioner General for the Texas Centennial Exposition and celebrations to be appointed by the President with the advice and consent of the Senate and to receive compensation at the rate of \$10,000 per annum and not to exceed three assistant commissioners for said Texas Centennial Exposition and celebrations to be appointed by the Commissioner General with the approval of the Commission herein designated and to receive compensation not to exceed \$7,500 per annum, respectively. The salary and expenses of the Commissioner General and such staff as he may require shall be paid out of the funds authorized to be appropriated by this joint resolution, for a period of time covering the duration of the Exposition and not to exceed a six months' period following the closing thereof.

Funds authorized.

Powers, etc., of Commissioner General.

SEC. 4. The Commission shall prescribe the duties of the United States Commissioner General and shall delegate such powers and functions to him as it shall deem advisable, in order that there may be exhibited at the Texas Centennial Exposition by the Government of the United States, its executive departments, independent offices, and establishments such articles and materials and documents and papers as may relate to this period of our history and such as illustrate the function and administrative faculty of the Government in the advancement of industry, science, invention, agriculture, the arts, and peace, and demonstrating the nature of our institutions, particularly as regards their adaptation to the needs of the people.

Exhibits of executive departments, etc.

SEC. 5. The Commissioner General is authorized to appoint such clerks, stenographers, and other assistants as may be necessary, and to fix their salaries in accordance with the Classification Act of 1923, as amended; purchase such materials, contract for such labor and other services as are necessary, and exercise such powers as are delegated to him by the Commission as hereinbefore provided, and in order to facilitate the functioning of his office may subdelegate such powers (authorized or delegated) to the Assistant Commissioner or others in the employ of or detailed to the Commission as may be deemed advisable by the Commission.

Personal services, according to Classification Act.

Vol. 42, p. 1488; Vol. 45, p. 778; Vol. 46, p. 1003.

U. S. C., p. 86.



SEC. 6. The heads of the various executive departments and independent offices and establishments of the Government are authorized to cooperate with said Commissioner General in the procurement, installation, and display of exhibits, and to lend to the Commission and to the Commission of Control for Texas Centennial Celebrations and the Texas Centennial Central Exposition, with the knowledge and consent of said Commissioner General such articles, specimens, and exhibits which said Commissioner General shall deem to be in the interest of the United States and in keeping with the purposes of such exposition and celebrations to place with the science or other exhibits to be shown under the auspices of such Texas Centennial Commission or the Texas Centennial Central Exposition or the Commission of Control for Texas Centennials<sup>1</sup> Celebrations, to contract for such labor or other services as shall be deemed necessary, and to designate officials or employees of their departments or branches to assist said Commissioner General. At the close of the exposition, or when the connection of the Government of the United States therewith ceases, said Commissioner General shall cause all such property to be returned to the respective departments and branches from which taken, and any expenses incident to the restoration, modification and revision of such property to a condition which will permit its use at subsequent expositions, fairs, and other celebrations, and for the continued employment of personnel necessary to close out the fiscal and other records and prepare the required reports of the participating organizations, may be paid from the appropriation authorized herein; and if the return of such property is not feasible, he may, with the consent of the department or branch from which it was taken, make such disposition thereof as he may deem advisable and account therefor.

Cooperation of executive departments, etc.

Exhibits to be loaned.

Contracts for labor, etc.

Return at close of exposition.

Preparation of reports.

Disposition of property.

SEC. 7. The sum of \$3,000,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and shall remain available until expended for the purposes of this joint resolution and any unexpended balances shall be covered back into the Treasury of the United States. Subject to the provisions of this joint resolution and any subsequent Act appropriating the money authorized herein, the Commission is authorized to make any expenditures or allotments deemed necessary by it to fulfill properly the purposes of this joint resolution and to allocate such sums to the Texas Centennial Commission, the Board of Directors of the Texas Memorial Museum, or the Commission of Control for Texas Centennial Celebrations, and the Texas Centennial Central Exposition for expenditure by such bodies in any part of the State of Texas as the Commission deems necessary and proper in carrying out the purposes of this joint resolution. And, subject to the provisions of this joint resolution and any subsequent Act appropriating the money authorized herein, the Commission is authorized to erect such building or buildings, or other structures, and to provide for the landscaping of the site or sites thereof; to grant toward the Texas Memorial Museum such sum as may be specifically provided for that purpose by the Act making the appropriation authorized by this joint resolution; to rent such space as the Commission may deem adequate to carry out effectively the provisions of this joint resolution; and to provide for the decoration of such buildings or structures, and for the proper maintenance of such buildings or structures, site and grounds during the period of the exposition. The Commission may contract with the Texas Centennial Commission or the Commission of Control for Texas Centennial Celebrations or the

Sum authorized.

Allotments.

Building construction, landscaping, etc.

Rental of space.

Contracts for designing, etc.

<sup>1</sup> So in original.

Texas Centennial Central Exposition for the designing and erection of such building or buildings, structure or structures, and for the rental of such space as shall be deemed necessary and proper. The appropriation authorized under this joint resolution shall be available for the operation of the building or buildings, structure or structures, including light, heat, water, gas, janitor, and other required services; for the selection, purchase, preparation, assembling, transportation, installation, arrangement, safe-keeping, exhibition, demonstration, and return of such articles and materials as the Commission may decide shall be included in such Government exhibit and in the exhibits of the Texas Centennial Commission or the Commission of Control for Texas Centennial Celebrations or the Texas Centennial Central Exposition; for the compensation of said Commissioner General, Assistant Commissioners, and other officers and employees of the Commission in the District of Columbia and elsewhere, for the payment of salaries of officers and employees of the Government employed by or detailed for duty with the Commission, and for actual traveling expenses, including travel by air, and for per diem in lieu of actual subsistence at not to exceed \$6 per day: *Provided*, That no such Government official or employee so designated shall receive a salary in excess of the amount which he has been receiving in the department or branch where employed, plus such reasonable allowance for travel, including travel by air, and subsistence expenses as may be deemed proper by the Commissioner General; for telephone service, purchase or rental of furniture and equipment, stationery and supplies, typewriting, adding, duplicating, and computing machines, their accessories and repairs, books of reference and periodicals, uniforms, maps, reports, documents, plans, specifications, manuscripts, newspapers and all other appropriate publications, and ice and drinking water for office purposes: *Provided*, That payment for telephone service, rents, subscriptions to newspapers and periodicals, and other similar purposes, may be made in advance; for the purchase and hire of passenger-carrying automobiles, their maintenance, repair, and operation, for the official use of said Commissioner General and Assistant Commissioners in the District of Columbia or elsewhere as required; for printing and binding; for entertainment of distinguished visitors; and for all other expenses as may be deemed necessary by the Commission to fulfill properly the purposes of this joint resolution. All purchases, expenditures, and disbursements of any moneys made available by authority of this joint resolution shall be made under the direction of the Commission: *Provided*, That the Commission, without release of responsibility as hereinbefore stipulated, may delegate these powers and functions to said Commissioner General, and said Commissioner General, with the consent of the Commission, may subdelegate them: *Provided further*, That the Commission or its delegated representative may allot funds authorized to be appropriated herein to any executive department, independent office, or establishment of the Government with the consent of the heads thereof, for direct expenditure by such executive department, independent office, or establishment, for the purpose of defraying any expenditure which may be incurred by such executive department, independent office, or establishment in executing the duties and functions delegated by the Commission. All accounts and vouchers covering expenditures shall be approved by said Commissioner General or by such assistants as he may designate except for such allotments as may be made to the various executive departments, independent offices, and establish-

General expenses.

Compensation of Commissioner, etc.

Detail of Government officials, etc.  
 Travel expenses.

*Provisos.*  
 Salary restriction.

Furniture and supplies.

Payments in advance authorized.

Supervision of purchases.

Delegation of functions.

Allotment of funds to executive departments, etc.

Approval of vouchers; exceptions.

ments for direct expenditure; but these provisions shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit, or permit any obligations to be incurred in excess of the amount authorized herein: *Provided*, That in the construction of buildings and exhibits requiring skilled and unskilled labor, the prevailing rate of wages, as provided in the Act of March 3, 1931, shall be paid.

SEC. 8. The Commissioner General, with the approval of the Commission, may receive contributions from any source to aid in carrying out the purposes of this joint resolution, but such contributions shall be expended and accounted for in the same manner as the funds authorized to be appropriated by this joint resolution. The Commissioner General is also authorized to receive contributions of material, or to borrow material or exhibits, and to accept the services of any skilled and unskilled labor that may be available through State or Federal relief organizations, to aid in carrying out the general purposes of this joint resolution. At the close of the exposition and celebrations or when the connection of the Government of the United States therewith ceases, the Commissioner General shall dispose of any such portion of the material contributed as may be unused, and return such borrowed property; and, under the direction of the Commission, dispose of any buildings or structures which may have been constructed and account therefor: *Provided*, That all disposition of materials, property, buildings, and so forth, shall be at public sale to the highest bidder, and the proceeds thereof shall be covered into the Treasury of the United States.

SEC. 9. It shall be the duty of the Commission to transmit to Congress, within six months after the close of the exposition, a detailed statement of all expenditures, and such other reports as may be deemed proper, which reports shall be prepared and arranged with a view to concise statement and convenient reference. Upon the transmission of such report to Congress the Commission established by and all appointments made under the authority of this joint resolution shall terminate.

Approved, June 28, 1935.

Audits.

Wage rate for construction work.  
Vol. 46, p. 1494.  
U. S. C., p. 1788.

Acceptance of contributions.

Disposal of buildings and property.

Proviso.  
Auction sales.

Report to Congress.

Termination of Commission.

[CHAPTER 335.]

JOINT RESOLUTION

To extend to August 31, 1935, the temporary plan for deposit insurance provided for by section 12B of the Federal Reserve Act as amended.

June 28, 1935.  
[S. J. Res. 152.]  
[Pub. Res., No. 38.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 12B of the Federal Reserve Act, as amended, is amended (1) by striking out "July 1, 1935" wherever it appears in subsections (e), (1) and (y), and inserting in lieu thereof "August 31, 1935"; and (2) by striking "June 30, 1935" where it appears in the first sentence of the eighth paragraph of subsection (y), and inserting in lieu thereof "August 31, 1935"; and (3) by adding to subsection (y) the following additional paragraph "The deposits in banks which are on June 30, 1935, members of the fund or the fund for mutuals shall continue to be insured during such extended period to August 31, 1935, without liability on the part of such banks to further calls or assessment."

Federal Reserve Act, amendment.  
Federal deposit insurance, extensions.  
Subscriptions; insurance of deposits.  
Vol. 48, pp. 169, 172, 179, 969.  
Post, p. 684.

Members of the fund for mutuals; insurance continued.

Approved, June 28, 1935.

## [CHAPTER 337.]

## AN ACT

June 29, 1935.  
[H. R. 6504.]  
[Public, No. 181.]

To amend an Act entitled "An Act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor."

Foreign Service.  
Vol. 46, p. 1208,  
amended.  
U. S. C., p. 942.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 11 of the Act entitled "An Act for the grading and classification of clerks in the Foreign Service of the United States of America and providing compensation therefor", approved February 23, 1931, be, and it is hereby, amended to read as follows:

Appointments and  
promotions; power of  
President to make.

"SEC. 11. That all appointments and promotions of Foreign Service officers shall be made by the President by and with the advice and consent of the Senate and such officers may be commissioned as diplomatic or consular officers or both: *Provided*, That Foreign Service officers now or hereafter appointed or promoted during a recess of the Senate shall be paid the compensation of the position to which appointed or promoted from the date of such appointment or promotion until the end of the next session of the Senate if they have not theretofore been confirmed by the Senate, or until their rejection by the Senate before the end of its next session: *Provided further*, That if the Senate should reject or fail to confirm the promotion of a Foreign Service officer during the session following the date of such promotion, the Foreign Service officer shall automatically be reinstated in the position from which he was promoted, such reinstatement to be effective, in the event of rejection of the nomination, from the date of rejection; and in the event of failure of the Senate to act on the nomination during the session following a promotion, from the termination of that session: *And provided further*, That all official acts of such officers while serving under diplomatic or consular commissions in the Foreign Service shall be performed under their respective commissions as secretaries or as consular officers."

*Provisos.*  
Appointments, etc.,  
during Senate recess.  
Pay provisions.

Reinstatement in former  
position; when.

Effective date.

Official acts under  
respective commissions.

Approved, June 29, 1935.

## [CHAPTER 338.]

## AN ACT

June 29, 1935.  
[H. R. 7160.]  
[Public, No. 182.]

To provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges.

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

## TITLE I

Agricultural extension  
work and land  
grant colleges.  
Agriculture.  
Research into basic  
laws and principles.  
*Post*, p. 582.

SECTION 1. The Secretary of Agriculture is authorized and directed to conduct research into laws and principles underlying basic problems of agriculture in its broadest aspects; research relating to the improvement of the quality of, and the development of new and improved methods of production of, distribution of, and new and extended uses and markets for, agricultural commodities and byproducts and manufactures thereof; and research relating to the conservation, development, and use of land and water resources for agricultural purposes. Research authorized under this section shall be in addition to research provided for under existing law (but both activities shall be coordinated so far as practicable) and shall be conducted by such agencies of the Department of Agriculture as the Secretary may designate or establish.

Agencies to be established.

SEC. 2. The Secretary is also authorized and directed to encourage research similar to that authorized under section 1 to be conducted by agricultural experiment stations established or which may hereafter be established in pursuance of the Act of March 2, 1887, providing for experiment stations, as amended and supplemented, by the allotment and payment as provided in section 5 to Puerto Rico and the States and Territories for the use of such experiment stations of sums appropriated therefor pursuant to this title.

Agricultural experiment stations.  
Prosecution of work by.  
Vol. 24, p. 440; U. S. C., p. 138.  
Puerto Rico.  
Vol. 46, p. 1520; U. S. C., p. 141.

SEC. 3. For the purposes of this title there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000 for the fiscal year beginning after the date of the enactment of this title, and for each of the four fiscal years thereafter \$1,000,000 more than the amount authorized for the preceding fiscal year, and \$5,000,000 for each fiscal year thereafter. Moneys appropriated in pursuance of this title shall also be available for the purchase and rental of land and the construction of buildings necessary for conducting research provided for in this title, for the equipment and maintenance of such buildings, and for printing and disseminating the results of research. Sums appropriated in pursuance of this title shall be in addition to, and not in substitution for, appropriations for research or other activities of the Department of Agriculture and sums appropriated or otherwise made available for agricultural experiment stations.

Sums authorized for first fiscal year and each year thereafter.  
Post, pp. 582, 1424.

SEC. 4. Forty per centum of the sums appropriated for any fiscal year under section 3 shall be available for the purposes of section 1: *Provided*, That not to exceed 2 per centum of the sums appropriated may be used for the administration of section 5 of this title. The sums available for the purposes of section 1 shall be designated as the "Special research fund, Department of Agriculture", and no part of such special fund shall be used for the prosecution of research heretofore instituted or for the prosecution of any new research project except upon approval in writing by the Secretary. One-half of such special research fund shall be used by the Secretary for the establishment and maintenance of research laboratories and facilities in the major agricultural regions at places selected by him and for the prosecution, in accordance with section 1, of research at such laboratories.

A availability of funds.

To be additional to existing appropriations.

Allotments.

*Proviso.*  
Administration expenses.  
"Special research fund, Department of Agriculture," created; restriction on use.  
Post, p. 1425.

Research laboratories and facilities; establishment.

SEC. 5. (a) Sixty per centum of the sums appropriated for any fiscal year under section 3 shall be available for the purposes of section 2. The Secretary shall allot, for each fiscal year for which an appropriation is made, to Puerto Rico and each State and Territory an amount which bears the same ratio to the total amount to be allotted as the rural population of Puerto Rico or the State or Territory bears to the rural population of Puerto Rico and all the States and Territories as determined by the last preceding decennial census. No allotment and no payment under any allotment shall be made for any fiscal year in excess of the amount which Puerto Rico or the State or Territory makes available for such fiscal year out of its own funds for research and for the establishment and maintenance of necessary facilities for the prosecution of such research. If Puerto Rico or any State or Territory fails to make available for such purposes for any fiscal year a sum equal to the total amount to which it may be entitled for such year, the remainder of such amount shall be withheld by the Secretary. The total amount so withheld may be allotted by the Secretary of Agriculture to Puerto Rico and the States and Territories which make available for such year an amount equal to that part of the total amount withheld which may be allotted to them by the Secretary of Agriculture, but

Portion for agricultural stations.

State, etc., allocations.

Allotment limited to amount advanced by State.

Withholding allotment.

Allocation of withheld allotment.

no such additional allotment to Puerto Rico or any State or Territory shall exceed the original allotment to Puerto Rico or such State or Territory for that year by more than 20 per centum thereof.

Disbursement of allotments.

(b) The sums authorized to be allotted to Puerto Rico and the States and Territories shall be paid annually in quarterly payments on July 1, October 1, January 1, and April 1. Such sums shall be paid by the Secretary of the Treasury upon warrant of the Secretary of Agriculture in the same manner and subject to the same administrative procedure set forth in the Act of March 2, 1887, as amended June 7, 1888.

“Territory” defined.

SEC. 6. As used in this title the term “Territory” means Alaska and Hawaii.

Rules and regulations.

SEC. 7. The Secretary of Agriculture is authorized and directed to prescribe such rules and regulations as may be necessary to carry out this Act.

Amendment.

SEC. 8. The right to alter, amend, or repeal this Act is hereby expressly reserved.

## TITLE II

Cooperative State agricultural extension Act.

Vol. 38, p. 372; U. S. C., p. 137.

Annual appropriation authorized to each State, etc.

Post, pp. 582, 1426.

SECTION 21. In order to further develop the cooperative extension system as inaugurated under the Act entitled “An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and all Acts supplementary thereto, and the United States Department of Agriculture”, approved May 8, 1914 (U. S. C., title 7, secs. 341–348), there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the expenses of cooperative extension work in agriculture and home economics and the necessary printing and distribution of information in connection with the same, the sum of \$8,000,000 for the fiscal year beginning after the date of the enactment of this title, and for the fiscal year following the first fiscal year for which an appropriation is made in pursuance of the foregoing authorization the additional sum of \$1,000,000, and for each succeeding fiscal year thereafter an additional sum of \$1,000,000 until the total appropriations authorized by this section shall amount to \$12,000,000 annually, the authorization to continue in that amount for each succeeding fiscal year. The sums appropriated in pursuance of this section shall be paid to the several States and the Territory of Hawaii in the same manner and subject to the same conditions and limitations as the additional sums appropriated under the Act of May 8, 1914, except that (1) \$980,000 shall be paid to the several States and the Territory of Hawaii in equal shares; (2) the remainder shall be paid to the several States and the Territory of Hawaii in the proportion that the farm population<sup>1</sup> of each bears to the total farm population of the several States and the Territory of Hawaii, as determined by the last preceding decennial census, and (3) the several States and the Territory of Hawaii shall not be required to offset the allotments authorized in this section. The sums appropriated pursuant to this section shall be in addition to, and not in substitution for, sums appropriated under such Act of May 8, 1914, as amended and supplemented, or sums otherwise appropriated for agricultural extension work. Allotments to any State or the Territory of Hawaii for any fiscal year from the appropriations herein authorized shall be available for payment to such State or the Territory of Hawaii only if such State or the Territory of Hawaii complies, for such fiscal year, with the provisions with reference to offset

Manner of payment, etc.

Allotments based on farm population.

Matching funds not required.

Additional to existing appropriations.

Condition imposed.

<sup>1</sup> So in original.

of appropriations (other than appropriations under this section) for agricultural extension work.

Sec. 22. In order to provide for the more complete endowment and support of the colleges in the several States and the Territory of Hawaii entitled to the benefits of the Act entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts", approved July 2, 1862, as amended and supplemented (U. S. C., title 7, secs. 301-328; Supp. VII, sec. 304), there are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the following amounts:

(a) For the fiscal year beginning after the date of the enactment of this Act, and for each fiscal year thereafter, \$980,000; and

(b) For the fiscal year following the first fiscal year for which an appropriation is made in pursuance of paragraph (a) \$500,000, and for each of the two fiscal years thereafter \$500,000 more than the amount authorized to be appropriated for the preceding fiscal year, and for each fiscal year thereafter \$1,500,000. The sums appropriated in pursuance of paragraph (a) shall be paid annually to the several States and the Territory of Hawaii in equal shares. The sums appropriated in pursuance of paragraph (b) shall be in addition to sums appropriated in pursuance of paragraph (a) and shall be allotted and paid annually to each of the several States and the Territory of Hawaii in the proportion which the total population of each such State and the Territory of Hawaii bears to the total population of all the States and the Territory of Hawaii, as determined by the last preceding decennial census. Sums appropriated in pursuance of this section shall be in addition to sums appropriated or authorized under such Act of July 2, 1862, as amended and supplemented, and shall be applied only for the purposes of the colleges defined in such Act, as amended and supplemented. The provisions of law applicable to the use and payment of sums under the Act entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an Act of Congress approved July second, eighteen hundred and sixty-two", approved August 30, 1890, as amended and supplemented, shall apply to the use and payment of sums appropriated in pursuance of this section.

Approved, June 29, 1935.

Agricultural and mechanic arts colleges. Vol. 12, p. 503; Vol. 44, p. 247. U. S. C., p. 135. Additional annual appropriations authorized. Post, pp. 585, 1797.

Equal division of funds.

Additions to present allotments.

Provisions for use and payments. Vol. 26, p. 417; Vol. 34, p. 1281. U. S. C., p. 136.

[CHAPTER 346.]

AN ACT

To authorize a preliminary examination of Rogue River and its tributaries in the State of Oregon with a view to the control of its floods.

July 1, 1935.  
[H. R. 5774.]  
[Public, No. 183.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is hereby authorized and directed to cause a preliminary examination to be made of the Rogue River and its tributaries in the State of Oregon, with a view to the control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Rogue River. Survey of, to be made for flood control.

Vol. 39, p. 950; U. S. C., p. 1487.

Approved, July 1, 1935.

## [CHAPTER 347.]

## AN ACT

July 1, 1935.  
[H. R. 5775.]  
[Public, No. 184.]

To authorize a preliminary examination of Siuslaw River and its tributaries in the State of Oregon with a view to the control of its floods.

Siuslaw River.  
Survey of, to be made  
for flood control.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is hereby authorized and directed to cause a preliminary examination to be made of the Siuslaw River and its tributaries in the State of Oregon, with a view to the control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Vol. 39, p. 950; U. S.  
C., p. 1487.

Approved, July 1, 1935.

## [CHAPTER 348.]

## AN ACT

July 1, 1935.  
[H. R. 5776.]  
[Public, No. 185.]

To authorize a preliminary examination of Yaquina River and its tributaries in the State of Oregon with a view to the control of its floods.

Yaquina River.  
Survey of, to be made  
for flood control.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is hereby authorized and directed to cause a preliminary examination to be made of the Yaquina River and its tributaries in the State of Oregon, with a view to the control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Vol. 39, p. 950; U. S.  
C., p. 1487.

Approved, July 1, 1935.

## [CHAPTER 349.]

## AN ACT

July 1, 1935.  
[H. R. 5777.]  
[Public, No. 186.]

To authorize a preliminary examination of Siletz River and its tributaries in the State of Oregon with a view to the control of its floods.

Siletz River.  
Survey of, to be made  
for flood control.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is hereby authorized and directed to cause a preliminary examination to be made of the Siletz River and its tributaries in the State of Oregon, with a view to the control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of the floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Vol. 39, p. 960; U. S.  
C., p. 1487.

Approved, July 1, 1935.



## [CHAPTER 350.]

## AN ACT

Authorizing a preliminary examination of Gafford Creek, Arkansas.

July 1, 1935.  
[H. R. 7313.]  
[Public, No. 187.]

*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 directed to cause a preliminary examination to be made of Gafford Creek, Arkansas, with a view to the control of floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Gafford Creek, Ark.  
Survey of, to be made  
for flood control.

Vol. 39, p. 950; U. S.  
C., p. 1487.

Approved, July 1, 1935.

## [CHAPTER 351.]

## AN ACT

Authorizing a preliminary examination of Point Remove Creek, Arkansas, a tributary of the Arkansas River.

July 1, 1935.  
[H. R. 7314.]  
[Public, No. 188.]

*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 directed to cause a preliminary examination to be made of Point Remove Creek, Arkansas, a tributary of the Arkansas River, with a view to the control of floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Point Remove Creek,  
Ark.  
Survey of, to be made  
for flood control.

Vol. 39, p. 950; U. S.  
C., p. 1487.

Approved, July 1, 1935.

## [CHAPTER 352.]

## AN ACT

Authorizing a preliminary examination of the Tanana River and Chena Slough, Alaska.

July 1, 1935.  
[H. R. 7600.]  
[Public, No. 189.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is authorized and directed to cause a preliminary examination to be made of the Tanana River and Chena Slough in the vicinity of Fairbanks, Alaska, with a view to the control of floods in said Chena Slough, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Tanana River and  
Chena Slough, Alaska.  
Survey of, to be made  
for flood control.

Vol. 39, p. 950; U. S.  
C., p. 1487.

Approved, July 1, 1935.

## [CHAPTER 353.]

## AN ACT

To provide a preliminary examination of the Purgatoire (Picketwire) and Apishapa Rivers, in the State of Colorado, with a view to the control of their floods and the conservation of their waters.

July 1, 1935.  
[H. R. 7370.]  
[Public, No. 190.]

Purgatoire and Apishapa Rivers, Colo.  
Survey of, to be made for flood control.

Vol. 39, p. 950; U. S. C., p. 1487.

*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 directed to cause a preliminary examination to be made of the Purgatoire (Picketwire) River, west of the city of Trinidad, Colorado, and the Apishapa River, west of the town of Aguilar, all in the county of Las Animas, in the State of Colorado, with a view to the control of the floods and the conservation of the waters of said rivers, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Approved, July 1, 1935.

## [CHAPTER 355.]

## AN ACT

To amend section 27 of the Merchant Marine Act, 1920.

July 2, 1935.  
[H. R. 115.]  
[Public, No. 191.]

Merchant Marine Act, 1920, amendment.  
Vol. 41, p. 999; U. S. C., p. 2067.

Merchandise transported in coastwise trade in other than domestic built and documented vessels; forfeiture.

*Proviso.*  
Domestic vessels sold foreign.

Routes excepted.

Application of, to Yukon River deferred.

Great Lakes ferrage.  
*Ante*, p. 154.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 27 of the Merchant Marine Act, 1920 (U. S. C., title 46, sec. 883), is amended to read as follows:

"SEC. 27. That no merchandise shall be transported by water, or by land and water, on penalty of forfeiture thereof, between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws, either directly or via a foreign port, or for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or vessels to which the privilege of engaging in the coastwise trade is extended by sections 18 or 22 of this Act: *Provided*, That no vessel having at any time acquired the lawful right to engage in the coastwise trade, either by virtue of having been built in, or documented under the laws of the United States, and later sold foreign in whole or in part, or placed under foreign registry, shall hereafter acquire the right to engage in the coastwise trade: *Provided further*, That this section shall not apply to merchandise transported between points within the continental United States, excluding Alaska, over through routes heretofore or hereafter recognized by the Interstate Commerce Commission for which routes rate tariffs have been or shall hereafter be filed with said Commission when such routes are in part over Canadian rail lines and their own or other connecting water facilities: *Provided further*, That this section shall not become effective upon the Yukon River until the Alaska Railroad shall be completed and the Shipping Board shall find that proper facilities will be furnished for transportation by persons citizens of the United States for properly handling the traffic: *Provided further*, That this section shall not apply to the transportation of merchandise loaded on railroad cars or to motor vehicles with or without trailers, and with their passengers or contents when accom-

panied by the operator thereof, when such railroad cars or motor vehicles are transported in any railroad car ferry operated between fixed termini on the Great Lakes as a part of a rail route, if such car ferry is owned by a common carrier by water and operated as part of a rail route with the approval of the Interstate Commerce Commission, and if the stock of such common carrier by water, or its predecessor, was owned or controlled by a common carrier by rail prior to June 5, 1920, and if the stock of the common carrier owning such car ferry is, with the approval of the Interstate Commerce Commission, now owned or controlled by any common carrier by rail and if such car ferry is built in and documented under the laws of the United States."

Approved, July 2, 1935.

[CHAPTER 356.]

AN ACT

For the relief of the officers and men of the United States Naval and Marine Corps Reserves who performed flights in naval aircraft in connection with the search for victims and wreckage of the United States dirigible Akron.

July 2, 1935.  
[H. R. 4764.]  
[Public, No. 192.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That those officers and men of the United States Naval Reserve and the United States Marine Corps Reserve who, while on authorized active or training duty without pay, between the dates of April 4, 1933, and April 7, 1933, both dates inclusive, performed flights in naval aircraft in connection with the search for victims and wreckage of the United States dirigible Akron, shall be considered as on active duty with pay and shall be entitled to the pay and allowances prescribed by law therefor during the time of performance of such duty.

Naval, etc., reserves. Relief of certain officers, etc., who searched for victims of accident to dirigible "Akron."

Approved, July 2, 1935.

[CHAPTER 357.]

AN ACT

To authorize the use of park property in the District of Columbia and its environs by the Boy Scouts of America at their national jamboree.

July 2, 1935.  
[S. 2738.]  
[Public, No. 193.]

*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 authorize the Secretary of War and the Secretary of the Navy to lend Army and Navy equipment for use at the national jamboree of the Boy Scouts of America", approved April 1, 1935, is amended by adding at the end thereof a new section to read as follows:

District of Columbia. Boy Scouts national jamboree. *Ante*, p. 105, amended. *Post*, p. 658.

"SEC. 2. The Secretary of the Interior is hereby authorized to grant permits through the National Park Service and the Superintendent of National Capital Parks for use by the said Boy Scouts of portions of parks, reservations, or other public spaces under his control in the District of Columbia and environs as in his opinion may be temporarily spared for that purpose: *Provided*, That such use will inflict no serious or permanent injury upon any of the parks, reservations, or other public spaces: *And provided further*, That the parks, reservations, or other public spaces, which shall be so used or occupied, shall be promptly restored to their original condition by the Boy Scouts, and the said Boy Scouts shall indemnify the United States for all damages of any kind whatsoever

Permits for use of public spaces, etc., authorized.

*Provisos.*  
Condition.

Restoration after use.

Indemnity for any damages.

Housing facilities,  
erection authorized.

sustained by reason of any such use or occupancy. The privileges and usages granted by the Secretary of the Interior shall include the temporary erection of tents for entertainment, hospitals, commissaries and other subsistence quarters, and other purposes; and the said Boy Scouts are hereby authorized to charge reasonable fees for the use of the same, and to sell articles at said commissaries, which sales shall be solely for the convenience of the participants in the jamboree. The net profits derived from such sales or fees shall be used exclusively to aid in meeting expenses incident to the said jamboree. The sale of foodstuffs in or about such tents or elsewhere upon the public spaces used by the Boy Scouts as authorized by this bill, shall be under the supervision of the health officer of the District of Columbia and in accordance with regulations to be prescribed by him. The use and erection of tents shall at all times be subject to the supervision of the fire marshal of the District of Columbia and shall be subject to such regulations as he may prescribe.

Supervision of Dis-  
trict officials.

“The erection and use of tents for any purpose involving health or sanitation shall be subject to the supervision of the health officer of the District of Columbia and to such regulations as he may prescribe.”

Approved, July 2, 1935.

[CHAPTER 358.]

AN ACT

July 2, 1935.

[H. R. 4123.]

[Public, No. 194.]

Providing for the payment of \$15 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,  
Minn.  
Per capita payment  
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 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 \$15 to each enrolled Chippewa Indian of the Red Lake Band of Minnesota, immediately payable upon the passage of this Act 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.

Acceptance, etc.

Payments not sub-  
ject to any lien, etc.

Approved, July 2, 1935.

[CHAPTER 359.]

AN ACT

July 2, 1935.

[H. R. 5309.]

[Public, No. 195.]

To amend an Act entitled “An Act to control the manufacture, transportation, possession, and sale of alcoholic beverages in the District of Columbia.”

Alcoholic Beverage  
Control Act, D. C.,  
amendments.  
Vol. 48, pp. 325, 997.  
Post, p. 899.  
Alcoholic beverages;  
display and sales.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsections (g) and (h) of section 11 are amended by adding at the end of the first paragraph of each, the following: “All alcoholic beverages offered for sale or sold by the holder of such licenses may be displayed and dispensed in full sight of the purchaser”.

Approved, July 2, 1935.

[CHAPTER 367.]

## AN ACT

To authorize the transfer of certain lands in Hopkins County, Kentucky, to the Commonwealth of Kentucky.

July 3, 1935.  
[H. R. 3012.]  
[Public, No. 196.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Administrator of Veterans' Affairs is authorized and directed to convey to the Commonwealth of Kentucky, for State park purposes exclusively, without expense to the United States, all the right, title, and interest of the United States in and to certain lands in Hopkins County, Kentucky, described as follows:

Hopkins County, Ky.  
Transfer of designated lands in, to State of Kentucky, authorized.

Beginning at an iron-pipe corner marked "H. L. & I. Co.-G. W. Beshear-Alexander Estate-C. T. Kirkwood-No. '1'", in a fence line, on the southerly side of a road, about thirty feet southerly from a culvert at a right-angle turn in a road, willow pointer;

Description.

Thence north seventy-three degrees thirty-three minutes thirty seconds west one thousand nine hundred ninety-nine and eighty-six one-hundredths feet to a square stone marked "No. '2'", on a flat, at a large leaning sweetgum, sweetgum and poplar pointers;

Thence north seventy-three degrees thirty-two minutes forty seconds west one thousand three hundred sixty-five and twelve one-hundredths feet to a square-stone corner marked "No. '3'", on a flat at a fence corner, large spanish-oak and hackberry pointers; said corner numbered 3 being also a corner to the property of L. B. Lamson;

Thence north seventeen degrees thirty-two minutes fifty seconds east nine hundred eight-seven and nineteen one-hundredths feet to an iron-pipe corner marked "H. L. & I. Co.-L. B. Lamson-No. '4'", on a southerly slope, near the northwesterly edge of a flat, about two hundred feet southerly from a road, large beech and forked beech pointers;

Thence north fifty-eight degrees six minutes thirty seconds east eight hundred forty-one and eight one-hundredths feet to a square-stone corner marked "No. '5'", on top of a sandstone cliff, sweetgum and white-oak pointers, both small;

Thence north three degrees twenty-five minutes thirty seconds east three hundred thirty-four and sixty-two one-hundredths feet to a square-stone corner marked "No. '6'", on a steep southerly hillside, below a sandstone cliff, two hickory, black-oak, white-oak, and sugar-tree pointers;

Thence north seventy-five degrees seven minutes forty seconds west seven hundred sixteen and twelve one-hundredths feet to a square-stone corner marked "No. '7'", on a southerly slope, about fifty feet northerly from a sandstone canyon, two hickory, black-oak, and black-walnut pointers;

Thence south seventy-three degrees nineteen minutes fifty seconds west one thousand six hundred eight and thirty one-hundredths feet to a square-stone corner marked "No. '8'", on the easterly side of a drain, about fifty feet southerly from a spring, two sweetgum, black-gum, and elm pointers;

Thence north twenty-seven degrees forty-two minutes ten seconds west one thousand seventy-two and fifty one-hundredths feet to a square-stone corner marked "No. '9'", on the westerly side of a road, at a large white-oak stump, said corner numbered 9 being also a corner to the properties of . . . Purdy and G. W. Beshear;

Thence north nine degrees twenty-six minutes twenty seconds east seven hundred three and twenty one-hundredths feet to a square-stone corner marked "No. '10'", on an easterly hillside, in a steep hollow, two sweetgum, two white-oak and elm pointers;

Description—Continued.

Thence north seventy-five degrees thirty minutes forty seconds east two hundred eighty-four and six one-hundredths feet to an iron-pipe corner marked "H. L. & I. Co.—G. W. Beshear—Ira Beshear—No. '11'", on a westerly hillside, about fifty feet easterly from a deep drain, black-oak and large white-oak pointers;

Thence north seventy-four degrees forty-seven minutes thirty seconds east three hundred forty-three and forty-six one-hundredths feet to an iron-pipe corner marked "H. L. & I. Co.—Ira Beshear—Isaac Beshear—No. '12'", at a stone on an easterly hillside, about fifteen feet southerly from a fence corner, two white-oak and hickory pointers;

Thence north seventy-four degrees twenty-seven minutes fifty seconds east one thousand one hundred forty-two and seven one-hundredths feet to an iron-pipe corner marked "H. L. & I. Co.—Isaac Beshear—Emit Beshear—No. '13'", at a stone on a northwesterly ridge near the head of a hollow, small sugar-tree, hickory, and large Spanish-oak pointers;

Thence north seventy-three degrees fifty-six minutes twenty seconds east one thousand one hundred seventy-nine and seventy-four one-hundredths feet to an iron-pipe corner marked "H. L. & I. Co.—Emit Beshear—No. '14'", where a square-stone corner was located in the Bellford Road ten feet westerly from a culvert and ten feet southerly from a fence-corner post;

Thence north four degrees forty-seven minutes ten seconds east nine hundred twenty-eight and one one-hundredth feet to a square-stone corner marked "No. '15'", on a northwesterly slope, on the southerly side of a field, five black-oak and hickory pointers;

Thence north forty-eight degrees fifty-two minutes east three hundred seventy-three and sixty-eight one-hundredths feet to a square-stone corner marked "No. '16'", on the northerly side of a field, beech, sugar tree, and double black-walnut pointers, said corner numbered 16 is also corner to the property of Jas. J. Hamby;

Thence north sixty-three degrees forty-eight minutes ten seconds east two hundred seventeen and twenty-eight one-hundredths feet to a square-stone corner marked "No. '17'", on a southerly hillside, at the corner of a field, large white-oak and two sugar-tree pointers;

Thence south twenty-eight degrees fifty-five minutes ten seconds east six hundred fifty-two and sixty-one one-hundredths feet to a square-stone corner marked "No. '18'", on a westerly hillside above a drain with a sandstone bottom, two white-oak and black-oak pointers;

Thence north seventy-three degrees fifty-five minutes ten seconds east one thousand one hundred twenty-seven and ten one-hundredths feet to a square-stone corner marked "No. '19'", in the head of a hollow, southwesterly from a house, about seventy-five feet northwesterly from the Bellford Road, large white-oak, hickory, and small white-oak pointers, said corner numbered 19 is also corner to the property of J. D. Eli (now M. P. Buntin);

Thence south one degree forty-three minutes fifty seconds east two hundred eighty-four and twelve one-hundredths feet to a square-stone corner marked "No. '20'", on a southerly slope, large white-oak, hickory, and three small white-oak pointers;

Thence south thirty-five degrees thirty-seven minutes twenty seconds east two thousand four hundred sixty-five feet to a square-stone corner marked "No. '21'", on an easterly hillside at the northerly side of a field, hickory, dogwood, red-oak, and sassafras pointers;

Thence south sixty-one degrees forty-three minutes forty seconds west one thousand two hundred sixty-three and twenty-four one-hundredths feet to an iron-pipe corner marked "H. L. & I. Co.-W. R. Ligon-Pest House-No. '22'", on the northerly side of a large ridge, near the southerly side of an old field, three hickory and elm pointers;

Description—Continued.

Thence south sixty-one degrees forty-three minutes forty seconds west two hundred eight and seventy-six one-hundredths feet to a square-stone corner marked "No. '23'", on top of a broad ridge about one hundred and thirty-five feet northerly from the pest house, black-oak, white-oak, cedar, and two hickory pointers;

Thence south one degree six minutes ten seconds west six hundred seventy-seven and three one-hundredths feet to an iron-pipe corner marked "H. L. & I. Co.-Alexander Estate-Pest House-No. '24'", on an easterly slope about twenty feet westerly from a drain, black-oak, black-walnut, and two hickory pointers;

Thence south one degree fifty-one minutes west four hundred fifty-three and sixty-eight one-hundredths feet to an iron-pipe corner marked "H. L. & I. Co.-Alexander Estate-No. '25'", on the easterly side of a drain, beech pointer;

Thence zero degrees four minutes thirty seconds west three hundred eight and eighty-five one-hundredths feet to an iron-pipe corner marked "H. L. & I. Co.-Alexander Estate-No. '26'", about twenty-five feet westerly from a drain, large sycamore and black-walnut pointers;

Thence south thirty degrees forty-one minutes thirty seconds east four hundred ninety-seven and seventy-six one-hundredths feet to an iron-pipe corner marked "H. L. & I. Co.-Alexander Estate-No. '27'", on the easterly side of a flat on the westerly side of a drain, two sweetgum pointers;

Thence south nine degrees five minutes east one hundred eighty-four and seventy-seven one-hundredths feet to an iron-pipe corner marked "H. L. & I. Co.-Alexander Estate-No. '28'", in the westerly side of a drain, at the foot of a bank, sycamore, elm, and persimmon pointers;

Thence south twenty-five degrees twenty-four minutes thirty seconds west two hundred thirty-five and thirty-four one-hundredths feet to an iron-pipe corner marked "H. L. & I. Co.-Alexander Estate-No. '29'", on a flat on the westerly side of a drain, honeylocust pointer;

Thence south forty-seven degrees twenty-four minutes thirty seconds west two hundred thirty-three and thirty-one one-hundredths feet to an iron-pipe corner marked "H. L. & I. Co.-Alexander Estate-No. '30'", on a flat on the westerly side of a branch, on the easterly side of a road, sycamore, elm, and willow pointers;

Thence south fifteen degrees fifty-five minutes thirty seconds west four hundred thirty-seven and twenty-five one-hundredths feet to the place of beginning, containing four hundred forty-seven and fifty one-hundredths acres more or less; being the same tract or parcel of land conveyed to the Government of the United States by the Hillman Land Company, on the 30th day of March 1921, and recorded in Deed Book Numbered 109, page 537, in the Hopkins County court clerk's office.

Such conveyance shall contain the express condition that if the Commonwealth of Kentucky shall at any time cease to use such lands for State park purposes exclusively, or shall alienate or attempt to alienate such lands, title thereto shall revert to the United States.

Reversionary provision.

Approved, July 3, 1935.

## [CHAPTER 368.]

## AN ACT

July 3, 1935.  
[H. R. 7235.]  
[Public, No. 197.]

To amend the Act entitled "An Act to make provision for suitable quarters for certain Government services at El Paso, Texas, and for other purposes."

Quarters for Govern-  
ment services at El  
Paso, Tex.  
Vol. 48, p. 1119,  
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 amend the Act to make provision for suitable quarters for certain Government services at El Paso, Texas, and for other purposes", approved June 19, 1934, is amended to read as follows:

Lease authorized  
when premises desig-  
nated are ready for  
occupancy.

"That when the owners of the tract of land situated in the city and county of El Paso and State of Texas, more fully described as follows, to wit—

Description.

"Beginning at a point on the east line of South Santa Fe Street, which point is the intersection of the west line of block 21 of the Campbell Addition to the city of El Paso and the southerly line of the present levee now occupied as a right-of-way of the Rio Grande and El Paso Railroad; and which point of intersection is sixty-six and eighty-two one-hundredths feet northerly from the southwest corner of said block 21, the beginning point of this tract; thence southerly along the west line of said block 21, and the east line of South Santa Fe Street at sixty-six and eighty-two one hundredths feet past the southwest corner of said block 21 and at one hundred and thirty-six and eighty-two one-hundredths feet past the northwest corner of block 17 of the Campbell Addition and at one hundred and eighty-eight and eighty-two one-hundredths feet past the southwest corner of this tract; thence easterly at right angles to the center of an alley one hundred and thirty feet; thence northerly and parallel with the east line of South Santa Fe Street one hundred and twenty-four feet more or less to the south line of the above-mentioned levee; thence in a northwesterly direction along the south line of said levee one hundred and thirty-five feet more or less to the place of beginning being part of lots 18, 19, and 20 in block 21 of the Campbell Addition, and that part of Eleventh Street between blocks 21 and 17 having a width of seventy feet by one hundred and thirty feet, and all of lots 11 and 12 in block 17 above referred to and the west half of the alley adjoining the lots herein mentioned. The property herein described has a frontage of one hundred and eighty-eight and eighty-two one-hundredths feet on South Santa Fe Street, a width of one hundred and thirty feet on the south side, has approximately one hundred and twenty-four feet on the east side, and on the north side one hundred and thirty-five feet."

"(hereafter called the 'owners'), have agreed to erect upon such premises, or upon an equivalent area which has been approved by the Secretary of the Treasury, a building of such design, plan, and specifications as may be approved by the Secretary of the Treasury as suitable for the use of the Bureau of Immigration, the Bureau of Customs, the United States Public Health Service, and the Bureau of Plant Quarantine; the Secretary of the Treasury is authorized and directed to negotiate, and, subject to an appropriation therefor, lease such building and such premises from the owners for a term of twenty-five years after such building is ready for occupancy at a fair annual rental, subject to the limitations of section 322 of Part II of the Legislative Appropriation Act for the fiscal year ending June 30, 1933, approved June 30, 1932. Such lease shall contain a provision for a cancellation of the lease in the event that the lots on which the building is to be constructed are determined, judicially or by agreement, to be lands subject to the jurisdiction

Vol. 47, p. 412.

Provision for cancel-  
ation of lease.



of the United States of Mexico. In the event that such lands are so determined to be lands subject to the jurisdiction of the United States of Mexico and that as a result of such determination the owners or their assignees lose their title thereto and the lease is canceled, the United States shall pay to the owners or their assignees the fair value of the building at the completion of its construction (but not in excess of the actual cost of construction), less an amount equal to one-third of 1 per centum of such cost or value for each month that the lease was in effect prior to such determination.

SEC. 2. There is authorized to be appropriated such amounts as may be necessary to pay the installments of rent provided for in such lease."

Approved, July 3, 1935.

Payment to owners.

Deduction.

Appropriation au-  
thorized.

[CHAPTER 372.]

### AN ACT

To diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, to create a National Labor Relations Board, and for other purposes.

July 5, 1935.

[S. 1958.]

[Public, No. 198.]

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

#### FINDINGS AND POLICY

SECTION 1. The denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

National Labor Re-  
lations Act.  
Findings and policy.

The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries.

Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers

of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

Definitions.

## DEFINITIONS

SEC. 2. When used in this Act—

- “Person.” (1) The term “person” includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.
- “Employer.” (2) The term “employer” includes any person acting in the interest of an employer, directly or indirectly, but shall not include the United States, or any State or political subdivision thereof, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.
- “Employee.” (3) The term “employee” shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse.
- “Representatives.” (4) The term “representatives” includes any individual or labor organization.
- “Labor organization.” (5) The term “labor organization” means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.
- “Commerce.” (6) The term “commerce” means trade, traffic, commerce, transportation, or communication 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 or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.
- “Affecting commerce.” (7) The term “affecting commerce” means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.
- “Unfair labor practice.” (8) The term “unfair labor practice” means any unfair labor practice listed in section 8.
- “Labor dispute.” (9) The term “labor dispute” includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.
- “National Labor Relations Board.” (10) The term “National Labor Relations Board” means the National Labor Relations Board created by section 3 of this Act.

(11) The term "old Board" means the National Labor Relations Board established by Executive Order Numbered 6763 of the President on June 29, 1934, pursuant to Public Resolution Numbered 44, approved June 19, 1934 (48 Stat. 1183), and reestablished and continued by Executive Order Numbered 7074 of the President of June 15, 1935, pursuant to Title I of the National Industrial Recovery Act (48 Stat. 195) as amended and continued by Senate Joint Resolution 133<sup>1</sup> approved June 14, 1935.

NATIONAL LABOR RELATIONS BOARD

SEC. 3. (a) There is hereby created a board, to be known as the "National Labor Relations Board" (hereinafter referred to as the "Board"), which shall be composed of three members, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of three years, and one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board, and two members of the Board shall, at all times, constitute a quorum. The Board shall have an official seal which shall be judicially noticed.

(c) The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

SEC. 4. (a) Each member of the Board shall receive a salary of \$10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint, without regard for the provisions of the civil-service laws but subject to the Classification Act of 1923, as amended, an executive secretary, and such attorneys, examiners, and regional directors, and shall appoint such other employees with regard to existing laws applicable to the employment and compensation of officers and employees of the United States, as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may, at the direction of the Board, appear for and represent the Board in any case in court. Nothing in this Act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation or mediation (or for statistical work), where such service may be obtained from the Department of Labor.

(b) Upon the appointment of the three original members of the Board and the designation of its chairman, the old Board shall cease

"Old Board."

Executive Order 6763.  
Vol. 48, p. 1183.  
Executive Order 7074.  
Vol. 48, p. 195.  
*Ante*, p. 375.

National Labor Relations Board.

Composition; appointment.  
*Post*, p. 1177.

Terms of office.

Chairman.

Removals.

Quorum, seal, etc.

Annual report.

Salaries.  
*Post*, p. 1112.

Appointment of personnel.  
Vol. 46, p. 1003; U. S. C., p. 85.

Attorneys, regional directors, etc.

Agencies available.

Appointment of mediators; restriction.

Old Board abolished.

<sup>1</sup> So in original.

Transfer of employ-  
ees, records, etc.

to exist. All employees of the old Board shall be transferred to and become employees of the Board with salaries under the Classification Act of 1923, as amended, without acquiring by such transfer a permanent or civil service status. All records, papers, and property of the old Board shall become records, papers, and property of the Board, and all unexpended funds and appropriations for the use and maintenance of the old Board shall become funds and appropriations available to be expended by the Board in the exercise of the powers, authority, and duties conferred on it by this Act.

Expense allowances.

(c) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

Principal office.

SEC. 5. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case.

Prosecution of in-  
quiries.

Administrative rules.

SEC. 6. (a) The Board 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 Act. Such rules and regulations shall be effective upon publication in the manner which the Board shall prescribe.

#### RIGHTS OF EMPLOYEES

Rights of employees  
specified.

SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

Unfair labor prac-  
tices.

SEC. 8. It shall be an unfair labor practice for an employer—

(1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided*, That subject to rules and regulations made and published by the Board pursuant to section 6 (a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: *Provided*, That nothing in this Act, or in the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, secs. 701-712), as amended from time to time, or in any code or agreement approved or prescribed thereunder, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in this Act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective bargaining unit covered by such agreement when made.

Vol. 48, p. 196; *Ante*,  
p. 375.

(4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act.

(5) To refuse to bargain collectively with the representatives of his employees, subject to the provisions of Section 9 (a).

#### REPRESENTATIVES AND ELECTIONS

SEC. 9. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: *Provided*, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer.

Representatives and elections.

Majority rule principle in collective bargaining, etc.

*Proviso.*  
Individual right to present grievances.

(b) The Board shall decide in each case whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof.

Standards for appropriate bargaining, etc.

(c) Whenever a question affecting commerce arises concerning the representation of employees, the Board may investigate such controversy and certify to the parties, in writing, the name or names of the representatives that have been designated or selected. In any such investigation, the Board shall provide for an appropriate hearing upon due notice, either in conjunction with a proceeding under section 10 or otherwise, and may take a secret ballot of employees, or utilize any other suitable method to ascertain<sup>1</sup> such representatives.

Representatives of employees.  
Method for selecting, etc.

Hearings.

(d) Whenever an order of the Board made pursuant to section 10 (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section, and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under subsections 10 (e) or 10 (f), and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.

Board orders based on foregoing results.

Enforcement or review.

#### PREVENTION OF UNFAIR LABOR PRACTICES

SEC. 10. (a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in section 8) affecting commerce. This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise.

Prevention of unfair labor practices, affecting commerce.  
Authority of Board.

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than five days after the serving of said complaint. Any such complaint may be amended by the member, agent, or agency conducting the hearing.

Complaints; filing.

Service of charges.

Notice of hearing.

Amendment of complaint.

<sup>1</sup> So in original.

Appearance and answer of accused. or the Board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent or agency conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony. In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

Prevailing rules of evidence; effect of. (c) The testimony taken by such member, agent or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon all the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this Act. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon all the testimony taken the Board shall be of the opinion that no person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the said complaint.

Preservation of testimony. (d) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

Cease and desist orders. (e) The Board shall have power to petition any circuit court of appeals of the United States (including the Court of Appeals of the District of Columbia), or if all the circuit courts of appeals to which application may be made are in vacation, any district court of the United States (including the Supreme Court of the District of Columbia), within any circuit or district, respectively, wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and order of the Board. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board 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 addi-

Reports of compliance; requirement. Dismissal of complaint. Modification, etc., of order. Enforcement. Board authorized to petition any circuit court of appeals. Temporary restraining order provided. Papers to be filed. Notice; jurisdiction and powers of court. Objections; consideration of. Findings conclusive of facts. Additional evidence.

tional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its member, agent, or agency, and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of 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).

Modification by Board.

Jurisdiction of court. Decree final; review allowed.

U. S. C., p. 1271.

(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business, or in the Court of Appeals of the District of Columbia, by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith served upon the Board, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding, certified by the Board, including the pleading and testimony upon which the order complained of was entered and the findings and order of the Board. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e), and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board; and the findings of the Board as to the facts, if supported by evidence, shall in like manner be conclusive.

Application to set aside orders.

Procedure, etc.

(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

Board's order not stayed by commencement of proceedings.

(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified or setting aside in whole or in part an order of the Board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (U. S. C., Supp. VII, title 29, secs. 101-115).

Jurisdiction of equity courts not impaired.

Vol. 47, p. 70.  
U. S. C., p. 1326.

(i) Petitions filed under this Act shall be heard expeditiously, and if possible within ten days after they have been docketed.

Expeditious hearings.

#### INVESTIGATORY POWERS

SEC. 11. For the purpose of all hearings and investigations, which, in the opinion of the Board, are necessary and proper for the exercise of the powers vested in it by section 9 and section 10—

Investigatory powers.  
Ante, p. 453.

(1) The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated

Examinations, securing evidence, etc.

- or proceeded against that relates to any matter under investigation or in question. Any member of the Board shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Board, its member, agent, or agency conducting the hearing or investigation. Any member of the Board, or any agent or agency designated by the Board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.
- (2) In case of contumacy or refusal to obey a subpoena issued to any person, any District Court of the United States or the United States courts of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.
- (3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the Board, on the ground that the testimony or evidence 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, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.
- (4) Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.
- (5) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.
- (6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.
- SEC. 12. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or
- Subpoena powers.
- Administration of oaths, etc.
- Witnesses, etc.
- Contumacy or refusal to obey subpoena. Punishment for.
- Privilege of witnesses.
- Personal immunity.
- Service of orders, etc.
- Witness fees, etc.
- Venue provisions.
- Government agencies to assist.
- Protection of Board members, etc.



agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or both.

## LIMITATIONS

SEC. 13. Nothing in this Act shall be construed so as to interfere with or impede or diminish in any way the right to strike.

SEC. 14. Wherever the application of the provisions of section 7 (a) of the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, sec. 707 (a)), as amended from time to time, or of section 77 B, paragraphs (l) and (m) of the Act approved June 7, 1934, 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" (48 Stat. 922, pars. (l) and (m)), as amended from time to time, or of Public Resolution Numbered 44, approved June 19, 1934 (48 Stat. 1183), conflicts with the application of the provisions of this Act, this Act shall prevail: *Provided*, That in any situation where the provisions of this Act cannot be validly enforced, the provisions of such other Acts shall remain in full force and effect.

SEC. 15. 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.

SEC. 16. This Act may be cited as the "National Labor Relations Act."

Approved, July 5, 1935.

Limitations.

Right to strike.

Conflicts with other Acts.  
National Recovery Act.  
Vol. 48, p. 198; U. S. C., p. 584.  
*Ante*, p. 375.  
Bankruptcy Act, amendments.  
Vol. 48, p. 922.

National industrial labor boards.  
Vol. 48, p. 1183.

*Proviso*.  
Validity provision.

Separability clause.

Title.

[CHAPTER 373.]

## AN ACT

To incorporate The American National Theater and Academy.

July 5, 1935.  
[S. 2642.]  
[Public, No. 199.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That* Leopold Stokowski, of Philadelphia, Pennsylvania; Evelyn Price (Mrs. Eli Kirk Price), of Philadelphia, Pennsylvania; George W. Norris, of Philadelphia, Pennsylvania; Samuel S. Fleischer, of Philadelphia, Pennsylvania; Amory Hare Hutchinson, of Philadelphia, Pennsylvania; Ellen D. Cleveland (Mrs. Richard F. Cleveland), of Baltimore, Maryland; Otto T. Mallory, of Philadelphia, Pennsylvania; Roland S. Morris, of Philadelphia, Pennsylvania; Mrs. George H. Lorimer, of Philadelphia, Pennsylvania; Hugh Hampton Young, of Baltimore, Maryland; Richard F. Cleveland, of Baltimore, Maryland; J. Howard Reber, of Philadelphia, Pennsylvania; Mary Stewart French, of Philadelphia, Pennsylvania; Clara R. Mason, of Philadelphia, Pennsylvania; Katharine Dexter McCormick (Mrs. Stanley McCormick), of Chicago, Illinois; Evangeline Stokowski (Mrs. Leopold Stokowski), of New York, New York; Elsie Jenkins Symington (Mrs. Donald Symington), of Baltimore, Maryland; B. Howell Griswold, of Baltimore, Maryland; Ann Morgan, of New York, New York; John Hay Whitney, of New York, New York; Otto H. Kahn, of New York, New York; Harriet Barnes Pratt (Mrs. Harold I. Pratt), of New York, New York; Mrs. W. Murray Crane, of New York, New York; A. Conger Goodyear, of New York, New York; Alice Garrett (Mrs. John W. Garrett), of Baltimore, Maryland; John W. Garrett, of Baltimore, Maryland;

The American National Theater and Academy.  
Incorporators.

Joy Montgomery Higgins, of New York, New York; Arthur Woods, of New York, New York; Helen Woods (Mrs. Arthur Woods), of New York, New York; C. Lawton Campbell, of New York, New York; John H. Finley, of New York, New York; Cass Canfield, of New York, New York; Katharine E. Canfield (Mrs. Cass Canfield), of New York, New York; William Rhinelander Stewart, of New York, New York; Dorothea Blagden (Mrs. Linzee Blagden), of New York, New York; John W. Davis, of New York, New York; Francis Anita Crane, of New York, New York; Frank L. Polk, of New York, New York; Edward M. M. Warburg, of New York, New York; William Green, of Washington, District of Columbia; Mary Chichester du Pont (Mrs. Felix du Pont), of Wilmington, Delaware; Betty Hawley, of New York, New York; Isabelle Anderson (Mrs. Larz Anderson), of Washington, District of Columbia; Mabel Boardman, of Washington, District of Columbia; Huibertje Lansing Pryn Hamlin (Mrs. Charles Hamlin), of Washington, District of Columbia; their associates and successors, duly chosen, are hereby incorporated, constituted, and declared to be a body corporate. The name of this corporation shall be "The American National Theater and Academy."

Name.

Nonprofit and without capital stock. Purposes stated.

SEC. 2. The corporation shall be nonprofit and without capital stock. Its purposes shall embrace:

(a) The presentation of theatrical productions of the highest type;

(b) The stimulation of public interest in the drama as an art belonging both to the theater and to literature and thereby to be enjoyed both on the stage and in the study;

(c) The advancement of interest in the drama throughout the United States of America by furthering in the production of the best plays, interpreted by the best actors at a minimum cost;

(d) The further development of the study of drama of the present and past in our universities, colleges, schools, and elsewhere;

(e) The sponsoring, encouraging, and developing of the art and technique of the theater through a school within the National Academy.

Corporate powers.

SEC. 3. That the corporation created by this Act shall have the following powers:

To have perpetual succession with power to sue and to be sued in the courts of law and equity; to receive, hold, own, use, mortgage, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, bylaws, and regulations to carry out its purposes not inconsistent with the laws of the United States or any States; to establish and maintain offices and buildings for the conduct of its business; to establish State and Territorial organizations and local branches; and generally to do all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

Nonpolitical, etc., character.

No honorary members.

Exclusive use of name.

SEC. 4. That the organization shall be nonpolitical, nonsectarian, as an organization shall not promote the candidacy of any persons seeking public office. There shall be no honorary members.

SEC. 5. That said corporation and its State and local branches and subdivisions shall have the sole and exclusive right to have and to use in carrying out its purposes the name "The American National Theater and Academy."

Headquarters, etc.

SEC. 6. That said corporation be, and is hereby, authorized to have its headquarters and hold its meetings at such places within or without the District of Columbia as it from time to time may deem best.

SEC. 7. The corporation is hereby authorized and empowered to receive by devise, bequest, donation, or otherwise, either real or personal property, and to hold the same absolutely or in trust and to invest, reinvest, and manage the same in accordance with the provisions of its constitution and to apply said property and the income arising therefrom to the objects of its creation and according to the instructions of its donors.

SEC. 8. That said corporation shall on or before the 1st day of January in each year make and transmit to Congress a report of its proceedings for the preceding calendar year, including a full and complete report of its receipts and expenditures: *Provided, however,* That said report shall not be printed as a public document.

SEC. 9. That as a condition precedent to the exercise of any power or privilege herein granted or conferred, "The American National Theater and Academy" shall file in the office of the Secretary or the properly designated officer of each State or Territory or the District of Columbia in which is located either its headquarters or branches or subdivisions thereof the name and post-office address of an authorized agent upon whom legal process or demand against "The American National Theater and Academy" may be served.

SEC. 10. That the right to repeal, alter, or amend this Act is hereby expressly reserved.

Approved, July 5, 1935.

[CHAPTER 374.]

#### AN ACT

Making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1936, and for other purposes.

July 8, 1935.

[H. R. 8021.]

[Public, No. 200.]

*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 Legislative Branch of the Government for the fiscal year ending June 30, 1936, namely:

Legislative Branch  
Appropriation Act,  
1936.

#### SENATE

Senato.

##### SALARIES AND MILEAGE OF SENATORS

Senators.

For compensation of Senators, \$960,000.  
For mileage of the President of the Senate and of Senators, \$51,000 and hereafter the President of the Senate shall be paid mileage at the same rate and in the same manner as now allowed by law to Senators, Members of the House of Representatives, and Delegates in Congress.

Compensation.  
Mileage.  
Allowance to President of the Senate.

For compensation of officers, clerks, messengers, and others:

Officers, clerks, messengers, etc.

##### OFFICE OF THE VICE PRESIDENT

Vice President's office.

Salaries: Secretary to the Vice President, \$4,620; clerk, \$2,400; assistant clerks—one \$2,280, one \$2,160; in all, \$11,460.

Secretary to, and clerks.

##### CHAPLAIN

Chaplain.

Chaplain of the Senate, \$1,680.

##### OFFICE OF THE SECRETARY

Secretary's office.

Salaries: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of contingent fund of the Senate, \$8,000; chief clerk, who shall perform the duties of reading

Secretary, assistants, clerks, etc.

Property rights.

Report to Congress.

*Proviso.*  
Not printed as public document.

State, etc., agents.

Amendment.

Parliamentarian and  
Journal clerk.

clerk, \$5,500 and \$1,000 additional so long as the position is held by the present incumbent; financial clerk, \$5,000 and \$2,000 additional so long as the position is held by the present incumbent; assistant financial clerk, \$4,200; Parliamentarian and Journal clerk, \$5,000 and \$1,000 additional so long as the position is held by the present incumbent; principal clerk, \$3,600; legislative clerk, \$4,000 and \$1,000 additional so long as the position is held by the present incumbent; enrolling clerk, \$4,000 and \$1,000 additional so long as the position is held by the present incumbent; printing clerk, \$3,540; chief bookkeeper, \$3,600; librarian, \$3,360; executive clerk, and assistant Journal clerk, at \$3,180 each; first assistant librarian, and keeper of stationery, at \$3,120 each; assistant librarian, and assistant keeper of stationery, at \$2,400 each; clerks—one at \$2,880 and \$300 additional so long as the position is held by the present incumbent, four at \$2,880 each, two at \$2,640 each, one at \$2,400, four at \$2,040 each, two at \$1,740 each; special officer, \$2,460; two assistants in the library at \$1,740 each; laborers—one at \$1,620, five at \$1,380 each, one in secretary's office, \$1,680; in all, \$123,360.

Document Room.

#### DOCUMENT ROOM

Superintendent, etc.

Salaries: Superintendent, \$3,960; first assistant, \$3,360; second assistant, \$2,400; four assistants, at \$1,860 each; skilled laborer, \$1,380; in all, \$18,540.

Committee employ-  
ees.

#### COMMITTEE EMPLOYEES

Clerks and messen-  
gers.

Clerks and messengers to the following committees: Agriculture and Forestry—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Appropriations—clerk, \$7,000 and \$1,000 additional so long as the position is held by the present incumbent; assistant clerk, \$4,200; assistant clerk, \$3,900; three assistant clerks at \$3,000 each; two assistant clerks at \$2,220 each; messenger, \$1,800. To Audit and Control the Contingent Expenses of the Senate—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Banking and Currency—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,400; assistant clerk, \$2,220. Civil Service—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Claims—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; two assistant clerks at \$2,220 each. Commerce—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,400; two assistant clerks, at \$2,220 each. Conference Majority of the Senate—clerk, \$3,900; assistant clerk, \$2,880; two assistant clerks at \$2,580 each; assistant clerk, \$2,220. Conference Minority of the Senate—clerk, \$3,900; assistant clerk, \$2,880; two assistant clerks at \$2,580 each; assistant clerk, \$2,220. District of Columbia—clerk, \$3,900; two assistant clerks at \$2,880 each; assistant clerk, \$2,220; additional clerk, \$1,800. Education and Labor—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Enrolled Bills—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Expenditures in the Executive Departments—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Finance—clerk, \$4,200; special assistant to the committee, \$3,600; assistant clerk, \$2,880; assistant clerk, \$2,700; assistant clerk, \$2,400; two assistant clerks at \$2,220 each; two experts (one for majority and one for the minority) at \$3,600 each; messenger, \$1,800. Foreign relations—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800; messenger,

\$1,800. Immigration—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Indian Affairs—clerk, \$3,900; assistant clerk, \$3,600; assistant clerk, \$2,880; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Interoceanic Canals—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Interstate Commerce—clerk, \$3,900; assistant clerk, \$3,600; assistant clerk, \$2,880; two assistant clerks at \$2,580 each; assistant clerk, \$2,220. Irrigation and Reclamation—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; two additional clerks at \$1,800 each. Judiciary—clerk, \$3,900; assistant clerk, \$2,880; two assistant clerks at \$2,580 each; assistant clerk, \$2,220. Library—clerk, \$3,900; two assistant clerks, at \$2,400 each; assistant clerk, \$2,220; additional clerk, \$1,800. Manufactures—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Military Affairs—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,400; two assistant clerks at \$2,220 each. Mines and Mining—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; two additional clerks, at \$1,800 each. Naval Affairs—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,400; two assistant clerks at \$2,220 each. Patents—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Pensions—clerk, \$3,900; assistant clerk, \$2,580; four assistant clerks at \$2,220 each. Post Offices and Post Roads—clerk, \$3,900; assistant clerk, \$2,880; four assistant clerks at \$2,220 each; additional clerk, \$1,800. Printing—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Privileges and Elections—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Public Buildings and Grounds—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Public Lands and Surveys—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; two assistant clerks at \$2,220 each. Revision of the Laws—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Rules—clerk, \$3,900 and \$200 toward the preparation biennially of the Senate Manual under the direction of the Committee on Rules; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Territories and Insular Affairs—clerk, \$3,900; assistant clerk, \$2,580; two assistant clerks, at \$2,220 each; assistant clerk, \$2,000; additional clerk, \$1,800; in all, \$503,460.

## CLERICAL ASSISTANCE TO SENATORS

Clerical assistance to Senators who are not chairmen of the committees specially provided for herein, as follows: Seventy clerks at \$3,900 each; seventy assistant clerks at \$2,400 each; and seventy assistant clerks at \$2,220 each; such clerks and assistant clerks shall be ex-officio clerks and assistant clerks of any committee of which their Senator is chairman; seventy additional clerks at \$1,800 each, one for each Senator having no more than one clerk and two assistant clerks for himself or for the committee of which he is chairman; messenger, \$1,800; in all, \$724,200.

Clerical assistance to Senators.

Allowance to Senators not chairmen of specified committees.

Ex-officio committee clerks.

## OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

Salaries: Sergeant at Arms and Doorkeeper, \$8,000; two secretaries (one for the majority and one for the minority), at \$5,400 each; two assistant secretaries (one for the majority and one for the minority), at \$4,320 each; Deputy Sergeant at Arms and storekeeper, \$4,440; clerks—one, \$2,640, one, \$2,100, three at \$1,800 each, one, to the secretary for the majority, \$1,800; messengers—one, \$2,640, four (acting

Office of Sergeant at Arms, etc.

Sergeant at Arms and Doorkeeper, secretaries, etc.

Clerks, messengers, etc.

Laborers, etc.	<p>as assistant doorkeepers, including one for the minority), at \$2,400 each, twenty-nine (including two for minority), at \$1,740 each, four, at \$1,620 each, one at card door, \$2,400 and \$240 additional so long as the position is held by the present incumbent; two special messengers, at \$1,800 each; clerk on journal work for Congressional Record to be selected by the Official Reporters, \$3,360; upholsterer and locksmith, \$2,400; cabinetmaker, \$2,040; three carpenters, at \$2,040 each; janitor, \$2,040; five skilled laborers, \$1,680 each; laborer in charge of private passage, \$1,680; three female attendants in charge of ladies' retiring rooms, at \$1,500 each; three attendants to women's toilet rooms, Senate Office Building, at \$1,500 each; telephone operators—chief, \$2,460, thirteen, at \$1,560 each; laborer in charge of Senate toilet rooms in old library space, \$1,200; press gallery—superintendent, \$3,660; assistant superintendent, \$2,520; messengers for service to press correspondents—one, \$1,920, three at \$1,440 each; laborers—three, at \$1,320 each; twenty-nine, at \$1,260 each, three, at \$480 each; special employees—seven, at \$1,000 each; twenty-one pages for the Senate Chamber, at the rate of \$4 per day each, during the session, \$15,288; in all, \$254,868.</p>
Superintendent, press gallery.	
Pages.	
Police, Senate Office Building.	<p>Police force for Senate Office Building under the Sergeant at Arms: Lieutenant, \$1,740; special officer, \$1,740; thirty-one privates at \$1,620 each; in all, \$53,700.</p>
Post Office.	POST OFFICE
Postmaster, assistants, etc.	<p>Salaries: Postmaster, \$3,600; assistant postmaster, \$2,880; chief clerk, \$2,460; wagon master, \$2,040; twenty-six mail carriers, at \$1,620 each; in all, \$53,100.</p>
Folding Room.	FOLDING ROOM
Salaries.	<p>Salaries: Foreman, \$2,460; assistant, \$2,160; clerk, \$1,740; folders—chief, \$2,040, fourteen at \$1,440 each; in all, \$28,560.</p>
Legislative Pay Act of 1929 amended. Vol. 46, p. 32. U. S. C., p. 8.	<p>The provisions of the Legislative Pay Act of 1929 are hereby amended so as to correspond with the changes made by this Act in the designations and rates of salary of certain positions under the Senate.</p>
Contingent expenses.	CONTINGENT EXPENSES OF THE SENATE
Automobile for Vice President.	<p>For purchase, exchange, driving, maintenance, and operation of an automobile for the Vice President, \$4,000.</p>
Reporting debates, etc.	<p>For reporting the debates and proceedings of the Senate, payable in equal monthly installments, \$61,094, of which \$754 shall be immediately available.</p>
Furniture; cleaning, repairing, etc.	<p>For services in cleaning, repairing, and varnishing furniture, \$2,000.</p>
Inquiries and investigations. Post, p. 1567.	<p>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, \$150,000: <i>Provided</i>, That no part of this appropriation shall be expended for services, personal, professional, or otherwise, in excess of the rate of \$3,600 per annum: <i>Provided further</i>, That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.</p>
Provisos. Salary restriction.	
Per diem and subsistence. Vol. 44, p. 688. U. S. C., p. 103.	
Joint Committee on Internal Revenue Taxation. One-half expenses.	<p>For payment of one-half of the salaries and other expenses of the Joint Committee on Internal Revenue Taxation as authorized by law, \$27,000.</p>
Folding, etc. Post, p. 1272.	<p>For folding speeches and pamphlets, at a rate not exceeding \$1 per thousand, \$10,000.</p>

For fuel, oil, cotton waste, and advertising, exclusive of labor, \$2,000. Fuel, oil, advertising, etc.

For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate under the supervision of the Committee on Rules, United States Senate, \$35,000: *Provided*, That said Committee on Rules is hereby authorized and directed hereafter to add a minimum of 10 per centum to each order in excess of 10 cents served in the said restaurants and 20 per centum to all orders served outside of said restaurants, and the proceeds accruing therefrom shall be placed in a fund to be used in the payment of any deficit incurred in the management of such kitchens and restaurants. Senate kitchens and restaurants.

For maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, \$7,960. Proviso. Increase in prices authorized.

For materials for folding, \$1,500. Outside service.

For miscellaneous items, exclusive of labor, \$200,000. Motor vehicles.

For packing boxes, \$970. Materials for folding.

Postage stamps: For office of Secretary, \$250; office of Sergeant at Arms, \$100; in all, \$350. Miscellaneous items.

For the purchase of furniture, \$10,000, of which \$5,000 shall be used in the place vacated by the Supreme Court. Packing boxes.

For materials for furniture and repairs of same, exclusive of labor, \$3,000. Postage stamps.

For stationery for Senators and for the President of the Senate, including \$7,500 for stationery for committees and officers of the Senate, \$19,500. Furniture, purchase, etc.

For rent of warehouse for storage of public documents, \$2,000. Stationery.

Payments from the contingent fund of the Senate for materials and supplies (including fuel) hereafter purchased through the Procurement Division of the Treasury Department shall be made by check upon vouchers approved by the Committee to Audit and Control the Contingent Expenses of the Senate. Warehouse rent.

## HOUSE OF REPRESENTATIVES

### SALARIES AND MILEAGE OF MEMBERS

For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Puerto Rico, and the Resident Commissioners from the Philippine Islands, \$4,405,000. House of Representatives.

For mileage of Representatives, the Delegate from Hawaii, and the Resident Commissioner from Puerto Rico, and for expenses of the Delegate from Alaska and the Resident Commissioners from the Philippine Islands, \$175,000. Members.

For compensation of officers, clerks, and others: Pay of Members, Delegates, and Resident Commissioners.

### OFFICE OF THE SPEAKER

Salaries: Secretary to the Speaker, \$4,620; clerk to Speaker, \$2,400; clerk to Speaker, \$1,440; messenger to Speaker, \$1,680; in all, \$10,140. Mileage.

### THE SPEAKER'S TABLE

Salaries: Parliamentarian \$4,500 and \$1,500 additional so long as the position is held by the present incumbent, and for preparing Digest of the Rules, \$1,000 per annum; Assistant Parliamentarian, Officers, clerks, etc.

Speaker's office.

Secretary, etc. Post, p. 571.

Speaker's table.

Parliamentarian, etc.

Preparing Digest of Rules.

\$2,760 and \$750 additional so long as the position is held by the present incumbent; messenger to Speaker's Table, \$1,740; in all, \$12,250.

Chaplain.

CHAPLAIN

Chaplain of the House of Representatives, \$1,680.

Clerk's office.

OFFICE OF THE CLERK

Clerk of the House,  
clerks, etc.

Salaries: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, \$8,000; Journal clerk, two reading clerks, and tally clerk, at \$5,000 each; enrolling clerk, \$4,000; disbursing clerk, \$3,960; file clerk, \$3,780; chief bill clerk, \$3,540; assistant enrolling clerk, \$3,180; assistant to disbursing clerk, \$3,120; stationery clerk, \$2,880; librarian, \$2,760; assistant librarian, and assistant file clerk, at \$2,520 each; assistant Journal clerk, and assistant librarian, at \$2,460 each; clerks—one at \$2,460, three at \$2,340 each; bookkeeper, and assistant in disbursing office, at \$2,160 each; four assistants to chief bill clerk at \$2,100 each; stenographer to the Clerk, \$1,980; assistant in stationery room, \$1,740; three messengers at \$1,680 each; stenographer to Journal clerk, \$1,560; laborers—three at \$1,440 each, nine at \$1,260 each; telephone operators—assistant chief, \$1,620, twenty-one at \$1,560 each; substitute telephone operator, when required, at \$4 per day, \$1,464; property custodian and superintendent of furniture and repair shop, who shall be a skilled cabinetmaker or upholsterer and experienced in the construction and purchase of furniture, \$3,960; two assistant custodians at \$3,360 each; locksmith and typewriter repairer, \$1,860; messenger and clock repairer, \$1,740; operation, maintenance, and repair of motor vehicles, \$1,200; in all, \$164,684.

Committee employ-  
ees.

COMMITTEE EMPLOYEES

Clerks, messengers,  
and janitors.

Clerks, messengers, and janitors to the following committees: Accounts—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,560. Agriculture—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,560. Appropriations—clerk, \$7,000 and \$1,000 additional so long as the position is held by the present incumbent; assistant clerk, \$5,000 and \$1,000 additional so long as the position is held by the present incumbent; three assistant clerks at \$3,900 each; assistant clerk, \$3,600; two assistant clerks at \$3,300 each; messenger, \$1,680. Banking and Currency—clerk, \$2,760; assistant clerk, \$1,740; janitor, \$1,260. Census—clerk, \$2,760; janitor, \$1,260. Civil Service—clerk, \$2,760; janitor, \$1,260. Claims—clerk, \$3,300; assistant clerk, \$1,740; janitor, \$1,260. Coinage, Weights, and Measures—clerk, \$2,760; janitor, \$1,260. Disposition of Executive Papers—clerk, \$2,760. District of Columbia—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,260. Education—clerk, \$2,760. Election of President, Vice President, and Representatives in Congress—clerk, \$2,760. Elections Numbered 1—clerk, \$2,760; janitor, \$1,260. Elections Numbered 2—clerk, \$2,760; janitor, \$1,260. Elections Numbered 3—clerk, \$2,760; janitor, \$1,260. Enrolled Bills—clerk, \$2,760; janitor, \$1,260. Expenditures in Executive Departments—clerk, \$3,300; janitor, \$1,260. Flood Control—clerk, \$2,760; janitor, \$1,260. Foreign Affairs—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,260. Immigration and Naturalization—clerk, \$3,300; janitor, \$1,260. Indian Affairs—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,260. Insular Affairs—clerk, \$2,760; janitor, \$1,260. Interstate and Foreign Commerce—clerk, \$3,900; additional clerk, \$2,640; assistant clerk, \$2,100; janitor, \$1,560. Irrigation and Reclamation—clerk, \$2,760; janitor, \$1,260. Invalid Pensions—clerk, \$3,300; assistant



clerk, \$2,880; expert examiner, \$2,700; stenographer, \$2,640; janitor, \$1,500. Judiciary—clerk, \$3,900; assistant clerk, \$2,160; assistant clerk, \$1,980; janitor, \$1,500. Labor—clerk, \$2,760; janitor, \$1,260. Library—clerk, \$2,760; janitor, \$1,260. Merchant Marine and Fisheries—clerk, \$2,760; janitor, \$1,260. Military Affairs—clerk, \$3,300; assistant clerk, \$2,100; janitor, \$1,560. Mines and Mining—clerk, \$2,760; janitor, \$1,260. Naval Affairs—clerk, \$3,300; assistant clerk, \$2,100; janitor, \$1,560. Patents—clerk, \$2,760; janitor, \$1,260. Pensions—clerk, \$3,300; assistant clerk, \$2,160; janitor, \$1,260. Post Office and Post Roads—clerk, \$3,300; assistant clerk, \$2,100; janitor, \$1,560. Printing—clerk, \$2,760; janitor, \$1,560. Public Buildings and Grounds—clerk, \$3,300; assistant clerk, \$1,740; janitor, \$1,260. Public Lands—clerk, \$2,760; assistant clerk, \$1,740; janitor, \$1,260. Revision of the Laws—clerk, \$3,300; janitor, \$1,260. Rivers and Harbors—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,560. Roads—clerk, \$2,760; assistant clerk, \$1,740; janitor, \$1,260. Rules—clerk, \$3,300; assistant clerk, \$2,100; janitor, \$1,260. Territories—clerk, \$2,760; janitor, \$1,260. War Claims—clerk, \$3,300; assistant clerk, \$1,740; janitor, \$1,260. Ways and Means—clerk, \$4,620; assistant clerk and stenographer, \$2,640; assistant clerk, \$2,580; clerk for minority, \$3,180; janitors—one, \$1,560; one, \$1,260. World War Veterans' Legislation—clerk, \$3,300; assistant clerk, \$2,460; in all, \$296,000.

## OFFICE OF SERGEANT AT ARMS

Salaries: Sergeant at Arms, \$8,000; Deputy Sergeant at Arms, \$3,180; cashier, \$4,920; two bookkeepers at \$3,360 each; Deputy Sergeant at Arms in charge of pairs, pair clerk and messenger, and assistant cashier, at \$2,820 each; stenographer and typewriter, \$600; skilled laborer, \$1,380; hire of automobile, \$600; in all, \$33,860.

Police force, House Office Building, under the Sergeant at Arms: Lieutenant, \$1,740; sergeant, \$1,680; thirty-seven privates at \$1,620 each; in all, \$63,360.

Office of Sergeant at Arms.

Sergeant at Arms, deputy, cashier, etc.

Police, House Office Building.

## OFFICE OF DOORKEEPER

Salaries: Doorkeeper, \$6,000; special employee, \$2,820; superintendent of House press gallery, \$3,660; assistant to the superintendent of the House press gallery, \$2,520; chief janitor, \$2,700; messengers—seventeen at \$1,740 each, fourteen on soldiers' roll at \$1,740 each; laborers—seventeen at \$1,260 each, two (cloakroom) at \$1,380 each, one (cloakroom) \$1,260, and seven (cloakroom) at \$1,140 each; three female attendants in ladies' retiring rooms at \$1,680 each, attendant for the ladies' reception room, \$1,440; superintendent of folding room, \$3,180; foreman of folding room, \$2,640; chief clerk to superintendent of folding room, \$2,460; three clerks at \$2,160 each; janitor, \$1,260; laborer, \$1,260; thirty-one folders at \$1,440 each; shipping clerk, \$1,740; two drivers at \$1,380 each; two chief pages at \$1,980 each; two telephone pages at \$1,680 each; two floor managers of telephones (one for the minority) at \$3,180 each; two assistant floor managers in charge of telephones (one for the minority) at \$2,100 each; forty-one pages, during the session, including ten pages for duty at the entrances to the Hall of the House, at \$4 per day each, \$29,848; press-gallery page, \$1,920; superintendent of document room (Elmer A. Lewis), \$3,960; assistant superintendent of document room, \$2,760 and \$420 additional so long as the position is held by the present incumbent; clerk, \$2,320; assistant clerk, \$2,160; eight assistants at \$1,860 each; janitor, \$1,440; messenger to pressroom, \$1,560; maintenance and repair of folding room motor truck, \$500; in all, \$257,608.

Doorkeeper's office.

Doorkeeper, special employee, etc.

Janitors, messengers, etc.

Folding room.

Pages.

Document room.

Special and minority employees.

SPECIAL AND MINORITY EMPLOYEES

Minority employees.

For the minority employees authorized and named in the House Resolutions Numbered 51 and 53 of December 11, 1931: Two at \$5,000 each, four at \$2,820 each; in all, \$21,280.

Special employees.

Special employees: Assistant foreman of the folding room, authorized in the resolution of September 30, 1913, \$1,980; laborer, authorized and named in the resolution of April 28, 1914, \$1,380; laborer, \$1,380; clerk, under the direction of the Clerk of the House, named in the resolution of February 13, 1923, \$3,060; in all, \$7,800.

Appointment of successors.

Successors to any of the employees provided for in the two preceding paragraphs may be named by the House of Representatives at any time.

Majority floor leader.

Office of majority floor leader: Legislative clerk, \$3,960; clerk, \$3,180; assistant clerk, \$2,100; for official expenses of the majority leader, as authorized by House Resolution Numbered 101, Seventy-first Congress, adopted December 18, 1929, \$2,000; in all, \$11,240.

Conference minority.

Conference minority: Clerk, \$3,180; legislative clerk, \$3,060; assistant clerk, \$2,100; janitor, \$1,560; in all, \$9,900. The foregoing employees to be appointed by the minority leader.

Caucus rooms, messengers.

Two messengers, one in the majority caucus room and one in the minority caucus room, to be appointed by the majority and minority whips, respectively, at \$1,740 each; in all, \$3,480.

Post Office.

POST OFFICE

Postmaster, assistant, etc.

Salaries: Postmaster, \$5,000; assistant postmaster, \$2,880; registry and money-order clerk, \$2,100; forty-one messengers (including one to superintend transportation of mails) at \$1,740 each; substitute messengers and extra services of regular employees, when required, at the rate of not to exceed \$145 per month each, \$1,740; laborer, \$1,260; in all, \$84,320.

Motor vehicle.

For the purchase, exchange, maintenance, and repair of motor vehicle for carrying the mails, \$2,500.

OFFICIAL REPORTERS OF DEBATES

Official reporters, etc.

Salaries: Six official reporters of the proceedings and debates of the House at \$7,500 each; clerk, \$3,360; six expert transcribers at \$1,740 each; janitor, \$1,440; in all, \$60,240.

COMMITTEE STENOGRAPHERS

Stenographers to committees, etc.

Salaries: Four stenographers to committees, at \$7,000 each; janitor, \$1,440; in all, \$29,440.

"During the session" construed.

Whenever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean the one hundred and eighty-two days from January 1 to June 30, 1936, both inclusive.

Members, etc.

CLERK HIRE, MEMBERS, AND DELEGATES

Clerk hire, etc.

For clerk hire necessarily employed by each Member, Delegate, and Resident Commissioner, in the discharge of his official and representative duties, in accordance with the Act entitled "An Act to fix the compensation of officers and employees of the legislative branch of the Government", approved June 20, 1929, \$2,200,000.

Vol. 46, p. 88.  
U. S. C., p. 11.

Contingent expenses.

CONTINGENT EXPENSES OF THE HOUSE

Furniture, etc.

For furniture and materials for repairs of the same, including not to exceed \$27,500 for labor, tools, and machinery for furniture repair shops, \$41,500.

For packing boxes, \$3,500.	Packing boxes.
For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, including reimbursement to the official stenographers to committees for the amounts actually paid out by them for transcribing hearings, and including materials for folding, \$60,000: <i>Provided</i> , That no part of any appropriation contained in this Act, except the appropriations available for heated and lighted space and janitor service and for equipment for restaurants and kitchens, shall be used for the operation of the House restaurant.	Miscellaneous items.
For stenographic reports of hearings of committees other than special and select committees, \$25,000.	Reports of hearings.
For expenses of special and select committees authorized by the House, \$100,000: <i>Provided</i> , That no person shall be employed under this appropriation at a rate of compensation in excess of \$3,600 per annum.	Special and select committees. <i>Post</i> , p. 1267. <i>Proviso</i> . Salary restriction.
For payment of one-half of the salaries and other expenses of the Joint Committee on Internal Revenue Taxation as authorized by law, \$27,000.	Joint Committee on Internal Revenue Taxation. One-half expenses.
No part of the appropriations contained herein for the contingent expenses of the House of Representatives shall be used to defray the expenses of any committee consisting of more than six persons (not more than four from the House and not more than two from the Senate), nor to defray the expenses of any other person except the Sergeant at Arms of the House or a representative of his office and except the widow or minor children or both of the deceased, to attend the funeral rites and burial of any person who at the time of his or her death is a Representative, a Delegate from a Territory, or a Resident Commissioner from Puerto Rico or the Philippine Islands.	Expenditures restricted.  Funeral expenses limited.
For telegraph and telephone service, exclusive of personal services, \$90,000.	Telegraph and telephone service.
For stationery for Representatives, Delegates, and Resident Commissioners, for the second session of the Seventy-fourth Congress, and for stationery for the use of the committees and officers of the House (not to exceed \$5,000), \$60,000.	Stationery. <i>Post</i> , p. 1110.
For medical supplies, equipment, and contingent expenses for the emergency room and for the attending physician and his assistants, including an allowance of not to exceed \$30 per month each to three assistants as provided by the House resolutions adopted July 1, 1930, and January 20, 1932, \$3,000.	Emergency room.
Postage stamps: Postmaster, \$250; Clerk, \$450; Sergeant at Arms, \$300; Doorkeeper, \$150; in all, \$1,150.	Postage stamps.
For folding speeches and pamphlets, at a rate not exceeding \$1 per thousand, \$11,000.	Folding.
For preparation and editing of the laws as authorized, by the Act approved May 29, 1928 (U. S. C., Supp. VII, title 1, sec. 59), \$6,500, to be expended under the direction of the Committee on Revision of the Laws.	United States Code, preparation, etc. Vol. 45, p. 1008; U. S. C., p. 4.
For assistants in compiling lists of reports to be made to Congress by public officials; compiling copy and revising proofs for the House portion of the Official Register; preparing and indexing the statistical reports of the Clerk of the House; compiling the telephone and Members' directories; preparing and indexing the daily calendars of business; preparing the official statement of Members' voting records; preparing lists of congressional nominees and statistical summary of elections; preparing and indexing questions of order printed in the Appendix to the Journal pursuant to House Rule III; for recording and filing statements of political	Clerical assistance to Clerk of House. Specified objects, etc.
	Political committees, etc., recording of statements.

Vol. 43, p. 1070.  
U. S. C., p. 21.

*Proviso.*  
Use restricted.

Automobile for  
Speaker.

Henry T. Rainey;  
portrait.

committees and candidates for election to the House of Representatives pursuant to the Federal Corrupt Practices Act, 1925 (U. S. C., title 2, secs. 241-256); and for such other assistance as the Clerk of the House may deem necessary and proper in the conduct of the business of his office, \$5,000: *Provided*, That no part of this appropriation shall be used to augment the annual salary of any employee of the House of Representatives.

For exchange, driving, maintenance, repair, and operation of an automobile for the Speaker, \$4,000, to be immediately available.

For the purchase of a portrait of Honorable Henry T. Rainey, late Speaker of the House of Representatives, \$2,500, to be immediately available and to be expended under the direction of the Committee on the Library.

Capitol Police.

### CAPITOL POLICE

Salaries.

Salaries: Captain, \$2,460; three lieutenants, at \$1,740 each; two special officers, at \$1,740 each; three sergeants, \$1,680 each; fifty-two privates, at \$1,620 each; one-half of said privates to be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House; in all, \$100,440: *Provided*, That no part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an officer or member of the Capitol Police (including those for the Senate and House Office Buildings) who does not meet the standards to be prescribed for such appointees by the Capitol Police Board.

*Proviso.*  
Standards pre-  
scribed.

Uniforms, etc.

For purchasing and supplying uniforms, for maintenance and repair of motor-propelled passenger-carrying vehicles, and for contingent expenses, \$10,210, of which \$500 shall be immediately available for the exchange of one such vehicle.

Division of disburse-  
ment.

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.

Joint Committee on  
Printing.

### JOINT COMMITTEE ON PRINTING

Clerk, assistant, etc.  
Vol. 28, p. 603.  
U. S. C., p. 1932.

Salaries: Clerk, \$4,000 and \$800 additional so long as the position is held by the present incumbent; inspector under section 20 of the Act approved January 12, 1895 (U. S. C., title 44, sec. 49), \$2,820; assistant clerk and stenographer, \$2,400; for expenses of compiling, preparing, and indexing the Congressional Directory, \$1,600; in all, \$11,620, one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House.

Congressional Direc-  
tory.

Office of Legislative  
Counsel.

### OFFICE OF LEGISLATIVE COUNSEL

Salaries, etc.

For salaries and expenses of maintenance of the office of Legislative Counsel as authorized by law, \$75,000, of which \$37,500 shall be disbursed by the Secretary of the Senate and \$37,500 by the Clerk of the House of Representatives.

Statement of Approp-  
riations.

### STATEMENT OF APPROPRIATIONS

Preparing, first ses-  
sion of Seventy-fourth  
Congress.

For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives of the state-  
ments for the first session of the Seventy-fourth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills, as required by law, \$4,000, to be paid to the persons designated by the chairman of such committees to do the work.

## ARCHITECT OF THE CAPITOL

Architect of the Capitol.

## OFFICE OF THE ARCHITECT OF THE CAPITOL

Salaries: For the Architect of the Capitol, Assistant Architect of the Capitol, and other personal services at rates of pay provided by law; and the Assistant Architect of the Capitol shall act as Architect of the Capitol during the absence or disability of that official or whenever there is no Architect; \$47,500.

Architect, assistant, and office personnel.

## CAPITOL BUILDINGS AND GROUNDS

Capitol Buildings and grounds.

Capitol Buildings: For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including minor improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; personal and other services; cleaning and repairing works of art; purchase or exchange (not to exceed \$1,000), maintenance, and driving of motor-propelled passenger-carrying office vehicle; not exceeding \$300 for the purchase of technical and necessary reference books, periodicals, and city directory; and pay of superintendent of meters, and \$300 additional for the maintenance of an automobile for his use, who shall inspect all gas and electric meters of the Government in the District of Columbia without additional compensation, and in his absence, disability, or when there is no superintendent of meters, these duties shall be performed by any other employee designated by the Architect of the Capitol; \$316,599, of which sum \$28,000 shall be immediately available.

Maintenance, repair, etc.

For repairs, improvements, and equipment for the space to be vacated in the Capitol Building by the Supreme Court of the United States, including furnishings for the Office of the Financial Clerk of the Senate, and for personal and other services and for all necessary expenses in connection therewith, to be expended by the Architect of the Capitol under the direction of the Committee on Rules of United States Senate (U. S. C., title 40, sec. 166), \$36,850.

Space vacated by Supreme Court. Improvements, equipment, etc.

U. S. C., p. 1780.

Enlargement of accommodations for the press: For alterations in the gallery area of the Senate wing of the Capitol for the accommodation of the press and construction changes incident thereto, in accordance with plans prepared by the Architect of the Capitol, to be expended by the Architect of the Capitol under the direction of the Committee on Rules of the United States Senate, \$8,000: *Provided*, That said alterations shall not include any permanent construction work in corridor areas or alter the existing walls of the Capitol.

Press gallery, enlargement.

*Proviso.* Alterations restricted.

Pedestals for busts of Vice Presidents: To enable the Architect of the Capitol to provide four marble pedestals for busts of Vice Presidents in the Capitol Building, \$1,400.

Pedestals for busts.

Pedestals for busts: To enable the Architect of the Capitol to provide a marble pedestal for the bust of Speaker Longworth<sup>1</sup>, \$350.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of \$1,750.

Travel allowance.

Capitol Grounds: For care and improvement of grounds surrounding the Capitol, Senate and House Office Buildings; Capitol power plant; personal and other services; care of trees; planting; fertilizers; repairs to pavements, walks, and roadways; purchase

Improving Capitol grounds. *Post*, p. 1599.<sup>1</sup> So in original.

R. S., secs. 3709, 3744,  
pp. 733, 738.  
U. S. C., pp. 1803,  
1805.

of waterproof wearing apparel; maintenance of signal lights; and for snow removal by hire of men and equipment or under contract without compliance with sections 3709 (U. S. C., title 41, sec. 5) and 3744 (U. S. C., title 41, sec. 16) of the Revised Statutes; \$89,740.

Legislative garage.

Legislative garage: For maintenance, repairs, alterations, personal and other services, and all necessary incidental expenses, \$9,040.

Subway, Capitol and  
Senate Office Build-  
ings.

Subway transportation, Capitol and Senate Office Buildings: For repairs, rebuilding, and maintenance of the subway cars connecting the Senate Office Building with the Senate wing of the United States Capitol and for personal and other services, including maintenance of the track and electrical equipment connected therewith, \$2,000.

Senate Office Build-  
ing.  
Maintenance, etc.

Senate Office Building: For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment and for labor and material incident thereto and repairs thereof; and for personal and other services for the care and operation of the Senate Office Building, including increase for personal services, \$11,754; indirect lighting system for the Senate Office Building, \$12,000; equipment for and replacement, air conditioning, \$2,300; new elevator replacement parts, \$2,000; rugs, \$5,000; four laboratories<sup>1</sup> for the Senate Office Building, \$2,000; floor-scrubbing machine, \$1,200; under the direction and supervision of the Senate Committee on Rules, acting through the Architect of the Capitol, who shall be its executive agent; in all, \$266,569.

House Office Build-  
ings.  
Maintenance, etc.

House Office Buildings: For maintenance, including equipment, miscellaneous items, and all necessary services, \$347,894, of which sum \$8,200 shall be immediately available.

Capitol power plant.  
Maintenance, etc.  
Post, p. 1599.

Capitol power plant: For lighting, heating, and power for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and the grounds about the same, Botanic Garden, Legislative garage, folding and storage rooms of the Senate, Government Printing Office, and Washington City post office; personal and other services, engineering instruments, fuel, oil, materials, labor, advertising, and purchase of waterproof wearing apparel in connection with the maintenance and operation of the heating, lighting, and power plant, \$572,560, of which sum \$102,000 shall be immediately available.

Purchases independent  
Division, Treasury  
Department.  
Vol. 36, p. 531.  
U. S. C., p. 1804.

The appropriations under the control of the Architect of the Capitol may be expended without reference to section 4 of the Act approved June 17, 1910 (U. S. C., title 41, sec. 7), concerning purchases for executive departments.

Reimbursement for  
current to designated  
buildings.

The Government Printing Office and the Washington City post office shall reimburse the Capitol power plant for heat, light, and power furnished during the fiscal year 1936 and the amounts so reimbursed shall be covered into the Treasury.

Library building and  
grounds.

#### LIBRARY BUILDING AND GROUNDS

Salaries.

Salaries: For chief engineer and all personal services at rates of pay provided by law, \$46,720.

Trees, etc.

For trees, shrubs, plants, fertilizers, and skilled labor for the grounds of Library of Congress, \$1,500.

Maintenance, repair,  
etc.

For necessary expenditures for the Library Building under the jurisdiction of the Architect of the Capitol, including minor improvements, maintenance, repair, equipment, supplies, material, appurtenances, installation, replacement, and reconditioning of elevators, and personal and other services in connection with the mechanical

<sup>1</sup> So in original.

and structural maintenance of such building, \$139,900; and in addition thereto the unexpended balance of the appropriation of \$30,300, contained in the "Deficiency Appropriation Act, fiscal year 1934", for elevator work in the Library Building, is reappropriated and made available.

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto and repairs thereof, \$14,000.

Vol. 48, p. 1025.  
Post, p. 1225.

Furniture, etc.

## BOTANIC GARDEN

Botanic Garden.

**Salaries:** For the director and other personal services, \$86,262; all under the direction of the Joint Committee on the Library.

Director, and personnel.

**Maintenance, operation, repairs, and improvements:** For all necessary expenses incident to maintaining, operating, repairing, and improving the Botanic Garden, and the nurseries, buildings, grounds, and equipment pertaining thereto, including procuring fertilizers, soils, tools, trees, shrubs, plants, and seeds; materials and miscellaneous supplies, including rubber boots and aprons when required for use by employees in connection with their work; not to exceed \$25 for emergency medical supplies; disposition of waste; traveling expenses of the director and his assistants not to exceed \$600; street-car fares not exceeding \$25; office equipment and contingent expenses; the prevention and eradication of insect and other pests and plant diseases by purchase of materials and procurement of personal services by contract without regard to the provisions of any other Act; repair, maintenance, operation, purchase, and exchange, of motor trucks and a passenger motor vehicle (the cost of such passenger vehicle not to exceed \$750, including the amount allowed on any vehicle given in part payment therefor); purchase of botanical books, periodicals, and books of reference, not to exceed \$100; repairs and improvements to director's residence; and all other necessary expenses; all under the direction of the Joint Committee on the Library; \$28,725.

Maintenance, repairs, etc.

The sum of \$300 may be expended at any one time by the Botanic Garden for the purchase of plants, trees, shrubs, and other nursery stock, without reference to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5).

Minor purchases without advertising. R. S., sec. 3709, p. 733; U. S. C., p. 1803.

No part of the appropriations contained herein for the Botanic Garden shall be used for the distribution, by congressional allotment, of trees, plants, shrubs, or other nursery stock.

Distribution of shrubbery, etc.

Hereafter plant material exchanges may be made with botanic gardens, institutions, municipal parks, and gardens.

Exchange of plant material with other gardens, etc.

## LIBRARY OF CONGRESS

Library of Congress.

### SALARIES

For the Librarian, Chief Assistant Librarian, and other personal services, \$888,245.

Librarian, and personnel.

For the Register of Copyrights, assistant register, and other personal services, \$249,620.

Register of Copyrights, etc.

### LEGISLATIVE REFERENCE SERVICE

Legislative Reference Service.

To enable the Librarian of Congress to employ competent persons to gather, classify, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress and committees and Members thereof, including not to exceed \$5,700 for employees engaged on piecework and work by the day or hour at rates to be fixed by the Librarian, \$87,990.

Personnel.

Card indexes.

## DISTRIBUTION OF CARD INDEXES

Distribution, etc.

For the distribution of card indexes and other publications of the Library, including personal services, freight charges (not exceeding \$500), expressage, postage, traveling expenses connected with such distribution, expenses of attendance at meetings when incurred on the written authority and direction of the Librarian, and including not to exceed \$58,500, for employees engaged in piecework and work by the day or hour and for extra special services of regular employees at rates to be fixed by the Librarian; in all, \$181,830.

## TEMPORARY SERVICES

Temporary services.

For special and temporary service, including extra special services of regular employees, at rates to be fixed by the Librarian, \$3,000.

State legislation.

## INDEX TO STATE LEGISLATION

Preparing index and digest of.

To enable the Librarian of Congress to prepare an index to the legislation of the several States, together with a supplemental digest of the more important legislation, as authorized and directed by the Act entitled "An Act providing for the preparation of a biennial index to State legislation", approved February 10, 1927 (U. S. C., Supp. VII, title 2, secs. 164, 165), including personal and other services within and without the District of Columbia, including not to exceed \$2,500 for special and temporary service at rates to be fixed by the Librarian, travel, necessary material and apparatus, and for printing and binding the indexes and digests of State legislation for official distribution only, and other printing and binding incident to the work of compilation, stationery, and incidentals, \$39,700.

Vol. 44, p. 1066.  
U. S. C., p. 19.

Temporary services.

## SUNDAY OPENING

Sunday, etc., opening, expenses.

To enable the Library of Congress to be kept open for reference use on Sundays and on holidays within the discretion of the Librarian, including the extra services of employees and the services of additional employees under the Librarian, at rates to be fixed by the Librarian, \$19,000.

Union Catalogues.

## UNION CATALOGUES

Development, maintenance, etc.

To continue the development and maintenance of the Union Catalogues, including personal services within and without the District of Columbia (and not to exceed \$1,400 for special and temporary service, including extra special services of regular employees, at rates to be fixed by the Librarian), travel, necessary material and apparatus, stationery, photostat supplies, and incidentals, \$22,000.

Increase of the Library.

## INCREASE OF THE LIBRARY

Purchase of books, etc.

For purchase of books, miscellaneous periodicals and newspapers, and all other material for the increase of the Library, including payment in advance for subscription books and society publications, and for freight, commissions, and traveling expenses, including expenses of attendance at meetings when incurred on the written authority and direction of the Librarian in the interest of collections, and all other expenses incidental to the acquisition of books, miscellaneous periodicals and newspapers, and all other material for the increase of the Library, by purchase, gift, bequest, or exchange, to continue available during the fiscal year 1937, \$115,000.

Law books, etc.

For the purchase of books and for periodicals for the law library, including payment for legal society publications and for freight,



commissions, and all other expenses incidental to the acquisition of law books, \$90,000, to continue available during the fiscal year 1937.

For the purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress, and purchased by the Marshal of the Supreme Court, under the direction of the Chief Justice, \$2,500.

Reference books for Supreme Court.

To enable the Librarian of Congress to carry out the provisions of the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931 (U. S. C., Supp. VII, title 2, sec. 135a), \$100,000, including not exceeding \$500 for necessary traveling expenses connected with such service and for expenses of attendance at meetings when incurred on the written authority and direction of the Librarian.

Books for adult blind. Vol. 46, p. 1487. U. S. C., p. 16.

#### PRINTING AND BINDING

For miscellaneous printing and binding for the Library of Congress, including the Copyright Office, and the binding, rebinding, and repairing of library books, and for the Library Building, \$258,500.

Printing and binding.

For the publication of the Catalogue of Title Entries of the Copyright Office, \$47,000.

Catalogue of Title Entries.

For the printing of catalogue cards, \$125,000.

Catalogue cards.

#### CONTINGENT EXPENSES OF THE LIBRARY

For miscellaneous and contingent expenses, stationery, office supplies, stock, and materials directly purchased, miscellaneous traveling expenses, postage, transportation, incidental expenses connected with the administration of the Library and Copyright Office, including not exceeding \$500 for expenses of attendance at meetings when incurred on the written authority and direction of the Librarian, \$9,000.

Contingent expenses.

Attendance at meetings.

For paper, chemicals, and miscellaneous supplies necessary for the operation of the photoduplicating machines of the Library and the making of photoduplicate prints, \$5,000.

Photoduplicating expenses.

#### LIBRARY BUILDING

Salaries: For the superintendent, disbursing officer, and other personal services, in accordance with the Classification Act of 1923, as amended, \$163,262.

Library building.

Salaries.

For extra services of employees and additional employees under the Librarian to provide for the opening of the Library Building on Sundays and on legal holidays, at rates to be fixed by the Librarian, \$5,000.

Sunday, etc., opening.

For special and temporary services in connection with the custody, care, and maintenance of the Library Building, including extra special services of regular employees at the discretion of the Librarian, at rates to be fixed by the Librarian, \$500.

Special and temporary services.

For mail, delivery, and telephone services, rubber boots, rubber coats, and other special clothing for workmen, uniforms for guards and elevator conductors, medical supplies, equipment, and contingent expenses for the emergency room, stationery, miscellaneous supplies, and all other incidental expenses in connection with the custody and maintenance of the Library Building, \$7,000.

Incidentals, etc.

For any expense of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the board, \$500.

Trust Fund Board, expenses.

## GOVERNMENT PRINTING OFFICE

Government Printing Office.

Printing and binding. Post, p. 1599.

Public Printer, Deputy, etc.

Leaves of absence, etc.

Vehicles.

Machinery, etc.

Indexes, Congressional Record.

Proviso. Working capital, portion of, covered in.

To provide the Public Printer with a working capital for the following purposes for the execution of printing, binding, lithographing, mapping, engraving, and other authorized work of the Government Printing Office for the various branches of the Government: For salaries of Public Printer and Deputy Public Printer; for salaries, compensation, or wages of all necessary officers and employees additional to those herein appropriated for, including employees necessary to handle waste paper and condemned material for sale; to enable the Public Printer to comply with the provisions of law granting holidays and half holidays and Executive orders granting holidays and half holidays with pay to employees; to enable the Public Printer to comply with the provisions of law granting annual leave to employees with pay, said pay to be at the rate for their regular positions at the time the leave is granted; rental of buildings and equipment, fuel, gas, heat, electric current, gas and electric fixtures; bicycles, motor-propelled vehicles for the carriage of printing and printing supplies, and the maintenance, repair, and operation of the same, to be used only for official purposes, including operation, repair, and maintenance of motor-propelled passenger-carrying vehicles, and the purchase or exchange of two such passenger vehicles (at a cost, including the allowance on any vehicle given in part payment therefor, of not to exceed \$1,000 and \$750, respectively), for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer; freight, expressage, telegraph and telephone service, furniture, typewriters, and carpets; traveling expenses; stationery, postage, and advertising; directories, technical books, newspapers and magazines, and books of reference (not exceeding \$500); adding and numbering machines, time stamps, and other machines of similar character; rubber boots, coats, and gloves; machinery (not exceeding \$300,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; for expenses authorized in writing by the Joint Committee on Printing for the inspection of printing and binding equipment, material, and supplies and Government printing plants in the District of Columbia or elsewhere (not exceeding \$1,000); for salaries and expenses of preparing the semimonthly and session indexes of the Congressional Record under the direction of the Joint Committee on Printing (chief indexer at \$3,480, one cataloguer at \$3,180, two cataloguers at \$2,460 each, and one cataloguer at \$2,100); and for all the necessary labor, paper, materials, and equipment needed in the prosecution and delivery and mailing of the work; in all, \$3,700,000; to which sum shall be charged the printing and binding authorized to be done for Congress including supplemental and deficiency estimates of appropriations, the printing and binding for use of the Government Printing Office, and printing and binding (not exceeding \$2,000) for official use of the Architect of the Capitol upon requisition of the Secretary of the Senate, in all to an amount not exceeding \$2,700,000: *Provided*, That not less than \$1,000,000 of such working capital shall be returned to the Treasury as an unexpended balance not later than six months after the close of the fiscal year 1936.

Section 12 of the Printing Act, approved January 12, 1895 (U. S. C., title 44, sec. 14), is hereby amended to read as follows:

"The Joint Committee on Printing may permit the Public Printer to authorize any executive department or independent office or establishment of the Government to purchase direct for its use such printing, binding, and blank-book work, otherwise authorized by law, as the Government Printing Office is not able or suitably equipped to execute or as may be more economically or in the better interest of the Government executed elsewhere; and such Joint Committee also may authorize the Public Printer to procure services, materials, and supplies for use of the Government Printing Office without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) whenever the aggregate amount involved is less than \$50."

Printing and binding for Congress chargeable to the foregoing appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress within the fiscal year for which this appropriation is made.

During the fiscal year 1936 any executive department or independent establishment of the Government ordering printing and binding from the Government Printing Office shall pay promptly by check to the Public Printer upon his written request, either in advance or upon completion of the work, all or part of the estimated or actual cost thereof, as the case may be, and bills rendered by the Public Printer in accordance herewith shall not be subject to audit or certification in advance of payment: *Provided*, That proper adjustments on the basis of the actual cost of delivered work paid for in advance shall be made monthly or quarterly and as may be agreed upon by the Public Printer and the department or establishment concerned. All sums paid to the Public Printer for work that he is authorized by law to do shall be deposited to the credit, on the books of the Treasury Department, of the appropriation made for the working capital of the Government Printing Office, for the year in which the work is done, and be subject to requisition by the Public Printer.

All amounts in the Budget for the fiscal year 1937 for printing and binding for any department or establishment, so far as the Bureau of the Budget may deem practicable, shall be incorporated in a single item for printing and binding for such department or establishment and be eliminated as a part of any estimate for any other purpose. And if any amounts for printing and binding are included as a part of any estimates for any other purposes, such amounts shall be set forth in detail in a note immediately following the general estimate for printing and binding: *Provided*, That the foregoing requirements shall not apply to work to be executed at the Bureau of Engraving and Printing.

No part of any money appropriated in this Act shall be paid to any person employed in the Government Printing Office while detailed for or performing service in the executive branch of the public service of the United States unless such detail be authorized by law.

#### OFFICE OF SUPERINTENDENT OF DOCUMENTS

For the Superintendent of Documents, assistant superintendent, and other personal services in accordance with the Classification Act of 1923, as amended, and compensation of employees paid by the

Purchases of materials by Government offices.

Vol. 28, p. 602; U. S. C., p. 1930.  
*Post*, p. 1392.

R. S., sec. 3709, p. 733; U. S. C., p. 1803.

Congressional work.

Payment for work ordered by departments, etc.

*Proviso*.  
Adjustments of accounts.

Sums paid for work to be credited to working capital.

Estimates for departments, etc., to be incorporated in a single item.

*Proviso*.  
Engraving and Printing Bureau excepted.

Restriction on paying detailed employees.

Office of Superintendent of Documents.

Superintendent and personnel.  
Vol. 46, p. 1003.  
U. S. C., p. 85.

Vol. 43, p. 658.  
U. S. C., p. 1931.

*Proviso.*  
Item a separate unit.

Contingent expenses.

hour who shall be subject to the provisions of the Act entitled "An Act to regulate and fix rates of pay for employees and officers of the Government Printing Office", approved June 7, 1924 (U. S. C., title 44, sec. 40), \$585,000: *Provided*, That for the purpose of conforming to section 3 of this Act this appropriation shall be considered a separate appropriation unit.

For furniture and fixtures, typewriters, carpets, labor-saving machines and accessories, time stamps, adding and numbering machines, awnings, curtains, books of reference; directories, books, miscellaneous office and desk supplies, paper, twine, glue, envelopes, postage, car fares, soap, towels, disinfectants, and ice; drayage, express, freight, telephone and telegraph service; traveling expenses (not to exceed \$200); repairs to buildings, elevators, and machinery; preserving sanitary condition of building; light, heat, and power; stationery and office printing, including blanks, price lists, and bibliographies, \$100,000; for catalogues and indexes, not exceeding \$30,000; for supplying books to depository libraries, \$85,000; in all, \$215,000: *Provided*, That no part of this sum shall be used to supply to depository libraries any documents, books, or other printed matter not requested by such libraries, and the requests therefor shall be subject to approval by the Superintendent of Documents.

*Proviso.*  
Supplying depository libraries restricted.

Printing reports of departments.

In order to keep the expenditures for printing and binding for the fiscal year 1936 within or under the appropriations for such fiscal year, the heads of the various executive departments and independent establishments are authorized to discontinue the printing of annual or special reports under their respective jurisdictions: *Provided*, That where the printing of such reports is discontinued the original copy thereof shall be kept on file in the offices of the heads of the respective departments or independent establishments for public inspection.

*Proviso.*  
Originals to be kept.

Purchases independent of Procurement Division, Treasury Department.

Vol. 28, p. 601; Vol. 36, p. 531.  
U. S. C., p. 1804.

Private vehicle restriction.

Purchases may be made from the foregoing appropriation under the "Government Printing Office", as provided for in the Printing Act approved January 12, 1895, and without reference to section 4 of the Act approved June 17, 1910 (U. S. C., title 41, sec. 7), concerning purchases for executive departments.

SEC. 2. No part of the funds herein appropriated shall be used for the maintenance or care of private vehicles.

Average salaries in designated offices not to be exceeded.

Vol. 42, p. 1488.  
U. S. C., p. 86.

SEC. 3. 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 the Botanic Garden, the Library of Congress, or the Government Printing Office, shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade, advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year, and then only to the next higher rate: *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 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

*Proviso.*  
Not applicable to clerical-mechanical service.

Vol. 42, p. 1490.  
U. S. C., p. 86.

Transfer to another position without reduction.

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.

Higher salary rates allowed.

If only one position in a grade.

SEC. 4. The appropriations and authority with respect to appropriations contained herein shall be available from and including July 1, 1935, for the purposes respectively provided in such appropriations and authority. All obligations incurred during the period between June 30, 1935, and the date of the enactment of this Act in anticipation of such appropriations and authority are hereby ratified and confirmed if in accordance with the terms thereof.

Availability of appropriations since June 30, 1935.

SEC. 5. This Act may be cited as the "Legislative Branch Appropriation Act, 1936".

Short title.

Approved, July 8, 1935.

[CHAPTER 375.]

AN ACT

To create a National Park Trust Fund Board, and for other purposes.

July 10, 1935.  
[S. 2074.]

[Public, No. 201.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a board is hereby created and established, to be known as the National Park Trust Fund Board (hereinafter referred to as the Board), which shall consist of the Secretary of the Treasury, the Secretary of the Interior, the Director of the National Park Service, and two persons appointed by the President for a term of five years each (the first appointments being for three and five years, respectively). Three members of the Board shall constitute a quorum for the transaction of business, and the Board shall have an official seal, which shall be judicially noticed. The Board may adopt rules and regulations in regard to its procedure and the conduct of its business.

National Park Trust Fund Board, created. Membership, terms of office, quorum, etc.

Seal.

Procedural rules and regulations.

No compensation shall be paid to the members of the Board for their services as such members, but they shall be reimbursed for the expenses necessarily incurred by them, out of the income from the fund or funds in connection with which such expenses are incurred.

Compensation; expenses of members.

SEC. 2. The Board is hereby authorized to accept, receive, hold, and administer such gifts or bequests of personal property for the benefit of, or in connection with, the National Park Service, its activities, or its service, as may be approved by the Board, but no such gift or bequest which entails any expenditure not to be met out of the gift, bequest or the income thereof shall be accepted without the consent of Congress.

Acceptance, etc., of gifts.

The moneys or securities composing the trust funds given or bequeathed to the Board shall be receipted for by the Secretary of the Treasury, who shall invest, reinvest, or retain investments as the Board may from time to time determine. The income, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the "National Park Trust Fund" subject to disbursement by the Division of Disbursement, Treasury Department, for the purposes in each case specified: *Provided, however,* That the Board is not authorized to engage in any business, nor shall the Secretary of the Treasury make any investment for account of the Board that may not lawfully be made by a trust company in the District of Columbia, except that the Secretary may make any investments directly authorized by the instrument of gift, and may retain any investments accepted by the Board.

Investment of trust funds.

Account designated as "National Park Trust Fund."

Proviso. Restriction on investments.

Powers of Board.

SEC. 3. The Board shall have perpetual succession, with all the usual powers and obligations of a trustee, including the power to sell, except as herein limited, in respect of all property, moneys, or securities which shall be conveyed, transferred, assigned, bequeathed, delivered or paid over to it for the purposes above specified. The Board may be sued in the Supreme Court of the District of Columbia, which is hereby given jurisdiction of such suits, for the purpose of enforcing the provisions of any trust accepted by it.

Gifts for immediate disbursement, etc.

SEC. 4. Nothing in this Act shall be construed as prohibiting or restricting the Secretary of the Interior from accepting, in the name of the United States, gifts or bequests of money for immediate disbursement or other property in the interest of the National Park Service, its activities, or its service, as heretofore authorized by law.

Tax exemption.

SEC. 5. Gifts or bequests to or for the benefit of the National Park Service, including those to the Board, and the income therefrom, shall be exempt from all Federal taxes.

Report to Congress.

SEC. 6. The Board shall submit to the Congress an annual report of the moneys or securities received and held by it and of its operations.

Approved, July 10, 1935.

[CHAPTER 376.]

AN ACT

To provide means by which certain Filipinos can emigrate from the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any native Filipino residing in any State or the District of Columbia on the effective date of this Act, who desires to return to the Philippine Islands, may apply to the Secretary of Labor, upon such form as the Secretary may prescribe, through any officer of the Immigration Service for the benefits of this Act. Upon approval of such application, the Secretary of Labor shall notify such Filipino forthwith, and shall certify to the Secretary of the Navy and the Secretary of War that such Filipino is eligible to be returned to the Philippine Islands under the terms of this Act. Every Filipino who is so certified shall be entitled, at the expense of the United States, to transportation and maintenance from his present residence to a port on the west coast of the United States, and from such port, to passage and maintenance to the port of Manila, Philippine Islands, on either Navy or Army transports, whenever space on such transports is available, or on any ship of United States registry operated by a commercial steamship company which has a contract with the Secretary of Labor as provided in section 2.

SEC. 2. The Secretary of Labor is hereby authorized and directed to enter into contracts with any railroad or other transportation company, for the transportation from their present residences to a port on the west coast of the United States of Filipinos eligible under section 1 to receive such transportation, and with any commercial steamship company, controlled by citizens of the United States and operating ships under United States registry, for transportation and maintenance of such Filipinos from such ports to the port of Manila, Philippine Islands, at such rates as may be agreed upon between the Secretary and such steamship, railroad, or other transportation company.

SEC. 3. The Secretary of Labor is authorized and directed to prescribe such rules and regulations as may be necessary to carry out this Act, to enter into the necessary arrangements with the Sec-

July 10, 1935.

[H. R. 6464.]

[Public, No. 202.]

Native Filipinos residing in United States. Application for return to Philippine Islands.

*Post*, pp. 1121, 1462.

Notification on approval.

Transportation and maintenance expense.

Contracts for transportation authorized.

Rules and regulations.

retary of War and the Secretary of the Navy, to fix the ports on the west coast of the United States from which any Filipinos shall be transported and the dates upon which transportation shall be available from such ports, to provide for the identification of the Filipinos entitled to the benefits of this Act, and to prevent voluntary interruption of the journey between any port on the west coast of the United States and the port of Manila, Philippine Islands.

Ports and dates of departure to be fixed.

SEC. 4. No Filipino who receives the benefits of this Act shall be entitled to return to the continental United States except as a quota immigrant under the provisions of section 8 (a) (1) of the Philippine Independence Act of March 24, 1934, during the period such section 8 (a) (1) is applicable.

Reentry of beneficiaries.  
Vol. 48, p. 462.

SEC. 5. There is hereby authorized to be appropriated from moneys in the Treasury not otherwise appropriated, amounts necessary to carry out the provisions of this Act. All amounts so appropriated shall be administered by the Secretary of Labor, and all expenses, including those incurred by the Navy and War Departments, shall be charged thereto.

Funds authorized.  
Post, p. 1121.

Administration of.

SEC. 6. No application for the benefits of this Act shall be accepted by any officer of the Immigration Service after December 1, 1936; and all benefits under this Act shall finally terminate on December 31, 1936, unless the journey has been started on or before that date, in which case the journey to Manila shall be completed.

Time limitation.

SEC. 7. Nothing in this Act shall be construed as authority to deport any native of the Philippine Islands, and no Filipino removed from continental United States under the provisions of this Act shall hereafter be held to have been deported from the United States.

Not to be considered deportation.

Approved, July 10, 1935.

[CHAPTER 377.]

AN ACT

Authorizing the Secretary of the Navy to accept on behalf of the United States a bequest of certain personal property of the late Doctor Malcolm Storer, of Boston, Massachusetts.

July 12, 1935.  
[S. 2378.]

[Public, No. 203.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be, and he is hereby, authorized to accept on behalf of the United States, without cost to the United States, a bequest of personal property, provided in the will of the late Doctor Malcolm Storer, of Boston, Massachusetts, consisting of a collection of naval medals, together with the sum of \$500 to be used to cover the expense of the installation of said collection of naval medals as an exhibit at the United States Naval Academy.

Doctor Malcolm Storer.  
Acceptance of bequest of, authorized.

Approved, July 12, 1935.

[CHAPTER 378.]

AN ACT

To empower the Legislature of the Territory of Hawaii to authorize the issuance of revenue bonds, to authorize the city and county of Honolulu to issue flood-control bonds, and for other purposes.

July 15, 1935.  
[S. 2966.]

[Public, No. 204.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Legislature of the Territory of Hawaii may cause to be issued on behalf of the Territory and may authorize any political or municipal corporation or subdivision of the Territory to issue on its own behalf bonds and other obligations payable solely from the revenues derived from a public improvement or public undertaking (which revenues

Hawaii.  
Authority of Legislature of, to authorize issue of revenue bonds.

Territorial indebtedness.  
Vol. 31, p. 151.  
U. S. C., p. 2149.

Approval of President not required.

Honolulu; issue of flood-control bonds.

Aggregate amount.

Effective date.  
Validation of previous issues.

may include transfers by agreement or otherwise from the regular funds of the issuer in respect of the use by it of the facilities afforded by such improvement or undertaking). The issuance of such revenue bonds shall not constitute the incurrence of an indebtedness within the meaning of section 55 of the Act of April 30, 1900, entitled "An Act to provide a government for the Territory of Hawaii", as amended, and shall not require the approval of the President of the United States.

SEC. 2. The Legislature of the Territory of Hawaii may authorize the city and county of Honolulu to issue its general obligation bonds for the purpose of financing projects for the prevention and control of floods, in a total amount of not to exceed \$1,200,000, notwithstanding the existing limitation of indebtedness contained in section 55 of the Act of April 30, 1900, entitled "An Act to provide a government for the Territory of Hawaii", as amended.

SEC. 3. This Act shall take effect immediately. All Acts of the Legislature of Hawaii heretofore authorizing the issuance of revenue bonds on behalf of the Territory or by any political or municipal corporation or any subdivision thereof, or authorizing the city and county of Honolulu to issue bonds for the control of any protection against floods, are hereby approved, ratified, and confirmed.

Approved, July 15, 1935.

[CHAPTER 379.]

AN ACT

July 15, 1935.

[S. 1206.]

[Public, No. 205.]

Authorizing the transfer of certain lands near Vallejo, California, from the United States Housing Corporation to the Navy Department for naval purposes.

Vallejo, Calif.  
Transfer of certain lands near, to Navy Department, authorized.  
Vol. 40, p. 550.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States Housing Corporation, a corporation organized by authority of the President of the United States pursuant to the provisions of the Act entitled "An Act to authorize the President to provide housing for war needs", approved May 16, 1918, as amended, is authorized and directed to transfer, by appropriate conveyance, to the Navy Department, for naval purposes, that certain tract or parcel of land comprising twenty-nine acres, more or less, designated as the unsold portions of the tideland lot numbered 19, in Bay Terrace, near Vallejo, Solano County, California.

Approved, July 15, 1935.

[CHAPTER 380.]

AN ACT

July 15, 1935.

[S. 2230.]

[Public, No. 206.]

To authorize the Secretary of the Navy to acquire a suitable site at Pearl Harbor, Territory of Hawaii, for a rear range light.

Pearl Harbor, Hawaii.  
Acquisition of site at, for rear range light authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy is hereby authorized to acquire on behalf of the United States a perpetual easement in or use of a suitable site on lot Numbered A4-12, Pearl Harbor, Territory of Hawaii, for a rear range light for the waters of Pearl Harbor, Territory of Hawaii, and for said purpose there is hereby authorized to be appropriated the sum of \$100.

Approved, July 15, 1935.



[CHAPTER 381.]

## AN ACT

Authorizing the Secretary of the Navy to accept on behalf of the United States the devise and bequest of real and personal property of the late Paul E. McDonnold, passed assistant surgeon with the rank of lieutenant commander, Medical Corps, United States Navy, retired.

July 15, 1935.  
[S. 2846.]  
[Public, No. 207.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be, and he is hereby, authorized to accept on behalf of the United States the devise and bequest of the real and personal property provided in the will of the late Paul E. McDonnold, passed assistant surgeon with the rank of lieutenant commander, Medical Corps, United States Navy, retired, or the proceeds from the sale thereof, for the benefit of the hospital fund, United States Navy.

Paul E. McDonnold.  
Acceptance of bequest of.

SEC. 2. The funds accruing from the sale of property and the moneys authorized to be accepted by section 1 of this Act shall be deposited into the Treasury to the credit of the trust fund account "Naval hospital fund (7 s 815)", subject to the provisions of the Act of June 26, 1934 (48 Stat. 1224, ch. 756).

Funds from sale of property credited to "Naval hospital fund".  
Vol. 48, p. 1224.

Approved, July 15, 1935.

[CHAPTER 382.]

## JOINT RESOLUTION

To provide for the compensation of pages of the Senate and House of Representatives from July 1, 1935, until the close of the first session of the 74th Congress.

July 15, 1935.  
[H. J. Res. 347.]  
[Pub. Res., No. 39.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the payment of pages of the Senate and House of Representatives for the period commencing July 1, 1935, and ending with the last day of the month in which the first session of the Seventy-fourth Congress adjourns sine die, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary for each of the following respective purposes:

Congressional pages.  
Appropriation for pay of, until the close of present session.

Senate: For twenty-one pages for the Senate Chamber at the rate of \$4 per day each.

Senate.

House of Representatives: For forty-one pages, including ten for duty at the entrances to the Hall of the House, at \$4 per day each.

House of Representatives.

Approved, July 15, 1935.

[CHAPTER 383.]

## AN ACT

To amend sections 11 and 24 of the Interstate Commerce Act, as amended, with respect to the terms of office of members of the Interstate Commerce Commission.

July 16, 1935.  
[H. R. 4751.]  
[Public, No. 208.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Interstate Commerce Act, as amended, is amended by inserting at the end of section 11 and immediately preceding the last sentence of section 24 a new sentence as follows: "Upon the expiration of his term of office a Commissioner shall continue to serve until his successor is appointed and shall have qualified."

Interstate Commerce Act.  
Terms of office of Commissioners.  
Vol. 24, p. 333; Vol. 41, p. 497.  
U. S. C., pp. 2221, 2223.

Approved, July 16, 1935.

## [CHAPTER 384.]

## AN ACT

July 17, 1935.

[S. 883.]

[Public, No. 209.]

Directing the retirement of acting assistant surgeons of the United States Navy at the age of seventy years.

Navy.  
Retirement of acting  
assistant surgeons at  
70 years, directed.  
U. S. C., pp. 1513,  
1527.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* The acting assistant surgeons of the United States Navy who, on the date of the passage of this Act, have reached the age of seventy years shall be placed on the retired list of the Navy with pay at the rate of three-fourths of their active-duty pay.

Approved, July 17, 1935.

## [CHAPTER 386.]

## AN ACT

July 18, 1935.

[H. R. 4760.]

[Public, No. 210.]

Limiting expenditures for repairs or changes to naval vessels.

Naval vessels; re-  
pairs.  
Limitation on cost.

*Provisos.*  
When repair cost  
underestimated.

Completion of work  
authorized.

Report to Congress.

Certain statutory  
limitations repealed.  
Vol. 34, p. 1195; Vol.  
35, p. 769; Vol. 39,  
p. 605.  
U. S. C., p. 72.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the total appropriation expenditures for repairs or changes to a vessel of the Navy undertaken in a navy yard shall not exceed \$450,000 for any eighteen consecutive months: *Provided,* That if, during the overhaul of a vessel, the estimated cost for such overhaul having been approved as within the limits herein imposed, accomplishment of essential items will involve expenditures in excess of such limits, the Secretary of the Navy may, and he is hereby authorized, appropriation otherwise being available, to complete the work, and it shall thereupon be his duty to report to the Congress at the next regular session thereof the expenditures from each of the appropriations involving expenditures in excess of the authorized limit for such work: *Provided further,* That such parts of the Act for March 2, 1907, March 3, 1909, and August 29, 1916, contained in section 468, title 5 of the United States Code, as relate to statutory limit of expenditure for repairs or changes on naval vessels, are hereby repealed.

Approved, July 18, 1935.

## [CHAPTER 387.]

## JOINT RESOLUTION

July 18, 1935.

[H. J. Res. 201.]

[Pub. Res., No. 40.]

Giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the Seventieth National Encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of September 1936, and for other purposes, incident to said encampment.

Grand Army En-  
campment, District of  
Columbia, 1936.  
Preamble.  
Vol. 38, p. 1222.

Whereas at the close of the Civil War the Grand Army of the Republic marched up historic Pennsylvania Avenue while the spirited tramp, tramp, tramp of their feet became the Nation's marching song, and again in 1915, when their ranks were beginning to thin, the Capital City once more welcomed the Boys in Blue as their footsteps again resounded to the old battle tunes; and Whereas the ranks of the three hundred thousand have dwindled away to hundreds, most of whom are in their ninetieth year; and Whereas it is the greatest desire of their hearts to hold their seventieth national encampment in the Capital of their country in 1936, and march, for the last time, up Pennsylvania Avenue; and it should be our pleasure and privilege to invite them here and show respect to the last of our Civil War veterans, who, as our President in his last message to them said, "have lived to see the

end of sectionalism and the final healing of the scars of conflict and the achievement of a true unity of national purposes": Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Commissioners of the District of Columbia are hereby authorized and directed to make such special regulations for the occasion of the encampment of the Grand Army of the Republic, which will take place in the District of Columbia from September 21 to September 27, 1936, as they shall deem advisable for the preservation of public order and the protection of life and property, to be in force one week prior to said encampment, during said encampment, and one week subsequent thereto. Such special regulations shall be published in one or more of the daily newspapers of the District of Columbia, and no penalty prescribed for the violation of such regulations shall be enforced until five days after such publication. Any person violating any of the aforesaid regulations or the aforesaid schedule of fares shall, upon conviction thereof in the police court of the said District, be liable for such offense to a fine not to exceed \$100, and in default of payment of such fine to imprisonment in the workhouse (or jail) of said District for not longer than sixty days. This resolution shall take effect immediately upon its approval, and the sum of \$15,000, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia, in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to carry out the provisions of section 1 of this joint resolution, \$1,000 of which shall be available for the construction, maintenance, and operation of public comfort stations and information booths, under the direction of said Commissioners.

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' executive committee for the entertainment of the seventieth national encampment of the Grand Army of the Republic to stretch suitable conductors, with sufficient supports wherever necessary, for the purpose of effecting the said illumination within the District of Columbia: *Provided*, That the said conductors shall not be used for the conveying of electrical currents after September 27, 1936, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before the 16th of October 1936: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public; and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further*, That no expense or damage on account of or due to stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia: *And provided further*, That if it shall be necessary to erect wires for illumination purposes over any park or reservation in the District of Columbia that the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation.

SEC. 3. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the chairman of the subcommittee in charge of street decorations, or his successor in said

District Commissioners directed to make special regulations.  
*Post*, p. 1485.

Publication of.

Penalty for violation.

Appropriation for expenses.

Illumination.

*Proviso*.  
Use of conductors limited.

Supervision, etc.

No Federal expense.

Wires over parks, etc.

Loan of Government flags, etc.

office, for the purpose of decorating the streets of the city of Washington, District of Columbia, on the occasion of the encampment of the Grand Army of the Republic, 1936, such of the United States ensigns, flags (except battle flags), signal numbers, and so forth, belonging to the Government of the United States, as in their judgment may be spared and are not in use by the Government at the time of the encampment. The loan of the said ensigns, flags, signal numbers, and so forth, to said chairman shall not take place prior to the 11th day of September and shall be returned by him by the 16th of October 1936.

Bond required.

SEC. 4. That for the protection and return of said ensigns, flags, signal numbers, and so forth, the said chairman, or his successor in office, shall execute and deliver to the President of the United States, or to such officer as he may designate, a satisfactory bond in the penalty of \$50,000, to secure just payment for any loss or damage to said ensigns, flags, and signal numbers not necessarily incident to the use specified.

Use of reservations,  
etc.  
*Post*, p. 1486.

SEC. 5. That the Superintendent of National Capital Parks, subject to the approval of the Director of National Park Service, is hereby authorized to grant permits to the citizens' executive committee for the entertainment of the Grand Army of the Republic for the use of any reservation or other public spaces in the city of Washington on the occasion of the seventieth national encampment, in the month of September 1936, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces, or statuary therein; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in the said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands and platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said citizens' executive committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the Commissioner of Public Buildings and Grounds, and the building inspector of the District of Columbia: *And provided further*, That any such buildings, parks, reservations, and other public spaces which shall be used or occupied by the erection of stands or other structures, or otherwise, shall be promptly restored to their condition before such occupancy, and the said citizens' executive committee shall execute and deliver to the Commissioners of the District of Columbia a satisfactory bond with a penalty of \$10,000 to secure such prompt restoration and to indemnify the District of Columbia for all damage of any kind whatsoever sustained by reason of any such use or occupancy.

*Proviso.*  
Stands, etc.

Restoration.

Indemnity bond.

Loan of hospital tents  
and appliances.

SEC. 6. That the Secretary of War is hereby authorized to loan to the chairman of the medical department of the seventieth national encampment of the Grand Army of the Republic, or his successor in said office, for the purpose of caring for the sick, injured, and infirm on the occasion of the encampment of the Grand Army of the Republic in the month of September 1936, such hospital tents and camp appliances and other necessaries, hospital furniture, and utensils of all descriptions, ambulances, drivers, stretchers, attendants, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the encampment: *Provided*, That the said chairman, or his successor in said office, shall indemnify the War Department for any loss to such hospital tents and appliances as aforesaid not necessarily incident to such use.

*Proviso.*  
Indemnity.

SEC. 7. The Public Utilities Commission of the District of Columbia is authorized and directed to establish a special schedule of fares, applicable to public conveyances in said District, during the period aforesaid.

Schedule of fares for public conveyances.

Approved, July 18, 1935.

[CHAPTER 390.]

AN ACT

To authorize the conveyance of certain lands in Nome, Alaska.

July 19, 1935.

[S. 2779.]

[Public, No. 211.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized to convey to the city of Nome, Alaska, the following-described two parcels of land designated as tracts A and B, respectively, and forming part of the Nome (Alaska) Customhouse site: Beginning, for the description of tract A, at stake numbered 1 or the original northwest corner of the reservation as described in Executive order dated April 16, 1907; running thence south seventy degrees east one hundred and fifty-two feet to stake numbered 2 or the original northeast corner of the reservation; thence south twenty-eight degrees fifteen minutes west two hundred and seventy feet, more or less, along the easterly boundary of said reservation, to its intersection with the northerly boundary of block K of the amended portion of the townsite of Nome, identical with the southerly boundary of Front Street, amended; thence north seventy degrees thirty-seven minutes west one hundred and two feet, more or less, along said southerly boundary of Front Street, amended, to its intersection with line 5-6 of said reservation; thence north fifty-seven degrees west thirteen feet, more or less, to stake numbered 6 of said reservation; thence north nineteen degrees twenty-one minutes east eight-seven feet, more or less, along the westerly boundary of said reservation to its intersection with the northerly boundary of Front Street, amended; thence south seventy degrees thirty-seven minutes east one hundred and eight feet, more or less, to the intersection of the northerly boundary of Front Street with the westerly boundary of Federal Way; thence north nineteen degrees twenty-three minutes east one hundred and fifty feet, to the intersection of the said westerly boundary of Federal Way with the southerly boundary of Second Avenue, amended; thence north seventy degrees thirty-seven minutes west one hundred and five feet, more or less, along the southerly boundary of Second Avenue, amended, to its intersection with the westerly boundary of the said Customhouse reservation; thence, along said boundary line, north twenty-three degrees fifty-seven minutes east thirty feet, more or less, to stake numbered 1 or the place of beginning; and, beginning for the description of tract B at stake numbered 3 or the original southeast corner of said customhouse reservation; thence north sixty-nine degrees west eighty-seven feet, to stake numbered 4 or the original southwest corner of the reservation; thence north twenty-seven degrees twenty-five minutes east forty-seven feet, more or less, along line 4-5 of said reservation to its intersection with the northerly boundary of Seashore Avenue; thence south seventy degrees thirty-seven minutes east eighty-seven feet, more or less, along said northerly boundary of Seashore Avenue, to its intersection with line 2-3 of said reservation; thence south twenty-eight degrees fifteen minutes west fifty-one feet, more or less, to said stake numbered 3 or the place of beginning; and to convey to the owner of record of lot numbered 1, block K, of the amended portion of the townsite of Nome, the following-described piece or parcel of land designated as

Nome, Alaska.  
Conveyance of certain lands to, authorized.

Description.

Description—Continued.

tract C: Beginning at the northwest corner of block K of the amended portion of the townsite of Nome; running thence south seventy degrees thirty-seven minutes east eight feet, more or less, along the northerly boundary of the said block K, to its intersection with line 2-3 of the customhouse reservation; thence south twenty-eight degrees fifteen minutes west fifty-one feet, more or less, to the intersection of said line 2-3 with the westerly boundary of said block K; thence, along said westerly boundary, north nineteen degrees twenty-three minutes east fifty feet, more or less, to the northwest corner of the said block K or the place of beginning: *Provided*, That there is conveyed to the United States as an addition to the aforesaid customhouse site, the following-described three pieces or parcels of lands, designated as tracts D, E, and F respectively, in order to provide a customhouse site of uniform dimensions in connection with the amended plat of a portion of the city of Nome made subsequent to the fire which destroyed a large portion of the buildings of the said city in September 1934; beginning for the description of tract D at the northwest corner thereof, identical with the northeast corner of block C of the amended portion of the townsite of Nome; thence south seventy degrees thirty-seven minutes east ninety-five feet, more or less, along the southerly boundary of Second Avenue, amended, to its intersection with line 7-1 of the aforesaid customhouse reservation, whence corner numbered 1 of said reservation bears north twenty-three degrees fifty-seven minutes east thirty feet, more or less, distant; thence, along line 7-1 of said reservation, south twenty-three degrees fifty-seven minutes west forty-one feet, more or less, to corner numbered 7 of said reservation; thence south nineteen degrees twenty-one minutes west one hundred and eight feet, more or less, along line 5-6 of said reservation, to its intersection with the northerly boundary of Front Street, amended; thence, along said northerly boundary of Front Street, north seventy degrees thirty-seven minutes west ninety feet, more or less, to the southeast corner of block C of the amended portion of the townsite of Nome; thence, along the easterly boundary of said block C, north nineteen degrees twenty-three minutes east one hundred and fifty feet, to the northeast corner or place of beginning; and, beginning for the description of tract E at the northwest corner thereof, identical with the northeast corner of block J of the amended portion of the townsite of Nome; thence south seventy degrees thirty-seven minutes east one hundred and five feet, more or less, along the southerly boundary of Front Street, amended, to its intersection with line 5-6 of the aforesaid customhouse reservation; thence, along said line 5-6, south fifty-seven degrees east thirteen feet, more or less, to corner numbered 5 thereof; thence south twenty-seven degrees twenty-five minutes east one hundred and ten feet, more or less, along line 4-5 of said reservation, to its intersection with the northerly boundary of Seashore Avenue, of the amended portion of the townsite of Nome; thence, along said northerly boundary of Seashore Avenue, north seventy degrees thirty-seven minutes west one hundred and four feet, more or less, to the southwest corner, identical with the southeast corner of the aforesaid block J; thence, along the easterly boundary of said block J, north nineteen degrees twenty-three minutes east one hundred feet to the northwest corner or place of beginning; and, beginning for the description of tract F at the southwest corner of block K of the amended portion of the townsite of Nome; thence north seventy degrees thirty-seven minutes west eight feet, more or less, along the northerly boundary of the aforesaid Seashore Avenue, to its intersection with line 2-3 of the aforesaid customhouse reservation; thence, north twenty-eight degrees fifteen minutes east

*Provido.*  
Parcels in exchange.

Description.

fifty feet, more or less, along said line 2-3, to its intersection with the westerly boundary of the aforesaid block K; thence, along said westerly boundary of block K, south nineteen degrees twenty-three minutes west forty-nine feet, more or less, to the place of beginning.

SEC. 2. The transfer of this property and its use for the purposes mentioned shall be without expense to the United States of America.

Approved, July 19, 1935.

No Federal expense.

[CHAPTER 402.]

AN ACT

To regulate the strength and distribution of the line of the Navy, and for other purposes.

July 22, 1935.  
[H. R. 5599.]  
[Public, No. 212.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the Naval Appropriation Act approved August 29, 1916 (39 Stat. 576; U. S. C., title 34, sec. 2), as provides that "hereafter the total number of commissioned officers of the active list of the line of the Navy, exclusive of commissioned warrant officers, shall be 4 per centum of the total authorized enlisted strength of the active list, exclusive of the Hospital Corps, prisoners undergoing sentence of discharge, enlisted men detailed for duty with the Naval Militia, and the Flying Corps", is hereby amended to read as follows: "Hereafter the total authorized number of commissioned officers of the active list of the line of the Navy, exclusive of commissioned warrant officers, shall be equal to 4¾ per centum of the total authorized enlisted strength of the active list, exclusive of the Hospital Corps, prisoners undergoing sentence of discharge, enlisted men detailed for duty with the Naval Militia, and the Flying Corps."

Navy.  
Number of commis-  
sioned officers of line.  
Vol. 39, p. 576;  
U. S. C., p. 1511.

Percentage increased.

SEC. 2. That so much of the Naval Appropriation Act approved August 29, 1916 (39 Stat. 576; U. S. C., title 34, sec. 4), as amended by the Act approved March 3, 1931 (46 Stat. 1482; U. S. C., Supp. VII, title 34, sec. 4), as provides: "That the total number of commissioned line officers on the active list at any one time, exclusive of commissioned warrant officers, shall be distributed in the proportion of one in the grade of rear admiral, to four in the grade of captain, to eight in the grade of commander, to fifteen in the grade of lieutenant commander, to thirty in the grade of lieutenant, to forty-two in the grades of lieutenant (junior grade) and ensign, inclusive: *Provided*, That no officer shall be reduced in rank or pay or separated from the active list of the Navy as the result of any computation made to determine the authorized number of officers in the various grades of the line", is hereby amended to read as follows: "That the total number of commissioned line officers on the active list at any one time, exclusive of commissioned warrant officers, shall be distributed in the proportion of one in the grade of rear admiral, to four in the grade of captain, to eight in the grade of commander, to fifteen in the grade of lieutenant commander, to thirty in the grade of lieutenant, to forty-two in the grades of lieutenant (junior grade) and ensign, inclusive: *Provided*, That no officer shall be reduced in rank or pay or separated from the active list of the Navy as the result of any computation made to determine the authorized number of officers in the various grades of the line: *Provided further*, That for the purpose of making any computation to determine the authorized number of officers in the various grades of the line above the grade of lieutenant (junior grade), the number of commissioned line officers on the active list, exclusive of commissioned warrant officers, shall, until June 30, 1936, be assumed to be five thousand four

Distribution of com-  
missioned line officers  
among grades.  
Vol. 39, p. 576; Vol.  
46, p. 1482; U. S. C.,  
p. 1512.

Total numbers.

*Provisos.*  
No reductions in  
rank, etc.

Distribution in  
grades until June 30,  
1936.

- Thereafter. hundred and ninety-nine, and after that date any computation to determine the authorized number of officers in the various grades of the line shall be based on the total number of commissioned line officers on the active list at any one time not below five thousand four hundred and ninety-nine, exclusive of commissioned warrant officers: *Provided further*, That except in time of war, the following numbers, exclusive of additional numbers in grade, in the grades as indicated shall not be exceeded: In the grade of rear admiral, fifty-eight; in the grade of captain, two hundred and forty; in the grade of commander, five hundred and fifteen: *And provided further*, That except in time of war, if any computation made to determine the authorized number of officers in the various grades of the line would, except for the immediately foregoing proviso, give a greater number of rear admirals than fifty-eight, or a greater number of captains than two hundred and forty, or a greater number of commanders than five hundred and fifteen, such excess number shall be carried in the grade of lieutenant commander and an increase in that grade above the 15 per centum of the total number of commissioned officers on the active list at any one time, exclusive of commissioned warrant officers, is hereby authorized for that purpose."
- Numbers during peace time.
- Excess numbers to be carried in lieutenant commander grade.
- Increase authorized.
- Vol. 48, p. 814.
- Lieutenants and lieutenants (junior grade), not selected for promotion.
- Carried as additional numbers; included in authorized number.
- Eligibility for promotion, officers below lieutenant commander grade.
- Vol. 46, p. 1483; U. S. C., p. 1525.
- Provisos.
- Age limitation.
- Involuntary transfers to retired list.
- Vol. 46, p. 1484; U. S. C., p. 1525.
- Number of commissioned officers of staff corps.
- Vol. 38, p. 404; Vol. 39, p. 581; Vol. 40, p. 708; U. S. C., p. 1512.
- Provisions amended.
- SEC. 3. That section 4 of the Act approved May 29, 1934 (48 Stat. 814), is hereby amended to read as follows:  
 "That after June 30, 1936, lieutenants and lieutenants (junior grade) who shall not have been recommended for promotion to the next higher grade by the report of a line selection board as approved by the President shall, on and after June 30 next succeeding the date of the approval of said line selection board, if they have completed fourteen or seven years, respectively, of commissioned service, be carried as additional numbers in grade, but shall be included in the authorized number of commissioned officers of the active list of the line of the Navy in any grade to which later promoted. That for the purpose of extending section 3 of the Act of March 3, 1931 (46 Stat. 1483; U. S. C., Supp. VII, title 34, sec. 286a), to officers below the rank of lieutenant commander, the said section is amended so that the length of service therein prescribed shall be twenty-one years for lieutenants and fourteen years for lieutenants (junior grade): *Provided*, That lieutenants with less than twenty-one years commissioned service shall become ineligible for promotion on June 30 of the fiscal year in which they attain the age of forty-five years: *Provided further*, That no officer of said rank shall become so ineligible prior to June 30, 1936: *And provided further*, That the restriction on the number of involuntary transfers in any fiscal year to the retired list prescribed in section 7 of the Act of March 3, 1931 (46 Stat. 1484; U. S. C., Supp. VII, title 34, sec. 286e), shall not apply to the grade of lieutenant and lieutenant (junior grade)."
- SEC. 4. That so much of the Act approved June 30, 1914 (38 Stat. 404), as amended by the Act approved August 29, 1916 (39 Stat. 576, 581), as further amended by the Act approved July 1, 1918 (40 Stat. 708), which, as contained in the United States Code, title 34, section 3, provides:  
 "The total authorized number of commissioned officers of the active list of the following Staff Corps, exclusive of commissioned warrant officers, shall be based on percentages of the total number of commissioned officers of the active list of the line of the Navy as follows:  
 "Supply Corps, 12 per centum; Construction Corps, 5 per centum; Corps of Civil Engineers, 2 per centum; and the total authorized number of commissioned officers of the Medical Corps shall be sixty-five one hundredths of 1 per centum of the total authorized number



of the officers and enlisted men of the Navy and Marine Corps, including midshipmen, hospital corps, prisoners undergoing sentence of discharge, enlisted men detailed for duty with the Naval Militia, and the Flying Corps: *Provided*, That hereafter the authorized number of surgeons in the United States Navy be, and it is hereby, increased by one.

“Dental Corps: There shall be one dental officer in the Navy for each thousand of the total authorized number of officers and enlisted men of the Navy and Marine Corps.

“Corps of Chaplains: The total number of chaplains and acting chaplains in the Navy shall be one to each one thousand two hundred and fifty of the total personnel of the Navy and Marine Corps as fixed by law, including midshipmen, apprentice seamen, and naval prisoners”

is hereby amended to read as follows:

“The total authorized number of commissioned officers of the active list of the following staff corps, exclusive of commissioned warrant officers, shall be based on percentages of the total number of commissioned officers of the active list of the line of the Navy as follows:

“Supply Corps, 12 per centum; Construction Corps, 5 per centum; Corps of Civil Engineers, 2 per centum; and the total authorized number of commissioned officers of the Medical Corps shall be sixty-five one-hundredths of 1 per centum of the total authorized number of the officers and enlisted men of the Navy and Marine Corps, including midshipmen, Hospital Corps, prisoners undergoing sentence of discharge, enlisted men detailed for duty with the Naval Militia, and the Flying Corps: *Provided*, That hereafter the authorized number of surgeons in the United States Navy be, and it is hereby, increased by one.

“Dental Corps: The total authorized number of commissioned officers of the Dental Corps shall be one for each five hundred of the actual number of officers and enlisted men of the Navy and Marine Corps.

“Corps of Chaplains: The total authorized number of chaplains and acting chaplains in the Navy shall be one to each one thousand two hundred and fifty of the total personnel of the Navy and Marine Corps as fixed by law, including midshipmen, apprentice seamen, and naval prisoners.”

SEC. 5. That section 3 of the Act approved March 3, 1931 (46 Stat. 1483; U. S. C., Supp. VII, title 34, sec. 286a), is hereby amended by inserting after the word “*Provided*,” appearing in line 10 of said section 3 of Statutes at Large, volume 46, page 1483, the following clause: “That the term ‘service in grade<sup>1</sup>’ shall be construed to include service on the promotion list for his grade: *Provided further*,” so that the said section will read as follows: “Except as provided in section 7, captains, commanders, and lieutenant commanders who shall not have been recommended for promotion to the next higher grade by the report of a line selection board as approved by the President prior to the completion of thirty-five, twenty-eight, or twenty-one years, respectively, of commissioned service in the Navy, shall be ineligible for consideration by a line selection board, and any officer in said grade shall likewise be ineligible for consideration who on June 30 of the calendar year of the convening of the board shall have had less than four years’ service in his grade: *Provided*, That the term ‘service in his grade’ shall be construed to include service on the promotion list for his

Percentages.

Supply—Construction—and Civil Engineers Corps.  
Medical Corps.

*Proviso.*  
Navy surgeons; number.

Dental Corps; authorized number increased.

Corps of Chaplains; authorized number.

Promotions; captains, commanders, and lieutenant commanders.  
Vol. 46, p. 1483.  
U. S. C., p. 1525.

Officers not recommended for promotion; consideration by line selection board.

*Proviso.*  
“Service in his grade”, construed.

<sup>1</sup> So in original

Naval Academy graduates.  
Computation of commissioned service.

Commissioned from other than Naval Academy.

When ineligible for consideration.

Construction—Civil Engineer—and Supply Corps officers.

Transfers authorized.

Staff Corps officers.

Transfers authorized.

Rank and grade of transferred officers.

Carried as additional number.

Naval aviation.  
Detail of tactical and gunnery observers to duty in.

Vol. 42, p. 632; Vol. 44, p. 782.  
U. S. C., p. 1622.

Navy and Marine Corps officers.  
Vol. 29, p. 361.

Payment to, when employed by contractors, prohibited.

Retired officers.

Inconsistent laws repealed.

grade: *Provided further*, That the commissioned service of Naval Academy graduates, for the purpose of this section only, shall be computed from June 30 of the calendar year in which the class in which they graduated completed its academic course, or, if its academic course was more or less than four years, from June 30 of the calendar year in which it would have completed an academic course of four years: *Provided further*, That except as provided in section 7, officers of any grade commissioned in the line of the Navy from sources other than the Naval Academy, shall become ineligible for consideration by a selection board when the members of the Naval Academy class next junior to them at the date of their original permanent commission as ensign or above become ineligible for consideration under the provisions of this section."

SEC. 6. That the President of the United States is hereby authorized, by and with the advice and consent of the Senate, to transfer and appoint officers of the line of the Navy, not above the grade of lieutenant commander, to the corresponding grade in the Construction Corps, Civil Engineer Corps, or Supply Corps, without regard to the age of the officers so transferred and appointed.

SEC. 7. That the President of the United States is hereby authorized, by and with the advice and consent of the Senate, to transfer and appoint officers of the Staff Corps of the Navy not above the rank of lieutenant commander to the corresponding rank and grade in the line of the Navy and the officers so transferred and appointed shall have the lineal position and precedence in the line which they would have held had they remained in the line or had their original appointments been in the line. Any officer so transferred and appointed shall be carried as an additional number in the grade in which he is serving and to which he may hereafter be promoted.

SEC. 8. That exclusive of student aviators and qualified aircraft pilots of the Navy and Marine Corps, the number of tactical and gunnery observers of the Navy and Marine Corps detailed to duty in aircraft and involving actual flying shall hereafter be in accordance with the requirements of naval aviation as determined by the Secretary of the Navy. So much of section 20 of the Act approved June 10, 1922 (42 Stat. 632), as amended by section 6 of the Act approved July 2, 1926 (44 Stat. 782; U. S. C., Supp. VII, title 37, sec. 29), which is inconsistent with or in conflict with the provision of this section, insofar as it relates to the Navy and Marine Corps, is hereby repealed.

SEC. 9. The last proviso of the appropriation "Pay of the Navy" contained in the Naval Appropriation Act for the fiscal year 1897, approved June 10, 1896 (29 Stat. 361), is hereby amended to read as follows: "*And provided further*, That hereafter no payment shall be made from appropriations made by Congress to any officer in the Navy or Marine Corps on the active list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war materials to the Government, and such employment is hereby made unlawful after said date: *Provided*, That no payment shall be made from appropriations made by Congress to any retired officer in the Navy or Marine Corps who for himself or for others is engaged in the selling of, contracting for the sale of, or negotiating for the sale of, to the Navy or the Navy Department, any naval supplies or war material."

SEC. 10. That all laws and parts of laws which are inconsistent herewith or in conflict with the provisions hereof, insofar as they relate to the Navy and Marine Corps, are hereby repealed.

Approved, July 22, 1935.

## [CHAPTER 408.]

## AN ACT

Conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the city of Perth Amboy, New Jersey.

July 23, 1935.  
[S. 156.]  
[Public, No. 213.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon the claim of the city of Perth Amboy, New Jersey, for the recovery of money expended in 1918 by the city of Perth Amboy pursuant to an alleged agreement with the United States to extend the city's water system for the purpose of supplying water to the Raritan Arsenal and Colonial Base Hospital, Numbered 2, less the present estimated value of the equipment installed under such agreement.

Perth Amboy, N. J.  
Claim of, against  
United States to be  
adjudicated by Court  
of Claims.

SEC. 2. Suit upon such claim may be instituted at any time within one year after the enactment of this Act, notwithstanding the lapse of time or any statute of limitations, except that said city shall be required to give sufficient assurance to the United States that it will preserve the facilities for furnishing water on account of which this claim is made and will not destroy or render them unfit for use except with the consent of the Secretary of War. Proceedings for the determination of such claim, and appeals from, and payment of any judgment thereon shall be in the same manner as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

Time for filing.

Conditions.

Procedure, appeals,  
etc.  
Vol. 36, p. 1136.  
U. S. C., p. 1261.

Approved, July 23, 1935.

## [CHAPTER 409.]

## AN ACT

To authorize the transfer of certain lands in Rapides Parish, Louisiana, to the State of Louisiana for the purpose of a State highway across a portion of the Federal property occupied by the Veterans' Administration facility, Alexandria, Louisiana.

July 23, 1935.  
[S. 3038.]  
[Public, No. 214.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to transfer to the State of Louisiana, without expense to the Government of the United States, all the right, title, and interest of the United States in and to a certain strip of land crossing the Veterans' Administration facility at Alexandria, Louisiana, along the Alexandria-Shreveport Highway, State route numbered 1, and Star route numbered 615, in sections 1 and 2, township 4 north, range 1 west, Rapides Parish, Louisiana, upon condition that it shall always be used and maintained as a public highway, said strip of land being described as follows:

State of Louisiana.  
Transfer of certain  
lands in Rapides Par-  
ish to, for highway,  
authorized.

Condition.

Beginning at a point in the located center line of the Alexandria-Colfax Highway at Engineer's station 152 plus 05.3, which point is in the south line of the northwest quarter of the southwest quarter of section 1, township 4 north, range 1 west, and north eighty-nine degrees fifty-four minutes east, a distance of three hundred twenty-five and five-tenths feet from the southwest corner of the said northwest quarter of the southwest quarter of section 1, township 4 north, range 1 west; thence north eighty-nine degrees, fifty-four minutes east, along the said south line of the northwest quarter of southwest quarter of section 1, a distance of fifty-one and thirty-seven one hundredths feet to a point in the easterly right-of-way line of the Alexandria-Colfax Highway, said point being fifty feet easterly and at right angles to the aforementioned center line; thence along

Description.

Description—Contd. the easterly right-of-way line of said highway, the following two courses: Northwestery along a curve to the left having a radius of three thousand two hundred four and three one-hundredths feet, a distance of two hundred eighty-three and ninety-two one-hundredths feet to the point of tangency of said curve to the left; thence north seventeen degrees six minutes west, a distance of one thousand six hundred thirty-seven and thirty-seven one-hundredths feet to a point in the mesh wire fence enclosing residence lot, said point being fifty feet easterly and at right angles to the aforementioned center line; thence south sixty-eight degrees one minute west, along said fence line, a distance of twenty and seven one-hundredths feet to a point, said point being thirty feet easterly and at right angles to the aforementioned center line; thence along the easterly right-of-way line of the aforementioned highway, the following courses: North seventeen degrees six minutes west, a distance of one hundred twenty-one and three-tenths feet to the point of the beginning of a curve to the right; thence northwesterly along a curve to the right having a radius of five thousand six hundred ninety-nine and sixty-five one-hundredths feet, a distance of three hundred ten and four one-hundredths feet to the point of tangency of said curve to the right; thence north thirteen degrees fifty-nine minutes west, a distance of three hundred six and six-tenths feet to the point of beginning of a curve to the left; thence northwesterly along a curve to the left having a radius of seven hundred forty-six and seventy-eight one-hundredths feet, a distance of two hundred twenty-four and four-tenths feet to the point of tangency of said curve to the left; thence north thirty-one degrees twelve minutes west, a distance of six hundred twenty-six feet to the point of beginning of a curve to the left; thence northwesterly along a curve to the left having a radius of five hundred eight and thirty-four one-hundredths feet, a distance of two hundred sixty-one and forty-three one-hundredths feet to the point of tangency of said curve to the left; thence north sixty degrees forty minutes west, a distance of three hundred thirty-eight and nine-tenths feet to a point, said point being thirty feet northeasterly and at right angles to the aforementioned center line, same point also being thirty feet northeasterly and at right angles to the center line of the existing concrete highway from Alexandria toward Shreveport; thence north twenty-nine degrees twenty minutes east, a distance of ten feet to a point, said point being forty feet northeasterly and at right angles to the aforementioned center lines; thence along the easterly right-of-way of the road from Alexandria toward Shreveport, the following two courses: North sixty degrees forty minutes west, a distance of one hundred thirteen and fifteen one-hundredths feet to the point of beginning of a curve to the right; thence northwesterly along a curve to the right having a radius of four hundred and twenty-nine and sixty-four one-hundredths feet, a distance of three hundred sixty-three and seventy-nine one-hundredths feet, more or less, to a point in the north line of section 2, township 4 north, range 1 west, same being in the north boundary line of the Veterans' Administration property, said point also being forty feet easterly and at right angles to the aforementioned center line; thence along the said north line of section 2 and the north boundary line of the Veterans' Administration property and crossing the aforementioned highway, the following two courses: West a distance of forty and eighty-four one-hundredths feet to the center line of the existing concrete highway at Engineer's station 197 plus 93.8; thence west a distance of forty and seven-tenths feet to a point in a curve to the left in the westerly right-of-way line of the existing concrete highway from Alexandria

toward Shreveport, said point being forty feet westerly and at right angles to the aforementioned center line; thence southeasterly along said curve to the left having a radius of five hundred nine and sixty-four one-hundredths feet, a distance of one hundred ninety-eight and nine-tenths feet to a point, said point being forty feet westerly and at right angles to the aforementioned center line and said point also being thirty feet northeasterly and at right angles to the highway leading to Regollet; thence along the northeasterly right-of-way of said highway leading to Regollet, the following two courses: North sixty degrees forty minutes west, a distance of seventy-five and twenty-four one-hundredths feet to the point of beginning of a curve to the left; thence northwesterly along a curve to the left having a radius of one thousand three hundred three and fifty-seven one-hundredths feet, a distance of three hundred ninety-seven and fifty-eight one-hundredths feet, more or less, to a point in the north line of section 2, township 4 north, range 1 west, same being in the north boundary line of the Veterans' Administration property, said point also being thirty feet northerly and at right angles to the aforementioned center line; thence along the said north line of section 2 and the north boundary line of the Veterans' Administration property and crossing the aforementioned highway, the following two courses: West a distance of one hundred eighty-five and twenty-six one-hundredths feet to the center line of the highway leading to Regollet; thence west a distance of one hundred ninety-eight and thirty-three one-hundredths feet to a point in the westerly right-of-way line of the highway leading to Regollet; thence along the westerly right-of-way of the aforementioned highways, the following courses: South eighty-one degrees eighteen minutes east, a distance of three hundred seven and thirty-five one-hundredths feet to the point of beginning of a curve to the right, said point being thirty feet southwesterly and at right angles to the aforementioned center line; thence along a curve to the right having a radius of one thousand two hundred and forty-three and fifty-seven one-hundredths feet, a distance of four hundred forty-seven and eighty-three one-hundredths feet to the point of tangency of said curve to the right; thence south sixty degrees forty minutes east, a distance of seven hundred sixty-seven and two-tenths feet to the point of beginning of a curve to the right; thence southeasterly along a curve to the right having a radius of four hundred forty-eight and thirty-four one-hundredths feet, a distance of two hundred thirty and fifty-eight one-hundredths feet to the point of tangency of said curve to the right; thence south thirty-one degrees twelve minutes east, a distance of six hundred twenty-six feet to the point of beginning of a curve to the right; thence along a curve to the right having a radius of six hundred eight-six<sup>1</sup> and seventy-eight one-hundredths feet, a distance of two hundred six and thirty-seven one-hundredths feet to the point of tangency of said curve to the right; thence south thirteen degrees fifty-nine minutes east, a distance of three hundred six and six-tenths feet to the point of beginning of a curve to the left; thence along a curve to the left having a radius of five thousand seven hundred fifty-nine and sixty-five one-hundredths feet, a distance of three hundred thirteen and three-tenths feet to the point of tangency of said curve to the left; thence south seventeen degrees six minutes east, a distance of one hundred thirty-one and fifty-eight one hundredths feet to the corner of a mesh wire fence, said point being thirty feet westerly and at right angles to the center line of the Alexandria-Colfax Highway;

<sup>1</sup> So in original.

Description—Contd.

thence south fifty-one degrees thirty-six minutes west, along said mesh wire fence, a distance of twenty-one and forty-seven one-hundredths feet to a point, said point being fifty feet westerly and at right angles to the aforementioned center line; thence south seventeen degrees six minutes east, a distance of one thousand six hundred seventeen and eighty-eight one-hundredths feet to the point of beginning of a curve to the right; thence along a curve to the right having a radius of three thousand one hundred four and three one-hundredths feet, a distance of two hundred fifty-one and ninety-two one-hundredths feet, more or less, to the south line of the northwest quarter of the southwest quarter of section 1, township 4 north, range 1 west, same being in the southerly boundary line of the Veterans' Administration property, said point also being fifty feet westerly and at right angles to the aforementioned center line; thence along the said south line of the northwest quarter of the southwest quarter of section 1 and the south boundary line of the Veterans' Administration property, north eighty-nine degrees fifty-four minutes east, a distance of fifty-one and twenty-one one-hundredths feet to the point of beginning; containing in all nine and one hundred and eighty-eight one-thousandths acres, more or less, and being shown in detail on a map showing the right-of-way required by the Louisiana Highway Commission through lands of the Veterans' Administration facility in sections 1 and 2, township 4 north, range 1 west, Rapides Parish, Louisiana, and dated April 24, 1935.

Approved, July 23, 1935.

[CHAPTER 412.]

## AN ACT

To prohibit the interstate transportation of prison-made products in certain cases.

July 24, 1935.

[S. 2004.]

[Public, No. 215.]

Prison-made products.  
Interstate transportation, etc., of, in certain cases, forbidden.

*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 knowingly to transport or cause to be transported, in any manner or by any means whatsoever, or aid or assist in obtaining transportation for or in transporting any goods, wares, and merchandise manufactured, produced, or mined wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation), or in any penal or reformatory institution, from one State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, or from any foreign country, into any State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, where said goods, wares, and merchandise are 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, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof. Nothing herein shall apply to commodities manufactured in Federal penal and correctional institutions for use by the Federal Government.

Federal use of.

Marking requirements.

SEC. 2. All packages containing any goods, wares, and merchandise manufactured, produced, or mined wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal or reformatory institution, when shipped or transported in interstate or foreign commerce shall be plainly and clearly marked, so that the name and address of the shipper, the name and address of the consignee, the nature of the contents, and the name

and location of the penal or reformatory institution where produced wholly or in part may be readily ascertained on an inspection of the outside of such package.

SEC. 3. Any person violating any provision of this Act shall for each offense, upon conviction thereof, be punished by a fine of not more than \$1,000, and such goods, wares, and merchandise shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law.

Punishment for violation.

SEC. 4. Any violation of this Act shall be prosecuted in any court having jurisdiction of crime within the district in which said violation was committed, or from, or into which any such goods, wares, or merchandise may have been carried or transported, or in any Territory, Puerto Rico, Virgin Islands, or the District of Columbia, contrary to the provisions of this Act.

Jurisdiction of courts.

Approved, July 24, 1935.

[CHAPTER 413.]

AN ACT

To amend section 114 of the Judicial Code to provide for terms of District Court for the Western District of Wisconsin to be held at Wausau, Wisconsin, and for other purposes.

July 24, 1935.  
[S. 1309.]  
[Public, No. 216.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 114 of the Judicial Code (U. S. C., title 28, sec. 195) is hereby amended to read as follows:

United States courts.  
Vol. 36, p. 1129.  
U. S. C., p. 1256.

“SEC. 114. The State of Wisconsin is divided into two districts, to be known as the eastern and western districts of Wisconsin. The eastern district shall include the territory embraced on the 1st day of July 1910 in the counties of Brown, Calumet, Dodge, Door, Florence, Fond du Lac, Forest, Green Lake, Kenosha, Kewaunee, Langlade, Manitowoc, Marinette, Marquette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, and Winnebago. Terms of the district court for said district shall be held in Milwaukee on the first Mondays in January and October, at Oshkosh on the second Tuesday in June, and at Green Bay on the first Tuesday in April. The western district shall include the territory embraced on the 1st day of July 1910 in the counties of Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Douglas, Dunn, Eau Claire, Grant, Green, Iowa, Iron, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Lincoln, Marathon, Monroe, Oneida, Pepin, Pierce, Polk, Portage, Price, Richland, Rock, Rusk, Saint Croix, Sauk, Sawyer, Taylor, Trempealeau, Vernon, Vilas, Washburn, and Wood. Terms of the district court for said district shall be held at Madison on the first Tuesday in December, at Eau Claire on the first Tuesday in June, at La Crosse on the third Tuesday in September, at Wausau on the second Tuesday in April, and at Superior on the fourth Tuesday in January and the second Tuesday in July. The district court for each of said districts shall be open at all times for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction so far as the same can be done without a jury. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Madison, at La Crosse, at Wausau, and at Superior, which shall be kept open at all times for the transactions of the business of the court. The marshal for the western district shall appoint a deputy

Wisconsin judicial districts.  
Eastern district.

Terms.

Western district.

Terms.

Admiralty, etc., jurisdiction.

Return of process at Superior.

Criminal warrants.

marshal who shall reside and keep his office at Superior. All writs and other process, except criminal warrants, issued at Superior, may be made returnable at Superior; and the clerk at that place shall keep in his office the original records of all actions, prosecutions, and special proceedings so commenced and pending therein. Criminal warrants may be returned at any place within the district where court is held. Whenever warrants issued at Superior shall be returned at any other place the clerk of the court wherein the warrant is returned shall certify the same under the seal of the court, together with the plea and other proceedings had thereon and the determination of the court upon such plea or proceedings, with all papers and orders filed in reference thereto, to the clerk of the court at Superior; and the clerk at Superior shall enter upon his records a minute of the proceedings had upon the return of said warrant, certified as aforesaid. All causes and proceedings instituted in the court at Superior shall be tried therein, unless by consent of the parties, or upon the order of the court, they are transferred to another place for trial".

Approved, July 24, 1935.

[CHAPTER 414.]

AN ACT

July 24, 1935.

[S. 2532.]

[Public, No. 217.]

To amend an Act entitled "An Act setting aside Rice Lake and contiguous lands in Minnesota for the exclusive use and benefit of the Chippewa Indians of Minnesota", approved June 23, 1926, and for other purposes.

Wild Rice Lake Indian Reserve, Minn.  
Vol. 44, p. 763,  
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 setting aside Rice Lake and contiguous lands in Minnesota for the exclusive use and benefit of the Chippewa Indians of Minnesota", approved June 23, 1926 (44 Stat. L. 763), be, and the same is hereby, amended to read as follows:

Permanent reserve created.

Description.

"That there be, and is hereby, created within the county of Clearwater, State of Minnesota, a permanent reserve to be known as 'Wild Rice Lake Indian Reserve', which reserve shall include Rice Lake and the following-described contiguous lands: Beginning at the northwest corner of the northeast quarter southeast quarter section 8, township 145 north, range 38 west, and running due east to the northeast corner of southeast quarter section 9; thence south to northeast corner of northeast quarter section 16; thence due east to northeast corner of northeast quarter section 14, township 145 north, range 38 west; thence due south to southeast corner of northeast quarter section 2, township 144 north, range 38 west; thence due west to southwest corner of northwest quarter section 3 of said township and range; thence due north to southwest corner of northwest quarter section 15, township 145 north, range 38 west; thence due west to southwest corner of northwest quarter section 16; thence due north to northwest corner of northwest quarter said section 16; thence west to southwest corner of southeast quarter southeast quarter section 8; thence north to point of beginning, which, excluding the lake bed, contains approximately four thousand five hundred acres.

Undisposed-of lands within, made part of reserve.

Acquisition of other lands.  
By gift.

"SEC. 2. All unallotted and undisposed-of public or Indian lands held in trust by the United States within the area described in section 1 hereof are hereby permanently withdrawn from sale or other disposition and are made a part of said reserve; and the Secretary of the Interior is authorized to (a) accept in the name of the United States voluntary conditional grants, conditioned only upon the continued permanent use of said lands for the purpose hereinafter stated, and none other, of any lands within said reserved area now



held in public, private, State, or Indian ownership; (b) acquire by purchase any of said lands not so conditionally granted at such price as he may deem fair and equitable; or (c) acquire by condemnation any of said lands not acquired by conditional grants or by purchase, so as to vest in the United States for the purposes of this Act good title to all land included in any such reserve.

“SEC. 3. The Secretary of the Interior is authorized, in his discretion, to establish not to exceed three additional wild-rice reserves in the State of Minnesota, which shall include wild-rice-bearing lakes situated convenient to Chippewa Indian communities or settlements, including all lands which, in the judgment of said Secretary, are necessary to the proper establishment and maintenance of said reserves and the control of the water levels of the lakes: *Provided, however,* That there shall be and hereby is excluded from said reserves any and all areas, whether of land or water, necessary or useful for the development to the maximum of water power or the improvement of navigation in the Pigeon River, an international boundary stream, and tributary lakes and streams. The Secretary is authorized to withdraw and acquire, on the same terms provided in section 2 hereof, all lands which, in his judgment, may be necessary for the proper establishment, control, maintenance, and operation of any reserve established under this section.

“SEC. 4. Any reserves established under this Act, including the water levels therein, shall be maintained and operated under the supervision and control of the Secretary of the Interior, in conformity with such rules and regulations as he may prescribe, for the primary purpose of conserving wild rice beds for the exclusive use and benefit of the Chippewa Indians of Minnesota. The said Secretary, upon such terms and conditions as he may deem proper, may enter into an agreement in writing with the State of Minnesota, through its department of conservation, or other proper State agency, for the administration of any reserve created under this Act, and for its use for other or different purposes, conditioned only that such other and different uses shall not impair the primary purpose for which said reserve was created and its administration in strict conformity with said rules and regulations prescribed by said Secretary.

“SEC. 5. All costs of establishing the reserves herein authorized, including the acquisition of the lands, and the construction of dams or other structures to regulate the water levels, are hereby authorized to be paid by the Secretary of the Interior out of the trust funds of the Chippewa Indians of Minnesota in the Treasury of the United States.”

Approved, July 24, 1935.

[CHAPTER 415.]

AN ACT

To repeal sections 1, 2, and 3 of Public Law Numbered 203, Sixtieth Congress, approved February 3, 1909.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections 1, 2, and 3 of Public Law Numbered 203, Sixtieth Congress, approved February 3, 1909, are hereby repealed; and, upon the completion by it of the substitute facilities authorized by section 2 hereof, the Philadelphia, Baltimore and Washington Railroad Company is authorized, without any further or other authority, to abandon and remove the Seventh Street substation built and maintained by it pursuant to the requirements of said Act of February 3, 1909, and

By purchase.

By condemnation.

Additional wild rice reserves convenient to Chippewa settlements to be established.

*Proviso.*  
Areas excluded.

Necessary lands to be acquired, on same terms.

Supervision of maintenance, etc.

State administration.

Payment of costs, etc., from Indian trust funds.

July 25, 1935.

[S. 2830.]

[Public, No. 218.]

District of Columbia. Designated railroad substation to be abandoned.  
Vol. 35, p. 593.

to abandon the ticket agency and baggage accommodations maintained by it pursuant to the requirements of said Act.

Enclosed shelter in lieu.

SEC. 2. That in lieu of the said substation and facilities maintained at the intersection of the Seventh Street and C Street Southwest, in the city of Washington, the Philadelphia, Baltimore and Washington Railroad Company is authorized to construct and maintain on the train platform an enclosed waiting room for passengers, with convenient means of ingress and egress leading from and to the street level below.

Area to revert to District.

SEC. 3. That the area in square south of 463 on the map of the city of Washington heretofore used for station purposes shall revert to the District of Columbia upon the completion of these improvements: *Provided*, That the said Philadelphia, Baltimore and Washington Railroad Company shall construct and maintain thereon, subject to the approval of the Commissioners of the District of Columbia, adequate walkways to the adjacent streets.

*Proviso.*  
Railroad to maintain walkways, etc.

Amendment.

SEC. 4. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, July 25, 1935.

[CHAPTER 416.]

AN ACT

July 25, 1935.  
[H. R. 7590.]

To create a Central Statistical Committee and a Central Statistical Board, and for other purposes.

Central Statistical Committee and Central Statistical Board. Establishment; purpose.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there are hereby established a Central Statistical Committee (hereinafter referred to as the "Committee") and a Central Statistical Board (hereinafter referred to as the "Board") to plan and promote the improvement, development, and coordination of, and the elimination of duplication in, statistical services carried on by or subject to the supervision of the Federal Government, and, so far as may be practicable, of other statistical services in the United States.

Committee; composition of.

SEC. 2. The Committee shall consist of the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

Board; personnel of; selection.

SEC. 3. The Board shall consist of a chairman, who shall be appointed by the President, with the advice and consent of the Senate, and not to exceed thirteen additional members, who shall be selected in such manner as the President shall prescribe: *Provided*, That not less than ten of such members shall be persons already in the service of the United States. The chairman and all the members shall be persons technically trained in statistics, economics, or public administration, known in their profession as of high standing and wide experience. The chairman shall be the chief executive officer of the Board, shall receive a salary of \$10,000 a year, and shall not engage in any private business, vocation, or employment: *Provided, however*, That if the chairman shall at the same time hold any other paid position in the service of the United States, he shall receive during such tenure no additional remuneration for acting as chairman of the Board. No other member of the Board shall receive compensation for his services as such member, except that the Board may provide that any such other member not at the same time holding any other paid position in the service of the United States shall, while attending or traveling to or from meetings of the Board or of committees thereof, receive a salary of not more than \$25 per diem, and in addition thereto necessary traveling and subsistence expenses.

*Provisos.*  
Qualifications.

Chairman; salary, qualification.

Restriction on payment of salary.

Members of Board; expenses.

SEC. 4. The Board shall have authority to appoint such employees as it deems necessary for its own functions. All such employees shall be subject to the civil-service laws and the Classification Act of 1923, as amended, except that the Board may, with the consent of the Civil Service Commission, appoint and fix the compensation of any person or persons for temporary periods without regard to the civil-service laws and the Classification Act of 1923, as amended: *Provided*, That no person shall hold such temporary appointment or appointments for an aggregate period of more than 12 months. The Board 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 may be necessary to carry out the provisions of this Act and as may be provided for by the Congress from time to time. The Board may purchase supplies or services where the aggregate amount involved is not more than \$50, without regard to the provisions of section 3709 of the Revised Statutes, as amended (36 Stat. 861; U. S. C., title 41, sec. 5). There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, annually such sums as may be necessary for the expenses of the Board not to exceed \$180,000, of which amount not to exceed \$170,000 may be expended for personal services in the District of Columbia.

Appointment of personnel.

*Proviso.*  
Temporary appointments.  
Expenditures authorized.

Minor purchases without advertising.  
Vol. 36, p. 861; U. S. C., p. 1803.

Appropriations authorized.  
*Post*, pp. 1119, 1169.

SEC. 5. The Board shall—

(a) At the request of the President or the Committee, or may of its own motion, investigate and make recommendations with respect to any existing or proposed statistical work carried on by an agency of, or subject to the supervision of, the Federal Government;

Duties and powers of Board.  
Investigations and recommendations; statistical work.

b) Have the power, with the consent of the agency concerned, to investigate and make recommendations with respect to any existing or proposed statistical work carried on by any agency in the United States other than the agencies specified in subsection (a) of this section;

(c) Have the power, subject to such rules and regulations as the President or the Committee may prescribe, to require from any agency specified in subsection (a) of this section information, papers, reports, and original records concerning any existing or proposed statistical work carried on by or subject to the supervision of any such agency: *Provided*, That this subsection shall not be construed to require or to make lawful any disclosure of confidential information when such disclosure is specifically prohibited by law;

Requires furnishing of reports, etc.

*Proviso.*  
Confidential matter excepted.

(d) Plan and promote the economical operation of agencies engaged in statistical work and the elimination of unnecessary work both on the part of such agencies and on the part of persons called on by such agencies to furnish information;

Plan economical cooperation.

(e) Perform such other duties consistent with section 1 of this Act as the President or the Committee may authorize, and make such reports to the Committee as the Committee may require; and

Perform miscellaneous assignments.

(f) Make an annual report to the Committee and to the President for transmittal to Congress.

Make annual report.

SEC. 6. The Central Statistical Board created by Executive Order Numbered 6225, dated July 27, 1933, as amended, shall cease to exist at such time as the Committee shall declare that seven members have qualified for membership in the Board; and thereafter all records, papers, property, and funds of the old Board shall become records, papers, property, and funds of the Board; and such employees as shall pass tests of fitness prescribed by the Civil Service Commission shall acquire classified civil-service status and shall be employees of

Central Statistical Board created July 27, 1933; termination of.

Transfer of records, funds, etc.

Employees.

- Proviso.*  
Obligations of old Board.  
Rules and regulations.
- the Board at the grades and salaries specified in their respective examinations: *Provided*, That this section shall not be construed to impair any obligation incurred by the old Board.
- Sec. 7. The Board with the approval of the Committee is authorized to prescribe rules and regulations to carry out the provisions of this Act.
- Separability clause.
- Sec. 8. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.
- Duration of Act.
- Sec. 9. This Act shall cease to be in effect and the agencies established hereunder shall cease to exist at the expiration of five years after the date of enactment of this Act.
- Approved, July 25, 1935.

## [CHAPTER 417.]

## AN ACT

- July 26, 1935.  
[H. R. 6323.]  
[Public, No. 220.]
- To provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof.

- Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Archivist of the United States, acting through a division established by him in the National Archives Establishment, hereinafter referred to as the "Division", is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under section 5. There shall be at the head of the Division a director, appointed by the President, who shall act under the general direction of the Archivist of the United States in carrying out the provisions of this Act and the regulations prescribed hereunder, who shall receive a salary, to be fixed by the President, not to exceed \$5,000 a year.

- Original documents and copies; filing.  
*Post*, p. 1110.
- Notation thereon.
- Proviso.*  
When issued outside of District of Columbia.
- Availability of copy for public inspection.
- Of original document.
- Copy for printing; transmission.
- Sec. 2. The original and two duplicate originals or certified copies of any document required or authorized to be published under section 5 shall be filed with the Division, which shall be open for that purpose during all hours of the working days when the Archives Building shall be open for official business. The Director of the Division shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing thereof: *Provided*, That when the original is issued, prescribed, or promulgated outside of the District of Columbia and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon such filing, at least one copy shall be immediately available for public inspection in the office of the Director of the Division. The original shall be retained in the archives of the National Archives Establishment and shall be available for inspection under regulations to be prescribed by the Archivist. The Division shall transmit immediately to the Government Printing Office for printing, as provided in this Act, one duplicate original or certified copy of each document required or authorized to be published under section 5. Every Federal agency shall cause to be transmitted for filing as herein required the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency.

- Federal Register; printing and distribution.
- Sec. 3. All documents required or authorized to be published under section 5 shall be printed and distributed forthwith by the Government Printing Office in a serial publication designated the "Federal

Register." It shall be the duty of the Public Printer to make available the facilities of the Government Printing Office for the prompt printing and distribution of the Federal Register in the manner and at the times required in accordance with the provisions of this Act and the regulations prescribed hereunder. The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the Division up to such time of the day immediately preceding the day of distribution as shall be fixed by regulations hereunder. There shall be printed with each document a copy of the notation, required to be made under section 2, of the day and hour when, upon filing with the Division, such document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at such time in the morning of the day of distribution as shall be fixed by such regulations prescribed hereunder. The prices to be charged for the Federal Register may be fixed by the administrative committee established by section 6 without reference to the restrictions placed upon and fixed for the sale of Government publications by section 1 of the Act of May 11, 1922, and section 307 of the Act of June 30, 1932 (U. S. C., title 44, secs. 72 and 72a), and any amendments thereto.

Contents; indexing.

Copy of notation.

Distribution of.

Charges for.

Vol. 42, p. 541; Vol. 47, p. 409.

U. S. C., p. 1933.

Definitions.

"Document."

"Federal agency"; "agency."

"Person."

Documents to be published.

SEC. 4. As used in this Act, unless the context otherwise requires, the term "document" means any Presidential proclamation or Executive order and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency; the terms "Federal agency" or "agency" mean the President of the United States, or any executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government; and the term "person" means any individual, partnership, association, or corporation.

SEC. 5. (a) There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by Act of the Congress: *Provided*, That for the purposes of this Act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.

*Proviso.* When penalty provisions prescribed.

Authorization to publish additional documents.

(b) In addition to the foregoing there shall also be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register.

News items; comments.

SEC. 6. There is established a permanent Administrative Committee of three members consisting of the Archivist or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Division shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this Act. Such regulations shall provide, among other things: (a) The manner of certification of copies required to be certified under section 2, which certification may be permitted to be based upon con-

Administrative Committee; composition.

Secretary. Regulations to be prescribed.

firmed communications from outside of the District of Columbia; (b) the documents which shall be authorized pursuant to section 5 (b) to be published in the Federal Register; (c) the manner and form in which the Federal Register shall be printed, reprinted, compiled, indexed, bound, and distributed; (d) the number of copies of the Federal Register, which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees of the United States, or any Federal agency for their official use, and the number which shall be available for distribution to the public; and (e) the prices to be charged for individual copies of, and subscriptions to, the Federal Register and reprints and bound volumes thereof.

Validity of documents

Filing and availability requirement.

Effect of publication.

Contents of Federal Register; to be judicially noticed; citation.

Notice of hearing under an Act of Congress.

Payments for Federal Register; deposit. Cost of printing, etc.

Appropriation available. *Post.*, pp. 1110, 1230.

Additional sums.

Vol. 48, p. 1122.

SEC. 7. No document required under section 5 (a) to be published in the Federal Register shall be valid as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the Division and a copy made available for public inspection as provided in section 2; and, unless otherwise specifically provided by statute, such filing of any document, required or authorized to be published under section 5, shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby. The publication in the Federal Register of any document shall create a rebuttable presumption (a) that it was duly issued, prescribed, or promulgated; (b) that it was duly filed with the Division and made available for public inspection at the day and hour stated in the printed notation; (c) that the copy contained in the Federal Register is a true copy of the original; and, (d) that all requirements of this Act and the regulations prescribed hereunder relative to such document have been complied with. The contents of the Federal Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number.

SEC. 8. Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by or under an Act of the Congress, or may otherwise properly be given, the notice shall be deemed to have been duly given to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law, if said notice shall be published in the Federal Register at such time that the period between the publication and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be (a) not less than the time specifically prescribed for the publication of the notice by the appropriate Act of the Congress; or (b) not less than fifteen days when no time for publication is specifically prescribed by the Act, without prejudice, however, to the effectiveness of any notice of less than fifteen days where such shorter period is reasonable.

SEC. 9. Every payment made for the Federal Register shall be covered into the Treasury as a miscellaneous receipt. The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and any other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this Act shall be borne by the appropriations to the Government Printing Office and such appropriations are hereby made available, and are authorized to be increased by such additional sums as are necessary for such purposes, such increases to be based upon estimates submitted by the Public Printer. The purposes for which appropriations are available and are authorized to be made under section 10 of the Act entitled "An Act to establish a National Archives

of the United States Government, and for other purposes" (48 Stat. 1122) are enlarged to cover the additional duties placed upon the National Archives Establishment by the provisions of this Act. Copies of the Federal Register mailed by the Government shall be entitled to the free use of the United States mails in the same manner as the official mail of the executive departments of the Government. The cost of mailing the Federal Register to officers and employees of Federal agencies in foreign countries shall be borne by the respective agencies.

Franking privilege.

Cost of mailing foreign.

Effective date of section 2; commencement of publication of Federal Register.

Proviso. Condition.

Validity of prior issued documents.

SEC. 10. The provisions of section 2 shall become effective sixty days after the date of approval of this Act and the publication of the Federal Register shall begin within three business days thereafter: *Provided*, That the appropriations involved have been increased as required by section 9 of this Act. The limitations upon the effectiveness of documents required, under section 5 (a), to be published in the Federal Register shall not be operative as to any document issued, prescribed, or promulgated prior to the date when such document is first required by this or subsequent Act of the Congress or by Executive order to be published in the Federal Register.

Compilation of documents to be filed by Federal agencies.

SEC. 11. Within six months after the approval of this Act each agency shall prepare and file with the committee a complete compilation of all documents which have been issued or promulgated prior to the date documents are required or authorized by this Act to be published in the Federal Register and which are still in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities. The committee shall within sixty days thereafter report with respect thereto to the President, who shall determine which of such documents have general applicability and legal effect, and shall authorize the publication thereof in a special or supplemental edition or issue of the Federal Register. Such special or supplemental editions or issues shall be distributed in the same manner as regular editions or issues, and shall be included in the bound volumes of the Federal Register as supplements thereto.

Report of Committee.

Publication of supplemental edition of Federal Register.

SEC. 12. Nothing in this Act shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

Documents excluded from provisions of Act.

SEC. 13. All Acts or parts of Acts in conflict with this Act are hereby repealed insofar as they conflict herewith.

Repeal of inconsistent Acts.

SEC. 14. This Act may be cited as the "Federal Register Act."

Short title.

Approved, July 26, 1935.

[CHAPTER 418.]

AN ACT

To authorize the Secretary of War to sell to the Eagle Pass and Piedras Negras Bridge Company a portion of the Eagle Pass Military Reservation, Texas, and for other purposes.

July 26, 1935.

[S. 2326.]

[Public, No. 221.]

*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 to sell and convey to the Eagle Pass and Piedras Negras Bridge Company, its successors and assigns, on terms and conditions to be prescribed by the Secretary of War the right, title and interest of the United States in that portion of the Eagle Pass Military Reservation, Texas, occupied by said company on which its improvements are located.

Eagle Pass Military Reservation, Tex. Sale of designated portion, authorized.

Disposal of remainder.

Vol. 44, p. 203.

Unsold portions may be included.

SEC. 2. That the Secretary of War is hereby further authorized to dispose of the remainder of said reservation in accordance with and under the applicable provisions and conditions of the Act approved March 12, 1926 (44 Stat. 203), and may also include in such disposition that portion of the reservation covered by section 1 of this Act, if the Eagle Pass and Piedras Negras Bridge Company shall not elect to acquire said portion or, having made such election, shall not consummate the purchase or accept tender of the deed and pay the consideration within such time as may be fixed by the Secretary of War.

Approved, July 26, 1935.

[CHAPTER 419.]

AN ACT

July 26, 1935.

[S. 1065.]

[Public, No. 222.]

To further extend the period of time during which final proof may be offered by homestead and desert land entrymen.

Homestead, etc., entrymen.

Time extended for offering final proof.

Vol. 48, p. 274, 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 Act entitled "An Act to extend the period of time during which final proof may be offered by homestead entrymen", approved May 13, 1932, as amended, is amended by striking out "December 31, 1934" and inserting in lieu thereof "December 31, 1935".

Approved, July 26, 1935.

[CHAPTER 420.]

AN ACT

July 26, 1935.

[S. 2065.]

[Public, No. 223.]

To amend the Hawaiian Homes Commission Act of 1920.

Hawaiian Homes Commission Act of 1920, amendments.

Vol. 42, p. 109.

Hawaiian Homes Commission. Members, officers, compensation. Removal.

Vol. 31, p. 156.

Residence and racial requirements.

Vacancies.

Chairman, executive officer, and other personnel.

Salaries, etc.

Terms of appointive members.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 202 of an Act entitled "Hawaiian Homes Commission Act of 1920", approved July 9, 1921, be amended to read as follows:

"COMMISSION; MEMBERS, OFFICERS, COMPENSATION.—(a) There is hereby established a Commission to be known as the 'Hawaiian Homes Commission', and to be composed of five members. The members shall be appointed by the Governor and may be removed in the manner provided by section 80 of the Act entitled 'An Act to provide a Government for the Territory of Hawaii' approved April 30, 1900. All of the members shall have been residents of the Territory of Hawaii at least three years prior to their appointment and at least three of the members shall be descendants of not less than one-fourth part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.

"(b) Any vacancy in the office of an appointed member shall be filled in the same manner and under the limitations of this Act.

"(c) One of the members shall be designated by the Governor as chairman. An executive officer and such clerical assistants as may be necessary shall be appointed by the Commission to serve at its pleasure. The executive officer shall receive an annual salary not to exceed \$6,000 and shall reside habitually at the major Hawaiian Homes Settlement. Clerical assistants shall be paid in accordance with territorial practice for such services. The members of the Commission shall serve without pay, but shall receive actual expenses incurred by them in the discharge of their duties as such members. Of the originally appointed members one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years. Their successors shall hold office for terms of



five years except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. A member may also be removed by the Governor for cause after due notice and public hearing."

SEC. 2. The Hawaiian Homes Commission Act of 1920 is further amended by adding a new section thereto to read as follows:

"SEC. 224. The Secretary of the Interior shall designate from his Department some one experienced in sanitation, rehabilitation, and reclamation work to reside in the Territory of Hawaii and cooperate with the Commission in carrying out its duties. The salary of such official so designated by the Secretary of the Interior shall be paid by the Hawaiian Homes Commission while he is carrying on his duties in the Territory of Hawaii, which salary, however, shall not exceed the sum of \$6,000 per annum."

Approved, July 26, 1935.

Vol. 42, p. 115,  
amended.

Detail of Interior  
Department expert.

[CHAPTER 421.]

AN ACT

To amend the Act entitled "An Act authorizing the Reconstruction Finance Corporation to make loans to nonprofit corporations for the repair of damages caused by floods or other catastrophes, and for other purposes", approved April 13, 1934.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first paragraph of the Act entitled "An Act authorizing the Reconstruction Finance Corporation to make loans to nonprofit corporations for the repair of damages caused by floods or other catastrophes, and for other purposes", approved April 13, 1934 (48 Stat. 589), is hereby amended by striking out the words "year 1933, and in the months of January and February 1934" and inserting in lieu thereof the words "years 1933, 1934, 1935, and 1936".

Approved, July 26, 1935.

July 26, 1935.

[S. 3289.]

[Public, No. 224.]

Emergency aid for  
flood, etc., damages.  
Benefits of Act for,  
extended.  
Vol. 48, p. 589; Post,  
p. 1232.

[CHAPTER 422.]

AN ACT

To promote the efficiency of national defense.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter the promotion list of the Regular Army and Philippine Scouts shall include all officers on the active list in the grades of second lieutenant to colonel, inclusive, except officers of the Medical Department, chaplains, and professors of the United States Military Academy; promotion-list colonels shall be placed immediately above the lieutenant colonels on the promotion list provided for in section 24a of the Act of June 4, 1920 (U. S. C., 10: 553, 41 Stat. 771), in the order of their standing on the relative rank list of colonels on the date of this Act; officers on the promotion list as above defined shall be known as promotion-list officers; all other officers, except general officers, shall be known as non-promotion-list officers: *Provided,* That nothing in this Act shall be so construed as to change the respective relative positions held by officers on the promotion list, hereinbefore prescribed, nor the method of determining the position of officers on that list as prescribed by the Act of June 4, 1920, as amended, except as hereinbefore provided.

All promotions provided for in this Act shall be subject to the examination prescribed by existing law.

July 31, 1935.

[S. 1404.]

[Public, No. 225.]

Regular Army and  
Philippine Scouts promotion lists.  
Officers included; exception.

Promotion-list colonels.  
Vol. 41, p. 771; U. S. C., p. 257.

Classification of officers.

*Proriso.*  
Relative positions to remain unchanged.

Examinations.

Authorized numbers of promotion-list officers.

SEC. 2. That from and after the effective date of this Act the authorized number of promotion-list officers in the grade of colonel shall be 6 per centum; the number of such officers in the grade of lieutenant colonel shall be 9 per centum; and the number of such officers in the grade of major shall be 25 per centum of the aggregate number of promotion-list officers authorized by law: *Provided*, That in making any computation under the provisions of this section whenever a final fraction of one-half or more occurs in the number of officers involved in any such computation the next higher whole number of officers shall be regarded as the authorized or required number thereof.

*Proviso.*  
Fractional numbers.

Vacancies filled from promotion-list officers.  
Vol. 41, p. 774.

SEC. 3. All vacancies, including original vacancies resulting from the operation of section 2 hereof, occurring on or after July 1, 1935, in the respective grades of colonel, lieutenant colonel, and major of promotion-list officers in the manner provided in section 24c of the said Act of June 4, 1920: *Provided*, That no promotion-list officer shall be promoted in time of peace under the provisions of this Act to the grade of colonel until he shall have completed twenty-six years' service; to the grade of lieutenant colonel until he shall have completed twenty years' service, or to the grade of major until he shall have completed fifteen years' service, the service to be counted for purposes of this proviso to be only active commissioned service of the same classes prescribed for promotion-list purposes in section 24a of the said Act of June 4, 1920; but this proviso shall not apply to lieutenant colonels and majors whose first appointments in the permanent service were in grades above those of captain and second lieutenant, respectively, or who were appointed to the Regular Army under the provisions of the first sentence of section 24 of the Act of June 3, 1916, as amended by the said Act of June 4, 1920, nor to captains whose first appointments in the permanent service were in a grade above second lieutenant, or whose present rank dates from July 1, 1920, or earlier. All officers promoted under the provisions of this paragraph shall take rank in the grade to which promoted according to the dates stated in their commissions in said grade; and when the dates of rank of two or more officers in said grade are the same, such officers shall take rank among themselves according to their standing on the promotion list.

*Proviso.*  
Promotion to grade of colonel; service requirement.

Other grades.

Vol. 41, p. 771.

Rank of promoted officers.

Captains and first lieutenants; numbers.

Lieutenants; automatic promotion; service requirements.

The number of promotion-list officers that shall be in the respective grades of captain and first lieutenant at any time after the effective date of this Act shall be such as results from the operation of the promotion system hereinafter in this paragraph prescribed. Promotion-list second lieutenants and first lieutenants shall be promoted to the respective grades of first lieutenant and captain immediately upon completing respectively three years' and ten years' commissioned service in the Regular Army, but not otherwise; and all such officers in the said grades of second lieutenant and first lieutenant, respectively, who shall have completed the said respective periods of service on or before the effective date of this Act shall be so promoted as of said date: *Provided*, That no officer shall be promoted, under the provisions of this paragraph, in advance of any officer in the same grade whose name appears above his on the promotion list.

*Proviso.*  
Order of promotion.

General line officers; chiefs, etc., of branches and nonpromotion list officers; appointment and promotion.

Veterinary Corps officers; chaplains.

SEC. 4. That general officers of the line, chiefs and assistant chiefs of branches, and all nonpromotion-list officers shall continue to be appointed and promoted as now authorized by law, except that officers of the Veterinary Corps of the Medical Department shall be promoted to, and chaplains shall be given the rank, pay, and allowances of the respective grades to and including that of colonel

upon completion of the same respective periods of service prescribed by law in force on June 30, 1935, for officers of the Medical Corps. From and after the effective date of this Act original appointments in the Veterinary Corps shall be made in the grade of first lieutenant from Reserve veterinary officers between the ages of twenty-three and thirty-two years, and officers serving in that Corps on the effective date of this Act in the grade of second lieutenant shall be promoted to the grade of first lieutenant as of said date.

SEC. 5. That any officer on the active list of the Regular Army or Philippine scouts who, on the effective date of this Act or at any time thereafter, shall have completed not less than fifteen nor more than twenty-nine years' service may upon his own application be retired, in the discretion of the President with annual pay equal to the product of  $2\frac{1}{2}$  per centum of his active duty annual pay at the time of his retirement, multiplied by a number equal to the years of his active service not in excess of twenty-nine years: *Provided*, That the number of years of service to be credited in computing the right to retirement and retirement pay under this section shall include all service now or hereafter credited for active duty pay purposes any fractional part of a year amounting to six months or more to be counted as a complete year: *And provided further*, That any officer of the Regular Army or Philippine scouts below the grade of major who served as a commissioned officer in the Army of the United States prior to November 12, 1918, and whose application for retirement under the provisions of this section has been approved by the President shall be retired in the grade of major with retired pay computed as hereinbefore provided as for a major with the same length of service: *And provided further*, That nothing in this Act shall operate to deprive any officer of the retired rank to which he is now entitled under the provisions of law: *And provided further*, That any officer originally appointed as of July 1, 1920, at an age greater than forty-five years, may if he so elects, in lieu of retired pay at the rate hereinbefore provided, receive retired pay at the rate of 4 per centum of active duty pay for each complete year of commissioned service in the United States Army, the total to be not more than 75 per centum: *And provided further*, That all officers retired under the provisions of this section shall be placed on the unlimited retired list.

SEC. 6. That nothing in this Act shall be deemed to apply to temporary advancements in rank of commissioned officers of the Air Corps as authorized in the Act of July 2, 1926 (U. S. C., Supp. III, 19:292a, 44 Stat. 780), and officers temporarily advanced in rank under the provisions of said Act shall be counted only in the grade in which they hold permanent commissions in computing the numbers in such grades.

SEC. 7. All existing law governing the termination of active service of officers shall continue in full force and effect, except as herein modified.

SEC. 8. This Act shall be effective the first of the month following the date of enactment of this Act, and all laws and parts of laws, insofar as they are inconsistent with or in conflict with any of the provisions hereof, are hereby repealed as of that date.

Approved, July 31, 1935.

Original appointments, Veterinary Corps.

Age and rank.

Retirement provisions; service requirement.

Pay.

*Provisos.* Computation of service.

Officers below grade of major, serving prior to November 12, 1918.

Rank of officers retired heretofore.

Retired pay of officers over forty-five years of age when appointed.

Placing on unlimited retired list.

Air Corps officers: temporary advancements. Vol. 44, p. 782; U. S. C., p. 242.

Existing law respecting termination of active service.

Effective date; inconsistent laws repealed.

## [CHAPTER 423.]

## AN ACT

To authorize the acquisition of land on McNeil Island.

August 2, 1935.

[S. 3059.]

[Public, No. 226.]

McNeil, etc., Islands,  
Wash.  
Acquisition of land.  
*Post*, p. 1120.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Attorney General is hereby authorized to acquire by condemnation proceedings all of that portion of McNeil Island which is not now owned by the United States, Gertrudis Island, and Pitt Island, all in the State of Washington, at a total cost of not to exceed \$300,000.

Approved, August 2, 1935.

## [CHAPTER 424.]

## AN ACT

To authorize the adjustment of the boundaries of the Chelan National Forest in the State of Washington.

August 2, 1935.

[H. R. 3061.]

[Public, No. 227.]

Chelan National For-  
est, Wash.  
Boundary adjust-  
ment.  
Vol. 42, p. 465.  
U. S. C., p. 660.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions of the Act of Congress approved March 20, 1922 (42 Stat. 465; U. S. C., title 16, sec. 485), be, and the same are hereby, extended and made applicable to any lands within four miles of the present boundaries of the Chelan National Forest. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Chelan National Forest and subject to all laws relating thereto. Any lands in public ownership lying within the area described in this Act and found to be valuable for national-forest purposes may, upon recommendation of the Secretaries of Agriculture and of the Interior, be added to the Chelan National Forest by proclamation of the President: *Provided, however*, That nothing contained herein shall affect prior valid existing claims or entries or prior existing withdrawals or reservations.

*Proviso.*  
Existing rights.

Approved, August 2, 1935.

## [CHAPTER 425.]

## AN ACT

To provide for the appointment of additional United States judges.

August 2, 1935.

[H. R. 5017.]

[Public, No. 228.]

United States courts.  
California Southern  
District.  
Additional judges for.  
U. S. C., p. 1241.

Ninth Judicial Cir-  
cuit, additional judge.  
U. S. C., p. 1267.  
Vacancy, filling of.

Vol. 42, p. 838.

Virginia Eastern Dis-  
trict.  
Additional judge for.  
U. S. C., p. 1255.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is hereby authorized to appoint, by and with the consent of the Senate, two additional judges of the District Court of the United States for the Southern District of California, who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judges of said district, and one additional judge of the Circuit Court of the United States for the Ninth Judicial Circuit, by and with the advice and consent of the Senate.

SEC. 2. In the event a vacancy occurs in the office of the district judge now senior in date of commission in said district, and who was appointed under the Act of September 14, 1922, such vacancy, and succeeding vacancies in the same office, shall be filled without further action by Congress.

SEC. 3. That the President of the United States be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Eastern District of Virginia.

Approved, August 2, 1935.

[CHAPTER 426.]

## AN ACT

To amend so much of the First Deficiency Appropriation Act, fiscal year 1921, approved March 1, 1921, as relates to the printing and distribution of a revised edition of Hinds' Parliamentary Precedents of the House of Representatives.

August 2, 1935.  
[H. R. 8297.]  
[Public, No. 229.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the First Deficiency Appropriation Act, fiscal year 1921 (41 Stat. 1181), approved March 1, 1921, as relates to the printing and distribution of a revised edition of Hinds' Parliamentary Precedents of the House of Representatives, is hereby amended to read as follows:

Hinds' Parliamentary Precedents of the House of Representatives.  
Printing and distribution.  
Vol. 41, p. 1181.  
Post, p. 571.  
Revision.

"That Hinds' Parliamentary Precedents of the House of Representatives of the United States shall be compiled, prepared, corrected, and revised up to and including the Seventy-third Congress, by Clarence Cannon, who shall also prepare a complete index digest of the work and supervise the printing thereof; and there shall be printed and bound two thousand five hundred sets thereof, which shall be delivered to the Superintendent of Documents for distribution as follows:

Distribution.

"To the offices of the Vice President and the Speaker of the House of Representatives, each, five sets;

"To the Washington office of each Senator, Representative, Delegate, and Resident Commissioner in the Seventy-fourth Congress, who makes written application therefor, one set;

"To the compiler of the revised precedents, one hundred sets;

"To the Parliamentarian of the House of Representatives, ten sets;

"To the Parliamentarian of the Senate, five sets;

"To the Secretary and Sergeant at Arms of the Senate, and the Clerk, Sergeant at Arms, and Doorkeeper of the House of Representatives, each, one set;

"To the offices of the superintendents of the Senate and House document rooms, each, one set;

"To the Library of Congress for international exchange and for official use in Washington, District of Columbia, not to exceed one hundred and fifty sets;

"To The National Archives, two sets;

"To each existing, or hereafter established, depository library that makes written application therefor, one set;

"To the library of each executive department, independent office, and establishment of the Government now in Washington, District of Columbia, or which may be hereafter created, and who make written application therefor, except those designated as depository libraries, and to the libraries of the municipal government of the District of Columbia, the Naval Observatory, and the Smithsonian Institution, each, one set; and

"To the library of each branch of the legislature of every State, Territory, and insular possession of the United States, one set.

"SEC. 2. There shall also be distributed for official use, and upon delivery shall become and remain the property of the United States Government and may not be removed from the offices hereinafter designated, not to exceed one hundred and twenty-five sets, which shall have legibly stamped on the front cover and back of each volume the name of the office to which each set is furnished, as follows:

Distribution for official use.

"To the office of each standing committee of the Senate and House of Representatives now in existence, or which may be hereafter created, one set;

“To the library of the Executive Office, two sets;

“To the offices of the Legislative Counsel of the Senate and House of Representatives, respectively, each, one set;

“To the library of the Senate, five sets;

“To the library of the House of Representatives, twenty-five sets;

“To the library of the Supreme Court of the United States, two sets; and

“To the offices of the Official Reporters of Debates of the Senate and House of Representatives, respectively, each, one set.

Remaining sets.

“SEC. 3. The remaining sets shall be distributed by the Superintendent of Documents, as may be authorized and directed by the Joint Committee on Printing; and, after the Seventy-fourth Congress and during each succeeding Congress until the residue is exhausted, the Superintendent of Documents shall furnish, only upon written application therefor, one set to each Senator, Representative, Delegate, and Resident Commissioner who previously had not received a set of this revised publication. The ‘usual number’ shall not be printed.

Sum authorized.  
*Post*, p. 571.

“SEC. 4. That the sum of not exceeding \$20,000 is hereby authorized to be appropriated to provide reimbursement for expenses incurred in connection with the revision of the precedents.”

Approved, August 2, 1935.

[CHAPTER 427.]

AN ACT

Granting a renewal of Patent Numbered 54296 relating to the badge of The American Legion.

August 2, 1935.  
[H. R. 4410.]  
[Public, No. 230.]

American Legion.  
Renewal of patent.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a certain design patent issued by the United States Patent Office of date of December 9, 1919, being Patent Numbered 54296, is hereby renewed and extended for a period of fourteen years from and after the date of approval of this Act, with all the rights and privileges pertaining to the same, being generally known as “the badge of The American Legion.”

Approved, August 2, 1935.

[CHAPTER 428.]

AN ACT

Granting a renewal of patent numbered 55398 relating to the badge of The American Legion Auxiliary.

August 2, 1935.  
[H. R. 4413.]  
[Public, No. 231.]

American Legion  
Auxiliary.  
Renewal of patent.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a certain design patent issued by the United States Patent Office of date June 1, 1920, being patent numbered 55398, is hereby renewed and extended for a period of fourteen years from and after the date of approval of this Act, with all the rights and privileges pertaining to the same, being generally known as “the badge of The American Legion Auxiliary.”

Approved, August 2, 1935.

[CHAPTER 429.]

## JOINT RESOLUTION

To provide for the observance and celebration of the one hundred and fiftieth anniversary of the adoption of the Ordinance of 1787 and the settlement of the Northwest Territory.

August 2, 1935.  
[H. J. Res. 208.]  
[Pub. Res., No. 41.]

Whereas the famous ordinance known as the "Ordinance of 1787", adopted by the Federal Congress for the government of the territory now embracing the States of Ohio, Indiana, Michigan, Illinois, Wisconsin, and part of Minnesota, and then known as the "Northwest Territory", was so far-reaching in its effects, making such a complete change in the method of governing new communities formed by colonization, that it will always rank as one of the greatest civil documents of all time; and

Anniversary of adoption of Ordinance of 1787 and settlement of Northwest Territory.  
Preamble.

Whereas the settlement of, and establishment of government in, the Northwest Territory in 1788 marked the beginning of the resistless march of the people of the United States from the eastern seaboard to the Pacific Ocean; and

Whereas the adoption of the Ordinance of 1787 followed by the settlement of the Northwest Territory under the system of government provided by such ordinance vitally shaped and determined the pattern of development of our Nation, its ideals, its Constitution, and its government; and

Whereas there is an indicative analogy between the national problems of one hundred and fifty years ago and those of the present day, making the study of the accomplishments of those early days of value to our people today; and

Whereas the one hundred and fiftieth anniversary of these two great focal events in American history occurs in 1937 and 1938: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby established a commission to be known as the "Northwest Territory Celebration Commission" (herein after referred to as the "Commission") and to be composed of fourteen commissioners as follows: The President of the United States; two Members of the Senate, one from each of the two major parties, to be appointed by the President of the Senate; two Members of the House of Representatives, one from each of the two major parties, to be appointed by the Speaker of the House of Representatives; the Regent of the State chapter of the Daughters of the American Revolution of each of the six States formed from the Northwest Territory, namely, Ohio, Indiana, Michigan, Illinois, Wisconsin, and Minnesota; and three individuals from private life, to be appointed by the President of the United States. The commissioners shall serve without compensation and shall select a chairman from among their number.

Northwest Territory  
Celebration Commission.  
Establishment.

SEC. 2. It shall be the duty of the Commission to prepare and carry out a comprehensive plan for the observance and celebration of the one hundred and fiftieth anniversary of the adoption of the Ordinance of 1787 and the settlement of the Northwest Territory. In the preparation of such plan, the Commission shall cooperate, insofar as is possible, with the several States and particularly with the States of Ohio, Indiana, Michigan, Illinois, Wisconsin, and Minnesota, and shall take such steps as may be necessary in the coordination and correlation of plans prepared by State commissions, by agencies appointed by the governors of the several States, and by representative civic organizations.

Duties.

Cooperation with  
States.

Appointment of personnel.  
U. S. C., p. 85.

Expenditures allowed.

Duration of Commission.

Sum authorized.  
*Post*, p. 1603.

SEC. 3. (a) Without regard to the civil-service laws or the Classification Act of 1923, as amended, the Commission is authorized to appoint and prescribe the duties and fix the compensation (not to exceed \$5,000 per annum) of a director and such other employees as are necessary in the execution of its functions.

(b) The Commission may make such expenditures as are necessary to carry out the intent and purposes of this resolution, including all necessary traveling expenses and subsistence expenses incurred by the commissioners.

(c) The Commission shall cease to exist within six months after the date of the expiration of the celebration.

SEC. 4. There is authorized to be appropriated the sum of \$100,000, or so much thereof as may be necessary to carry out the purposes of this joint resolution.

Approved, August 2, 1935.

[CHAPTER 430.]

JOINT RESOLUTION

August 2, 1935.  
[H. J. Res. 182.]  
[Pub. Res., No. 42.]

To provide for membership of the United States in the Pan American Institute of Geography and History; and to authorize the President to extend an invitation for the next general assembly of the Institute to meet in the United States in 1935, and to provide an appropriation for expenses thereof.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That to enable the United States to become a member of the Pan American Institute of Geography and History, there is hereby authorized to be appropriated annually the sum of \$10,000 for the payment of the quota of the United States.

SEC. 2. That the President be, and he is hereby, requested to extend to the Pan American Institute of Geography and History an invitation to hold the second general assembly of the Institute in the United States in the year 1935.

SEC. 3. That the sum of \$10,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of such a meeting, including personal services without reference to the Classification Act of 1923, as amended, in the District of Columbia and elsewhere; stenographic reporting and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 4, sec. 5<sup>1</sup>); rent, traveling expenses; purchase of necessary books and documents; newspapers and periodicals; stationery; official cards; printing and binding; entertainment; hire, maintenance, and operation of motor-propelled passenger vehicles; and such other expenses as may be actually and necessarily incurred by the Government of the United States by reason of such invitation in the observance of proper courtesies, to be expended under the direction of the Secretary of State.

Approved, August 2, 1935.

<sup>1</sup> So in original.

Pan American Institute of Geography and History.

Annual appropriation authorized for United States membership.  
*Post*, p. 1123.

Invitation to hold 1935 assembly in United States.

Appropriation authorized for expenses of meeting.  
*Post*, p. 1123.

U. S. C., p. 85.

U. S. C., p. 1803.



## [CHAPTER 431.]

## AN ACT

To amend the laws relating to proctors' and marshals' fees and bonds and stipulations in suits in admiralty.

August 3, 1935.  
[H. R. 29.]  
[Public, No. 232.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 824 of the Revised Statutes (U. S. C., title 28, sec. 572) is amended by adding after the first paragraph of such section the following new paragraph:

Judicial Code,  
amendments.  
U. S. C., p. 1290.

"On appeals in admiralty, where the amount involved is not over \$1,000 a proctor's docket fee of \$20; where the amount involved is from \$1,000 to \$5,000 a proctor's docket fee of \$50; where the amount involved is over \$5,000 a proctor's docket fee of \$100. On such appeals cost of brief of successful party to be taxed, where amount involved is not over \$1,000 at not exceeding \$25; where amount involved is between \$1,000 and \$5,000 at not exceeding \$50; where amount involved is over \$5,000 at not exceeding \$75."

Appeals in admiralty,  
proctor's docket fees.

SEC. 2. Section 829 of the Revised Statutes, as amended (U. S. C., title 28, sec. 574; Supp. VII, title 28, sec. 574), is amended by striking out of such section the paragraph which reads as follows:

U. S. C., p. 1290.

"When the debt or claim in admiralty is settled by the parties without a sale of the property, the marshal shall be entitled to a commission of 1 per centum on the first \$500 of the claim or decree, and one-half of 1 per centum on the excess of any sum thereof over \$500: *Provided*, That when the value of the property is less than the claim such commission shall be allowed only on the appraised value thereof." and inserting in lieu thereof the following:

Marshal's commission,  
provision repealed.

"In all cases in which the vessel or other property is sold by a public auctioneer or by some party other than the marshal or his deputy, the fee herein authorized to be paid to the marshal shall be reduced by the amount paid to said auctioneer or other party."

Marshal's fee reduced when sale by third party.

SEC. 3. Section 941 of the Revised Statutes, as amended (U. S. C., title 28, sec. 754), is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: "*Provided*, That the parties may stipulate the amount of the bond or stipulation for the release of a vessel or other property on libel in admiralty to be not more than the amount claimed in the libel, with interest, plus an allowance for libellant's costs: *Provided further*, That in the event of the inability or refusal of the parties to so stipulate the amount of the bond, the court shall fix the amount thereof, but if not so fixed then a bond shall be required in the amount hereinbefore prescribed in this section."

U. S. C., p. 1307.  
Delivery bond in admiralty proceedings.

*Provisos.*  
Amount of bond, etc.

Failure to stipulate.

Approved, August 3, 1935.

## [CHAPTER 432.]

## AN ACT

To amend the Act approved May 14, 1930, entitled "An Act to reorganize the administration of Federal prisons; to authorize the Attorney General to contract for the care of United States prisoners; to establish Federal jails; and for other purposes."

August 3, 1935.  
[H. R. 3430.]  
[Public, No. 233.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 9 of the Act approved May 14, 1930, chapter 274 (U. S. C., title 18, sec. 753h), be, and the same is hereby, amended to read as follows:

Prisons and prisoners.  
Vol. 46, p. 327; U. S. C., p. 785.

"SEC. 9. Any person committed to the custody of the Attorney General or his authorized representative, or who is confined in any penal or correctional institution pursuant to the direction of the Attorney General, or who is in custody by virtue of any process

Escapes or attempts to escape; penalties.

When confined on charge of felony.

Of misdemeanor.

Sentence imposed to be additional.

When to begin.

issued under the laws of the United States by any court, judge, or commissioner, or who is in custody of an officer of the United States pursuant to lawful arrest, who escapes or attempts to escape from such custody or institution, shall be guilty of an offense. If the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense whatsoever, the offense of escaping or attempting to escape therefrom shall constitute a felony and any person convicted thereof shall be punished by imprisonment for not more than five years or by a fine of not more than \$5,000, or both; and if the custody or confinement is by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction, the offense of escaping or attempting to escape therefrom shall constitute a misdemeanor and any person convicted thereof shall be punished by imprisonment for not more than one year or by a fine of not more than \$1,000, or both. The sentence imposed hereunder shall be in addition to and independent of any sentence imposed in the case in connection with which such person is held in custody at the time of such escape or attempt to escape. If such person be under sentence at the time of such offense, the sentence imposed hereunder shall begin upon the expiration of, or upon legal release from, any sentence under which such person is held at the time of such escape or attempt to escape."

Approved, August 3, 1935.

[CHAPTER 433.]

AN ACT

To amend the Act of June 27, 1930 (ch. 634, 46 Stat. 820).

August 3, 1935.  
[H. R. 7050.]  
[Public, No. 234.]

United States Courts.  
Pennsylvania Eastern District.  
Vol. 43, p. 820; U. S. C., p. 1251.

Terms of court.

Proviso.  
Return of writs, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of June 27, 1930 entitled "An Act to provide for terms of the United States District Court for the Eastern District of Pennsylvania" (ch. 634, 46 Stat. 820) is amended to read as follows:

"Terms of the United States District Court for the Eastern Judicial District of Pennsylvania shall be held at Easton, Pennsylvania, on the first Tuesdays in June and November of each year: *Provided, however,* That all writs, precepts, and processes shall be returnable to the terms at Philadelphia and all court papers shall be kept in the clerk's office at Philadelphia unless otherwise specially ordered by the court, and the terms at Philadelphia shall not be terminated or affected by the terms herein provided for at Easton."

Approved, August 3, 1935.

[CHAPTER 434.]

AN ACT

To authorize the incorporated city of Anchorage, Alaska, to construct a municipal building and purchase and install a modern telephone exchange, and for such purposes to issue bonds in any sum not exceeding \$75,000; and to authorize said city to accept grants of money to aid it in financing any public works.

August 3, 1935.  
[H. R. 7882.]  
[Public, No. 235.]

Anchorage, Alaska.  
Bond issue; purposes; aggregate amount.

Special election.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the incorporated city of Anchorage, Territory of Alaska, is hereby authorized and empowered to construct a municipal building and purchase and install a modern telephone exchange, and for such purposes to issue bonds in any amount not exceeding the sum of \$75,000.

SEC. 2. Before said bonds shall be issued a special election shall be ordered by the common council of the said city of Anchorage, Alaska, at which election the question of whether such bonds shall

be issued in the amount above specified for the purpose hereinbefore set forth shall be submitted to the qualified electors of said city of Anchorage, Alaska, whose names appear on the last assessment roll of said city for purposes of municipal taxation. The form of the ballot shall be such that the electors may vote for or against the issuance of bonds for the purposes herein specified up to the amount herein authorized. Not less than twenty days' notice of such election shall be given to the public by posting notices of same in three conspicuous places within the corporate limits of the city of Anchorage, Alaska, one of which shall be at the front door of the United States post office at Anchorage, Alaska. The election notice shall specifically state the amount of bonds proposed to be issued for the purpose herein specified. The registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality; and such bonds shall be issued for the purposes herein authorized only upon condition that not less than a majority of the votes cast at such election in said municipality shall be in favor of the issuance of said bonds for such purpose.

SEC. 3. The bonds herein authorized shall be coupon in form and shall mature in not to exceed thirty years from the date thereof. Such bonds may bear such date or dates, may be in such denomination or denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable in such medium of payment and at such place or places, may be sold at either public or private sale, may be nonredeemable or redeemable (either with or without premium), and may carry such registration privileges as to either principal and interest, or principal only, as shall be prescribed by the common council of said city of Anchorage. The bonds shall bear the signatures of the mayor and of the clerk of the city of Anchorage, and shall have impressed thereon the official seal of said municipality. The coupons to be annexed to such bonds shall bear the facsimile signatures of the mayor and of the clerk of said municipality. In case any of the officers whose signatures or countersignatures appear on the bonds shall cease to be such officers before delivery of such bonds, said signatures or countersignatures, whether manual or facsimile, shall nevertheless be valid and sufficient for all purposes, the same as if said officers had remained in office until such delivery. Said bonds shall bear interest at a rate to be fixed by the common council of the city of Anchorage, not to exceed, however, 6 per centum per annum, payable semi-annually, and said bonds shall be sold at not less than the principal amount plus accrued interest.

SEC. 4. The bonds herein authorized to be issued shall be general obligations of the city of Anchorage, Territory of Alaska, payable as to both interest and principal from ad valorem taxes which shall be levied upon all of the taxable property within the corporate limits of such municipality in an amount sufficient to pay the interest on and the principal of such bonds as and when the same become due and payable.

SEC. 5. No part of the funds arising from the sale of said bonds shall be used for any purpose or purposes other than those specified in this Act. Said bonds shall be sold only when and in such amounts as the common council of the city of Anchorage shall direct; and the proceeds thereof shall be distributed only for the purposes hereinbefore mentioned and under the orders and direction of said common council from time to time as such proceeds may be required for said purposes.

Ballot.

Notice.

Statement in.

Registration for election; canvass of returns.

Bonds; form; maturity date.

Denominations.

Registration privileges.

Signatures.

Coupons.

Validity of signatures.

Bonds; interest rate.

Issue; payment.

Funds from sale of; restriction on other uses.

Contracts for sale of  
bonds.

SEC. 6. The city of Anchorage is hereby authorized to enter into contracts with the United States of America or any agency or instrumentality thereof under the provisions of the National Industrial Recovery Act and Acts amendatory thereof and Acts supplemental thereto, and revisions thereof, and the regulations made in pursuance thereof, and under any further Acts of the Congress of the United States to encourage public works, for the relief of unemployment, or for any other public purpose, including the Emergency Relief Appropriation Act of 1935, for the sale of bonds issued in accordance with the provisions of this Act, or for the acceptance of a grant of money to aid said municipality in financing any public works; or to enter into contracts with any persons or corporations, public or private, for the sale of such bonds; and such contracts may contain such terms and conditions as may be agreed upon by and between the common council of said city of Anchorage and the United States of America or any agency or instrumentality thereof, or any such purchaser.

Terms and condi-  
tions.

SEC. 7. This Act shall take effect immediately.

Approved, August 3, 1935.

[CHAPTER 435.]

AN ACT

August 3, 1935.  
[H. R. 8209.]  
[Public, No. 236.]

Temporarily to exempt refunding bonds of the Government of Puerto Rico from the limitation of public indebtedness under the Organic Act.

Puerto Rico; bonds.  
Exemption from in-  
clusion in computing  
public indebtedness.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any bonds or other obligations of Puerto Rico hereafter issued for the purpose of retiring previously outstanding bonds or obligations shall not be included in computing the public indebtedness of Puerto Rico under section 3 of the Organic Act approved March 2, 1917, as amended, until six months after their issue.

Vol. 39, p. 953.  
U. S. C., p. 2163.

Approved, August 3, 1935.

[CHAPTER 436.]

AN ACT

August 3, 1935.  
[H. R. 8270.]  
[Public, No. 237.]

To enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes.

Hawaii.  
Authority of Legis-  
lature to permit bond  
issues.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Legislature of the Territory of Hawaii may cause to be issued on behalf of the Territory and may authorize any political or municipal corporation or subdivision of the Territory (including the board of water supply of the city and county of Honolulu, and the board of harbor commissioners) to issue of its own behalf bonds and other obligations payable solely from the revenues derived from a public improvement or public undertaking (which revenues may include transfers by agreement or otherwise from the regular funds of the issuer in respect of the use by it of the facilities afforded by such improvement or undertaking). The issuance of such revenue bonds shall not constitute the incurrence of an indebtedness within the meaning of the Hawaiian Organic Act, and shall not require the approval of the President of the United States.

Confirmation of prior  
acts authorizing issues.

All Acts of the Legislature of Hawaii heretofore authorizing the issuance of revenue bonds on behalf of the Territory or by any political or municipal corporation or subdivision thereof are hereby confirmed and ratified.

SEC. 2. That the Territory of Hawaii, any provision of the Hawaiian Organic Act or of any Act of this Congress to the contrary notwithstanding, is authorized and empowered to issue bonds in the sum of not to exceed \$4,803,000 of the character and in the manner provided in that certain act of the legislature of said Territory, enacted at its regular session of 1935, entitled "An Act to provide for public improvements and for the securing of Federal funds for expenditure in connection with funds hereby appropriated for such improvements."

Special bond issue authorized.

Such bonds may be either term or serial bonds, maturing, in the case of the term bonds, not later than thirty years from the date of issue thereof, and, in the case of the serial bonds, payable in substantially equal annual installments, the first installment to mature not later than five years and the last installment to mature not later than thirty years, from the date of such issue. And said act of said legislature is hereby ratified and confirmed, subject to the provisions of this Act: *Provided, however,* That nothing herein contained shall be deemed to prohibit the said act of said Territory by the legislature thereof from time to time to provide for changes in the improvements authorized by said act or for the disposition of unexpended moneys appropriated by said act, and that said bonds may be issued without the approval of the President of the United States.

Character of bonds.

Proviso. Improvements.

Effective date.

SEC. 3. This Act shall take effect immediately.

Approved, August 3, 1935.

[CHAPTER 438.]

AN ACT

To protect the revenue of the United States and provide measures for the more effective enforcement of the laws respecting the revenue, to prevent smuggling, to authorize customs-enforcement areas, and for other purposes.

August 5, 1935.  
[H. R. 7980.]  
[Public, No. 238.]

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

TITLE I

SECTION 1. (a) Whenever the President finds and declares that at any place or within any area on the high seas adjacent to but outside customs waters any vessel or vessels hover or are being kept off the coast of the United States and that, by virtue of the presence of any such vessel or vessels at such place or within such area, the unlawful introduction or removal into or from the United States of any merchandise or person is being or may be occasioned, promoted, or threatened, the place or area so found and declared shall constitute a customs-enforcement area for the purposes of this Act. Only such waters on the high seas shall be within a customs-enforcement area as the President finds and declares are in such proximity to such vessel or vessels that such unlawful introduction or removal of merchandise or persons may be carried on by or to or from such vessel or vessels. No customs-enforcement area shall include any waters more than one hundred nautical miles from the place or immediate area where the President declares such vessel or vessels are hovering or are being kept and, notwithstanding the foregoing provision, shall not include any waters more than fifty nautical miles outwards from the outer limit of customs waters. Whenever the President finds that, within any customs-enforcement area, the circumstances no longer exist which gave rise to the declaration of such area as a customs-enforcement area, he shall so declare, and thereafter, and until a further finding and declaration is made under

Anti-Smuggling Act. Customs enforcement areas; establishment authorized.

Geographical limitations.

Termination of area; when.

this subsection with respect to waters within such area, no waters within such area shall constitute a part of such customs-enforcement area. The provisions of law applying to the high seas adjacent to customs waters of the United States shall be enforced in a customs-enforcement area upon any vessel, merchandise, or person found therein.

Enforcement provisions.

(b) At any place within a customs-enforcement area the several officers of the customs may go on board of any vessel and examine the vessel and any merchandise or person on board, and bring the same into port, and, subject to regulations of the Secretary of the Treasury, it shall be their duty to pursue and seize or arrest and otherwise enforce upon such vessel, merchandise, or person, the provisions of law which are made effective thereto in pursuance of subsection (a) in the same manner as such officers are or may be authorized or required to do in like case at any place in the United States by virtue of any law respecting the revenue: *Provided*, That nothing contained in this section or in any other provision of law respecting the revenue shall be construed to authorize or to require any officer of the United States to enforce any law thereof upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government: *Provided further*, That none of the provisions of this Act shall be construed to relieve the Secretary of Commerce of any authority, responsibility, or jurisdiction now vested in or imposed on that officer.

Provisos.  
Treaty vessels.

Jurisdiction of Secretary of Commerce.

Owner of United States vessel violating foreign smuggling laws.

When penalty provided for violating customs revenue laws of United States.

Punishment for.

Vessels chartered with knowledge of lessee's intent to violate provisions.

Seizure and forfeiture of vessel and cargo; United States vessels.

SEC. 2. (a) Any person owning in whole or in part any vessel of the United States who employs, or participates in, or allows the employment of, such vessel for the purpose of smuggling, or attempting to smuggle, or assisting in smuggling, any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, and any citizen of, or person domiciled in, or any corporation incorporated in, the United States, controlling or substantially participating in the control of any such vessel, directly or indirectly, whether through ownership of corporate shares or otherwise, and allowing the employment of said vessel for any such purpose, and any person found, or discovered to have been, on board of any such vessel so employed and participating or assisting in any such purpose, shall be liable to a fine of not more than \$5,000 or to imprisonment for not more than two years, or to both such fine and imprisonment.

(b) It shall constitute an offense under this section to hire out or charter a vessel if the lessor or charterer has knowledge that, or if such vessel is leased or chartered under circumstances which would give rise to a reasonable belief that, the lessee or person chartering the vessel intends to employ such vessel for any of the purposes described in subsection (a) and if such vessel is, during the time such lease or charter is in effect, employed for any such purpose.

SEC. 3. (a) Whenever any vessel which shall have been built, purchased, fitted out in whole or in part, or held, in the United States or elsewhere, for the purpose of being employed to defraud the revenue or to smuggle any merchandise into the United States, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for viola-

tion of the laws of the United States respecting the customs revenue, or whenever any vessel which shall be found, or discovered to have been, employed, or attempted to be employed, within the United States for any such purpose, or in anywise in assistance thereof, or whenever any vessel of the United States which shall be found, or discovered to have been, employed, or attempted to be employed at any place, for any such purpose, or in anywise in assistance thereof, if not subsequently forfeited to the United States or to a foreign government, is found at any place at which any such vessel may be examined by an officer of the customs in the enforcement of any law respecting the revenue, the said vessel and its cargo shall be seized and forfeited.

(b) Every vessel which is documented, owned, or controlled in the United States, and every vessel of foreign registry which is, directly or indirectly, substantially owned or controlled by any citizen of, or corporation incorporated, owned, or controlled in, the United States, shall, for the purposes of this section, be deemed a vessel of the United States.

Vessels owned or controlled in United States.

(c) For the purposes of this section, the fact that a vessel has become subject to pursuit as provided in section 581 of the Tariff Act of 1930, as amended, or is a hovering vessel, or that a vessel fails, at any place within the customs waters of the United States or within a customs-enforcement area, to display lights as required by law, shall be prima facie evidence that such vessel is being, or has been, or is attempted to be employed to defraud the revenue of the United States.

Vessels suspected of smuggling activities; presumption arising. Vol. 46, p. 747.

SEC. 4. Subject to appeal to the Secretary of Commerce and under such regulations as he may prescribe, whenever the collector of customs of the district in which any vessel is, or is sought to be, registered, enrolled, licensed, or numbered, is shown upon evidence which he deems sufficient that such vessel is being, or is intended to be, employed to smuggle, transport, or otherwise assist in the unlawful introduction or importation into the United States of any merchandise or person, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, or whenever, from the design or fittings of any vessel or the nature of any repairs made thereon, it is apparent to such collector that such vessel has been built or adapted for the purpose of smuggling merchandise, the said collector shall revoke the registry, enrollment, license, or number of said vessel or refuse the same if application be made therefor, as the case may be. Such collector and all persons acting by or under his direction shall be indemnified from any penalties or actions for damages for carrying out the provisions of this section.

Documentation of suspected vessels; refusal; appeal.

Indemnification.

SEC. 5. Any vessel or vehicle forfeited to the United States, whether summarily or by a decree of any court, for violation of any law respecting the revenue, may, in the discretion of the Secretary of the Treasury, if he deems it necessary to protect the revenue of the United States, be destroyed in lieu of the sale thereof under existing law.

Forfeited vessels; destruction.

SEC. 6. Except into the districts adjoining to the Dominion of Canada, or into the districts adjacent to Mexico, no merchandise of foreign growth or manufacture subject to the payment of duties shall be brought into the United States from any foreign port or place, or from any hovering vessel, in any vessel of less than thirty net tons burden without special license granted by the Secretary of the Treasury under such conditions as he may prescribe, nor in any

Vessels of less than thirty net tons burden; importations on, prohibited; exceptions.

other manner than by sea, except by aircraft duly licensed in accordance with law, or landed or unladen at any other port than is directed by law, under the penalty of seizure and forfeiture of all such unlicensed vessels or aircraft and of the merchandise imported therein, landed or unladen in any manner. Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found upon any such vessel or aircraft, shall be prima facie evidence of the foreign origin of such merchandise.

Liquor importations; certificate to accompany.

Issue of.

Seizure and forfeiture when imported without certificate.

Liquor in transit to foreign port; bond.

*Proviso.*  
Erroneous certificate.

Effective date of section.

Liability of master.

Penalty provisions.

SEC. 7. In addition to any other requirement of law, every vessel, not exceeding five hundred net tons, from a foreign port or place, or which has visited a hovering vessel, shall carry a certificate for the importation into the United States of any spirits, wines, or other alcoholic liquors on board thereof (sea stores excepted), destined to the United States, said certificate to be issued by a consular officer of the United States or other authorized person pursuant to such regulations as the Secretary of State and the Secretary of the Treasury may jointly prescribe. Any spirits, wines, or other alcoholic liquors (sea stores excepted) found, or discovered to have been, upon any such vessel at any place in the United States, or within the customs waters, without said certificate on board, which are not shown to have a bona fide destination without the United States, shall be seized and forfeited and, in the case of any such merchandise so destined to a foreign port or place, a bond shall be required in double the amount of the duties to which such merchandise would be subject if imported into the United States, conditioned upon the delivery of said merchandise at such foreign port or place as may be certified by a consular officer of the United States or otherwise as provided in said regulations: *Provided*, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred nor shall such bond be required. This section shall take effect on the sixtieth day following the enactment of this Act.

SEC. 8. (a) If the master of any vessel of the United States, not exceeding five hundred net tons, allows such vessel to be laden at any foreign port or other place without the United States with any merchandise destined to the United States and consisting of any spirits, wines, or other alcoholic liquors (sea stores excepted), which facts may be evidenced by the testimony or depositions of foreign administrative officials or certified copies of their records or by other sufficient evidence, without certificate issued for the importation of such merchandise into the United States as required by section 7, the master of such vessel shall, in addition to any other penalties provided by law, be liable to a penalty equal to the value of the said merchandise but not less than \$1,000 and such vessel and such merchandise shall be seized and forfeited.

(b) Whoever, being a citizen of the United States or a master or a member of the crew of a vessel of the United States, if such vessel does not exceed five hundred net tons, shall, with intent to defraud the revenue of the United States, procure, or aid or assist in procuring, any merchandise destined to the United States and consisting of any spirits, wines, or other alcoholic liquors, without certificate issued for the importation thereof into the United States as required by section 7, to be laden upon such vessel at any foreign port or other place without the United States, which facts may be evidenced by the testimony or depositions of foreign administrative officials or certified copies of their records or by other sufficient evi-



dence, shall, in addition to any other penalties provided by law, be liable to a fine of not more than \$1,000 or to imprisonment for not more than two years, or to both such fine and imprisonment.

TITLE II

SECTION 201. Section 401 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1401) is amended by adding at the end thereof the following new paragraphs:

Tariff Act of 1930, amendment. Vol. 46, p. 708; U. S. C., p. 879. Definitions. "Officer of the customs."

"(l) OFFICER OF THE CUSTOMS.—The term 'officer of the customs' means any officer of the Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or agent or other person authorized by law or by the Secretary of the Treasury, or appointed in writing by a collector, to perform the duties of an officer of the Customs Service.

"Customs waters."

"(m) CUSTOMS WATERS.—The term 'customs waters' means, in the case of a foreign vessel subject to a treaty or other arrangement between a foreign government and the United States enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States, the waters within such distance of the coast of the United States as the said authorities are or may be so enabled or permitted by such treaty or arrangement and, in the case of every other vessel, the waters within four leagues of the coast of the United States.

"Hovering vessel."

"(n) HOVERING VESSEL.—The term 'hovering vessel' means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws respecting the revenue.

Vol. 46, pp. 710, 714, 749.

"For the purposes of sections 432, 433, 434, 448, 585, and 586 of this Act, any vessel which has visited any hovering vessel shall be deemed to arrive or have arrived, as the case may be, from a foreign port or place."

SEC. 202. Section 436 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1436) is amended by omitting the period at the end thereof and adding the following: "and, if the vessel have, or be discovered to have had, on board any merchandise (sea stores excepted), the importation of which into the United States is prohibited, or any spirits, wines, or other alcoholic liquors, such master shall be subject to an additional fine of not more than \$2,000 or to imprisonment for not more than one year, or to both such fine and imprisonment.

Liability of master; additional penalties. Vol. 46, p. 711; U. S. C., p. 881. Vessel having on board prohibited merchandise.

"Every master who presents a forged, altered, or false document or paper on making entry of a vessel as required by section 434 or 435 of this Act, knowing the same to be forged, altered, or false and without revealing the fact, shall, in addition to any forfeiture to which in consequence the vessel may be subject, be liable to a fine of not more than \$5,000 nor less than \$50 or to imprisonment for not more than two years, or to both such fine and imprisonment."

Master presenting false document.

Enforcement provisions.

SEC. 203 (a) Section 581 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1581) is amended to read as follows:

Vol. 46, p. 747; U. S. C., p. 896.

"SEC. 581. BOARDING VESSELS

"(a) Any officer of the customs may at any time go on board of any vessel or vehicle at any place in the United States or within the customs waters or, as he may be authorized, within a customs-enforcement area established under the Anti-Smuggling Act, or at

Boarding vessels. Authority of customs officers.

any other authorized place, without as well as within his district, and examine the manifest and other documents and papers and examine, inspect, and search the vessel or vehicle and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel or vehicle, and use all necessary force to compel compliance.

Of officers of Commerce Department.

“(b) Officers of the Department of Commerce and other persons authorized by such department may go on board of any vessel at any place in the United States or within the customs waters and hail, stop, and board such vessel in the enforcement of the navigation laws and arrest or, in case of escape or attempted escape, pursue and arrest any person engaged in the breach or violation of the navigation laws.

Presentation of false document by master of vessel being examined.

“(c) Any master of a vessel being examined as herein provided, who presents any forged, altered, or false document or paper to the examining officer, knowing the same to be forged, altered, or false and without revealing the fact shall, in addition to any forfeiture to which in consequence the vessel may be subject, be liable to a fine of not more than \$5,000 nor less than \$500.

Penalties.

Vessel failing to comply with stop signal; pursuit.

“(d) Any vessel or vehicle which, at any authorized place, is required to come to a stop by any officer of the customs, or is required to come to a stop by signal made by any vessel employed in the service of the customs displaying the ensign and pennant prescribed for such vessel by the President, shall come to a stop, and upon failure to comply, a vessel so required to come to a stop shall become subject to pursuit and the master thereof shall be liable to a fine of not more than \$5,000 nor less than \$1,000. It shall be the duty of the several officers of the customs to pursue any vessel which may become subject to pursuit, and to board and examine the same, and to examine any person or merchandise on board, without as well as within their respective districts and at any place upon the high seas or, if permitted by the appropriate foreign authority, elsewhere where the vessel may be pursued as well as at any other authorized place.

Penalty.

Duty of customs officers to pursue.

Seizure of vessels; arrests.

“(e) If upon the examination of any vessel or vehicle it shall appear that a breach of the laws of the United States is being or has been committed so as to render such vessel or vehicle, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel or vehicle, liable to forfeiture or to secure any fine or penalty, the same shall be seized and any person who has engaged in such breach shall be arrested.

When revenue laws violated.

“(f) It shall be the duty of the several officers of the customs to seize and secure any vessel, vehicle, or merchandise which shall become liable to seizure, and to arrest any person who shall become liable to arrest, by virtue of any law respecting the revenue, as well without as within their respective districts, and to use all necessary force to seize or arrest the same.

Vessels outside customs waters unlawfully introducing merchandise; boarding, etc.

“(g) Any vessel, within or without the customs waters, from which any merchandise is being, or has been, unlawfully introduced into the United States by means of any boat belonging to, or owned, controlled, or managed in common with, said vessel, shall be deemed to be employed within the United States and, as such, subject to the provisions of this section.

Treaty vessels; jurisdiction over.

“(h) The provisions of this section shall not be construed to authorize or require any officer of the United States to enforce any law of the United States upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine,

search, seize, or otherwise to enforce upon said vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government."

(b) Section 3072 of the Revised Statutes (U. S. C., title 19, sec. 506) is hereby repealed.

SEC. 204. (a) The last paragraph of section 584 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1584) is amended to read as follows:

"If any of such merchandise so found consists of heroin, morphine, or cocaine, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of \$50 for each ounce thereof so found. If any of such merchandise so found consists of smoking opium or opium prepared for smoking, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of \$25 for each ounce thereof so found. If any of such merchandise so found consists of crude opium, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of \$10 for each ounce thereof so found. Such penalties shall, notwithstanding the proviso in section 594 of this Act (relating to the immunity of vessels or vehicles used as common carriers), constitute a lien upon such vessel which may be enforced by a libel in rem; except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalties and the vessel shall not be held subject to the lien, if it appears to the satisfaction of the court that neither the master nor any of the officers (including licensed and unlicensed officers and petty officers) nor the owner of the vessel knew, and could not, by the exercise of the highest degree of care and diligence, have known, that such narcotic drugs were on board. Clearance of any such vessel may be withheld until such penalties are paid or until a bond, satisfactory to the collector, is given for the payment thereof. The provisions of this paragraph shall not prevent the forfeiture of any such vessel or vehicle under any other provision of law."

(b) Section 584 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1584) is amended by adding at the end thereof the following new paragraph:

"If any of such merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors for the importation of which into the United States a certificate is required under section 7 of the Anti-Smuggling Act and the required certificate be not shown, be so found upon any vessel not exceeding five hundred net tons, the vessel shall, in addition to any other penalties herein or by law provided, be seized and forfeited, and, if any manifested merchandise (sea stores excepted) consisting of any such spirits, wines, or other alcoholic liquors be found upon any such vessel and the required certificate be not shown, the master of the vessel shall be liable to the penalty herein provided in the case of merchandise not duly manifested: *Provided*, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred."

Seizures.  
R. S., sec. 3072, p. 590; U. S. C., p. 822.

Vol. 46, p. 748; U. S. C., p. 897.  
Falsity or lack of manifest.

Unmanifested narcotics importation.  
Penalty for.

Penalties to constitute lien on vessel; enforcement.  
Vol. 46, p. 751.

Exception; master of vessel used as common carrier.

Withholding clearance of vessels.

Vol. 46, p. 748; U. S. C., p. 897.

Vessels having prohibited merchandise or undocumented liquors on board.

Seizure and forfeiture.

Liability of master.

Proviso.  
Lost or erroneous certificate.

Vol. 46, p. 749; U. S. C., p. 897.

SEC. 205. Section 586 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1586) is amended to read as follows:

Unlawful unloading or transshipment.

Liability of master; unlawful unloading within customs waters.

Penalty provision.

Upon the high seas adjacent to customs waters for transshipment.

Penalty provision.

Transshipment of prohibited cargoes on high seas to United States vessel.

Penalty provision.

Liability of vessel, etc., receiving prohibited transhipped cargo.

Of persons assisting in transshipment.

Exempt cargoes; no-tification required.

**“ SEC. 586. UNLAWFUL UNLOADING OR TRANSSHIPMENT**

“(a) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores) to be unladen from such vessel at any time after its arrival within the customs waters and before such vessel has come to the proper place for the discharge of such merchandise, and before he has received a permit to unlade, shall be liable to a penalty equal to twice the value of the merchandise but not less than \$1,000, and such vessel and its cargo and the merchandise so unladen shall be seized and forfeited.

“(b) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, to be unladen from his vessel at any place upon the high seas adjacent to the customs waters of the United States to be transhipped to or placed in or received on any vessel of any description, with knowledge, or under circumstances indicating the purpose to render it possible, that such merchandise, or any part thereof, may be introduced, or attempted to be introduced, into the United States in violation of law, shall be liable to a penalty equal to twice the value of the merchandise but not less than \$1,000, and the vessel from which the merchandise is so unladen, and its cargo and such merchandise, shall be seized and forfeited.

“(c) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores) destined to the United States, the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, to be unladen, without permit to unlade, at any place upon the high seas adjacent to the customs waters of the United States, to be transhipped to or placed in or received on any vessel of the United States or any other vessel which is owned by any person a citizen of, or domiciled in, the United States, or any corporation incorporated in the United States, shall be liable to a penalty equal to twice the value of the merchandise but not less than \$1,000, and the vessel from which the merchandise is so unladen, and its cargo and such merchandise, shall be seized and forfeited.

“(d) If any merchandise (including sea stores) unladen in violation of the provisions of this section is transhipped to or placed in or received on any other vessel, the master of the vessel on which such merchandise is placed, and any person aiding or assisting therein, shall be liable to a penalty equal to twice the value of the merchandise, but not less than \$1,000, and such vessel, and its cargo and such merchandise, shall be seized and forfeited.

“(e) Whoever, at any place, if a citizen of the United States, or at any place in the United States or within one league of the coast of the United States, if a foreign national, shall engage or aid or assist in any unloading or transshipment of any merchandise in consequence of which any vessel becomes subject to forfeiture under the provisions of this section shall, in addition to any other penalties provided by law, be liable to imprisonment for not more than two years.

“(f) Whenever any part of the cargo or stores of a vessel has been unladen or transhipped because of accident, stress of weather, or other necessity, the master of such vessel and the master of any vessel to which such cargo or stores has been transhipped shall, as soon as possible thereafter, notify the collector of the district within which such unloading or transshipment has occurred, or the

collector within the district at which such vessel shall first arrive thereafter, and shall furnish proof that such unloading or transshipment was made necessary by accident, stress of weather, or other unavoidable cause, and if the collector is satisfied that the unloading or transshipment was in fact due to accident, stress of weather, or other necessity, the penalties described in this section shall not be incurred."

SEC. 206. Section 587 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1587) is amended to read as follows:

Vol. 46, p. 749; U. S. C., p. 897.

**"SEC. 587. EXAMINATION OF HOVERING VESSELS**

"(a) Any hovering vessel, or any vessel which fails (except for unavoidable cause), at any place within the customs waters or within a customs-enforcement area established under the Anti-Smuggling Act, to display lights as required by law, or which has become subject to pursuit as provided in section 581 of this Act, or which, being a foreign vessel to which subsection (h) of said section 581 applies, is permitted by special arrangement with a foreign government to be so examined without the customs waters of the United States, may at any time be boarded and examined by any officer of the customs, and the provisions of said section 581 shall apply thereto, as well without as within his district, and in examining the same, any such officer may also examine the master upon oath respecting the cargo and voyage of the vessel, and may also bring the vessel into the most convenient port of the United States to examine the cargo, and if the master of said vessel refuses to comply with the lawful directions of such officer or does not truly answer such questions as are put to him respecting the vessel, its cargo, or voyage, he shall be liable to a penalty of not more than \$5,000 nor less than \$500. If, upon the examination of any such vessel or its cargo by any officer of the customs, any dutiable merchandise destined to the United States is found, or discovered to have been, on board thereof, the vessel and its cargo shall be seized and forfeited. It shall be presumed that any merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, so found, or discovered to have been, on board thereof, is destined to the United States.

Examination of hovering vessels.  
Boarding, etc., by customs officers.

"(b) If any vessel laden with cargo be found at any place in the United States or within the customs waters or within a customs-enforcement area established under the Anti-Smuggling Act and such vessel afterwards is found light or in ballast or having discharged its cargo or any part thereof, and the master is unable to give a due account of the port or place at which the cargo, or any part thereof, consisting of any merchandise the importation of which into the United States is prohibited or any spirits, wines, or other alcoholic liquors, was lawfully discharged, the vessel shall be seized and forfeited.

Examination of master.

Penalty when master refuses to comply with directions.

Seizure and forfeiture.

"(c) Nothing contained in this section shall be construed to render any vessel liable to forfeiture which is bona fide bound from one foreign port to another foreign port, and which is pursuing her course, wind and weather permitting."

Vessels within customs waters having discharged prohibited cargo.

Exempt vessels.

SEC. 207. Section 615 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1615) is amended by inserting a comma in place of the period at the end thereof and adding the following: "subject to the following rules of proof:

Burden of proof in forfeiture proceedings.  
Vol. 46, p. 787.  
U. S. C., p. 901.  
Rules.

"(1) The testimony or deposition of the officer of the customs who has boarded or required to come to a stop or seized a vessel or vehicle, or has arrested a person, shall be prima facie evidence of the place where the act in question occurred.

Testimony to fix place where act occurred.

Marks indicative of foreign origin.

"(2) Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise<sup>1</sup> or containers of merchandise, shall be prima facie evidence of the foreign origin of such merchandise.

Vessels in vicinity of hovering vessel.

"(3) The fact that a vessel of any description is found, or discovered to have been, in the vicinity of any hovering vessel and under any circumstances indicating contact or communication therewith, whether by proceeding to or from such vessel, or by coming to in the vicinity of such vessel, or by delivering to or receiving from such vessel any merchandise, person, or communication, or by any other means effecting contact or communication therewith, shall be prima facie evidence that the vessel in question has visited such hovering vessel."

R. S., sec. 3062, p. 588; U. S. C., p. 821.

SEC. 208. Section 3062 of the Revised Statutes (U. S. C., title 19, sec. 483) is amended to read as follows:

Seizures and forfeitures.

"SEC. 3062. (a) All vessels, with the tackle, apparel, and furniture thereof, and all vehicles, animals, aircraft, and things with the tackle, harness, and equipment thereof, used in, or employed to aid in, or to facilitate by obtaining information or otherwise, the unloading, bringing in, importation, landing, removal, concealment, harboring, or subsequent transportation of any merchandise upon the same or otherwise unlawfully introduced, or attempted to be introduced into the United States, shall be seized and forfeited.

Liability of members of crew, etc.

"(b) Any member of the crew of any such vessel and any person who assists, finances, directs, or is otherwise concerned in the unloading, bringing in, importation, landing, removal, concealment, harboring, or subsequent transportation of any such merchandise exceeding \$100 in value, or into whose control or possession the same shall come without lawful excuse, shall, in addition to any other penalty, be liable to a penalty equal to the value of such goods, to be recovered in any court of competent jurisdiction, or to imprisonment for not more than five years, or both."

R. S., sec. 4197, p. 809; U. S. C., p. 1989.

SEC. 209. Section 4197 of the Revised Statutes, as amended (U. S. C., title 46, sec. 91), is amended by striking out the second sentence and inserting in lieu thereof the following:

Clearances; granting.

"If any vessel bound to a foreign port (other than a licensed yacht not engaging in any trade nor in any way violating the revenue laws of the United States) departs from any port or place in the United States without a clearance, or if the master delivers a false manifest, or does not answer truly the questions demanded of him, or, having received a clearance adds to the cargo of such vessel without having mentioned in the report outwards the intention to do so, or if the departure of the vessel is delayed beyond the second day after obtaining clearance without reporting the delay to the collector, the master or other person having the charge or command of such vessel shall be liable to a penalty of not more than \$1,000 nor less than \$500, or if the cargo consists in any part of narcotic drugs, or any spirits, wines, or other alcoholic liquors (sea stores excepted), a penalty of not more than \$5,000 nor less than \$1,000, for each offense, and the vessel shall be detained in any port of the United States until the said penalty is paid or secured."

Penalty provisions.

SEC. 210. Section 1 of the Act approved June 7, 1918 (40 Stat. 602; U. S. C., title 46, sec. 288), is amended by adding at the end thereof the following new sentence: "When a number is awarded to a vessel under the provisions of this Act, a certificate of such award shall be issued by the collector, the said certificate to be at all times kept on board of such vessel and to constitute a document in lieu of enrollment or license."

Undocumented vessels; numbering. Vol. 40, p. 602; U. S. C., p. 2007. Certificate of number award.

<sup>1</sup> So in original.

## TITLE III

SECTION 301. Section 434 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1434) is amended by inserting after the words "as indicated in the register" a comma and the following: "or document in lieu thereof,".

Entry of American vessels.  
Vol. 46, p. 711; U. S. C., p. 881.

SEC. 302. Subsection (3) of section 441 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1441 (3)) is amended to read as follows:

Vessels not required to enter.  
Vol. 46, p. 712; U. S. C., p. 882.

"(3) Yachts of fifteen gross tons or under not permitted by law to carry merchandise or passengers for hire and not visiting any hovering vessel, nor having at any time or, if forfeited to the United States or to a foreign government, at any time after forfeiture, become liable to seizure and forfeiture for any violation of the laws of the United States."

Yachts.

SEC. 303. So much of section 585 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1585) as comes after the words "and the person in charge of such vehicle shall be liable to a fine of \$500," is amended to read as follows: "and any such vessel or vehicle shall be forfeited, and any officer of the customs may cause such vessel or vehicle to be arrested and brought back to the most convenient port of the United States."

Departure without making report or entry.  
Vol. 46, p. 749; U. S. C., p. 897.

Forfeiture.

SEC. 304. (a) Section 591 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1591) is amended by inserting after the words "or aids or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement," the following: "whether or not the United States shall or may be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement;".

Fraudulent entry of imported merchandise; penalties, personal.  
Vol. 46, p. 750; U. S. C., p. 898.

(b) Section 592 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1592) is amended by inserting after the words "or aids or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement," the following: "whether or not the United States shall or may be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement;".

Penalties against goods.  
Vol. 46, p. 750; U. S. C., p. 898.

SEC. 305. (a) Section 619 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1619) is amended by inserting after the words "customs laws" wherever they appear in that section the words "or the navigation laws".

Informers, awards to.  
Vol. 46, p. 758; U. S. C., p. 901.

(b) Section 619 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1619) is amended by adding at the end thereof the following new sentence: "If any vessel, vehicle, merchandise, or baggage is forfeited to the United States, and is thereafter, in lieu of sale, destroyed under the customs or navigation laws or delivered to any governmental agency for official use, compensation of 25 per centum of the appraised value thereof may be awarded and paid by the Secretary of the Treasury under the provisions of this section, but not to exceed \$50,000 in any case."

Amount.

SEC. 306. So much of section 621 of the Tariff Act of 1930 (U. S. C., Supp. VII, title 19, sec. 1621) as precedes the proviso is amended to read as follows: "No suit or action to recover any pecuniary penalty or forfeiture of property accruing under the customs laws shall be instituted unless such suit or action is commenced within five years after the time when the alleged offense was discovered:".

Limitation of actions to recover fines or forfeitures.  
Vol. 46, p. 758; U. S. C., p. 901.

R. S., sec. 3068, p. 589; U. S. C., p. 729.

Masters obstructing revenue officers; penalty.

SEC. 307. Section 3068 of the Revised Statutes (U. S. C., title 18, sec. 122) is amended to read as follows:

"SEC. 3068. If the master of any vessel shall obstruct or hinder, or shall intentionally cause any obstruction or hindrance to any officer in lawfully going on board such vessel, for the purpose of carrying into effect any of the revenue or navigation laws of the United States, he shall for every such offense be liable to a penalty of not more than \$2,000 nor less than \$500."

R. S., sec. 2764, p. 535; U. S. C., p. 500.

Coast Guard vessels; ensign and pennant.

SEC. 308. Section 2764 of the Revised Statutes (U. S. C., title 14, sec. 64) is amended to read as follows:

"SEC. 2764. (a) Coast Guard vessels shall be distinguished from other vessels by an ensign and pennant, of such design as the President shall prescribe, the same to be flown as circumstances require. If any vessel or boat, not employed in the service of the customs, shall, within the jurisdiction of the United States, without authority, carry or hoist any pennant or ensign prescribed for, or intended to resemble any pennant or ensign prescribed for, Coast Guard vessels, the master of the vessel so offending shall be liable to a fine of not less than \$1,000 and not more than \$5,000, or to imprisonment for not less than six months and not more than two years, or to both such fine and imprisonment.

Extent of United States jurisdiction.

"(b) For the purposes of this section, any place in the United States or within the customs waters of the United States as defined in the Anti-Smuggling Act, shall be deemed within the jurisdiction of the United States."

Wrongful use of official uniform or badge; penalty.

SEC. 309. Whosoever without authority shall use the uniform or badge of the Coast Guard, or the Customs Service, or of any foreign revenue service, or any uniform, clothing, or badge resembling the same, while engaged, or assisting, in any violation of any revenue law of the United States, shall be fined not more than \$500 and imprisoned not more than two years.

R. S., sec. 4189, p. 808; U. S. C., p. 1983.  
Fraudulent documentation.

SEC. 310. Section 4189 of the Revised Statutes (U. S. C., title 46, sec. 60) is amended by striking out the words "not entitled to the benefit thereof".

R. S., sec. 4218, p. 812; U. S. C., p. 1990.  
Yachts; entry; manifest of dutiable articles.

SEC. 311. Section 4218 of the Revised Statutes, as amended (U. S. C., title 46, sec. 106), is amended by inserting after the words "except those of fifteen gross tons or under" the words "exempted by law,".

R. S., sec. 4336, p. 838; U. S. C., p. 2006.

Inspection of register, enrollment, or license.

SEC. 312. Section 4336 of the Revised Statutes (U. S. C., title 46, sec. 277) is amended to read as follows:

"SEC. 4336. Any officer concerned in the collection of the revenue may at all times inspect the register or enrollment or license of any vessel or any document in lieu thereof; and if the master of any such vessel shall not exhibit the same, when required by such officer, he shall be liable to a penalty of \$100, unless the failure to do so is willful in which case he shall be liable to a penalty of \$1,000 and to a fine of not more than \$1,000 or imprisonment for not more than one year, or both."

Penalty; failure to exhibit.

R. S., sec. 4377, p. 846; U. S. C., p. 2011.

License of vessel; penalty for violation.

SEC. 313. Section 4377 of the Revised Statutes (U. S. C., title 46, sec. 325) is amended to read as follows:

"SEC. 4377. Whenever any licensed vessel is transferred, in whole or in part, to any person who is not at the time of such transfer a citizen of and resident within the United States, or is employed in any other trade than that for which she is licensed, or is employed in any trade whereby the revenue of the United States is defrauded, or is found with a forged or altered license, or one granted for any other vessel, or with merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirits, wines, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, such vessel with her tackle, apparel and furni-



ture, and the cargo, found on board her, shall be forfeited. But vessels which may be licensed for the mackerel fishery shall not incur such forfeiture by engaging in catching cod or fish of any other description whatever. For the purposes of this section, marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found upon any vessel, shall be prima facie evidence of the foreign origin of such merchandise."

When licensed for mackerel fishing.

Marks of foreign origin; presumption.

SEC. 314. Section 7 of the Act approved June 19, 1886 (ch. 421, 24 Stat. 81; U. S. C., title 46, secs. 317, 319), as in part repealed by the Act of February 28, 1933 (47 Stat. 1349), is amended by striking out the period at the end of the first sentence and inserting a comma in lieu thereof, and by striking out the second sentence and inserting in lieu thereof the following: "and if she have on board any merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirits, wines, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, she shall, together with her tackle, apparel and furniture, and the lading found on board, be forfeited. Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found on board such vessel, shall be prima facie evidence of the foreign origin of such merchandise. But if the license shall have expired while the vessel was at sea, and there shall have been no opportunity to renew such license, then said fine or forfeiture shall not be incurred."

Vol. 24, p. 81; U. S. C., p. 2010.

Vol. 47, p. 1349.

Trading by unlicensed vessels.

Vessels having on board tax-unpaid goods.

Forfeiture.

Marks of foreign origin; presumption.

#### TITLE IV

SECTION 401. When used in this Act:

(a) The term "United States", when used in a geographical sense, includes all Territories and possessions of the United States, except the Philippine Islands, the Virgin Islands, the Canal Zone, American Samoa, and the island of Guam.

Definitions.

"United States."

(b) The term "officer of the customs" means any officer of the Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or agent or other person authorized by law or by the Secretary of the Treasury, or appointed in writing by a collector, to perform the duties of an officer of the Customs Service.

"Officer of the customs."

(c) The term "customs waters" means, in the case of a foreign vessel subject to a treaty or other arrangement between a foreign government and the United States enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States, the waters within such distance of the coast of the United States as the said authorities are or may be so enabled or permitted by such treaty or arrangement and, in the case of every other vessel, the waters within four leagues of the coast of the United States.

"Customs waters."

(d) The term "hovering vessel" means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws respecting the revenue.

"Hovering vessel."

SEC. 402. If any clause, sentence, paragraph, or part of this Act, or the application thereof to any person, or circumstances, is held invalid, the application thereof to other persons, or circumstances, and the remainder of the Act, shall not be affected thereby.

Separability of Act.

SEC. 403. This Act may be cited as the "Anti-Smuggling Act".

Short title.

Approved, August 5, 1935.

## [CHAPTER 439.]

## AN ACT

August 5, 1935.  
[H. R. 5382.]  
[Public, No. 239.]

To provide for advancement by selection in the Staff Corps of the Navy to the ranks of lieutenant commander and lieutenant; to amend the Act entitled "An Act to provide for the equalization of promotion of officers of the Staff Corps of the Navy with officers of the line" (44 Stat. 717; U. S. C., Supp. VII, title 34, secs. 348 to 348t), and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of existing law as amended by this Act with reference to advancement in rank by selection in the Staff Corps are hereby extended to include and authorize advancement to the ranks of lieutenant commander and lieutenant of officers of the next lower ranks who are eligible for consideration by a selection board. Each selection board appointed to recommend staff officers of the ranks of lieutenant and lieutenant (junior grade) for advancement, shall recommend all the eligible officers of said ranks who in the opinion of at least two-thirds of the members of such board are fitted to assume the duties of the next higher rank.

Navy Staff Corps.  
Advancement of officers;  
lieutenant grades.  
Vol. 44, p. 717; U. S. C., p. 1529.

Eligible officers to be recommended.

Selection boards; composition.  
Vol. 43, p. 815.

*Proviso.*  
Detail of officers of the line.

Lieutenants, etc., ineligible for consideration.

*Proviso.*  
To be twice considered by selection board.

Commanders, etc., ineligible for consideration.

*Provisos.*  
Service provisions, Construction Corps and Civil Engineer Corps.

Consideration by three selection boards.

Transfer of ineligible to retired list.

SEC. 2. Boards for the selection of staff officers for recommendation for advancement to the ranks of lieutenant commander and lieutenant shall be composed of not less than six nor more than nine officers above the rank of commander on the active or retired list of the Staff Corps concerned: *Provided*, That in case there be not a sufficient number of staff officers of the corps concerned legally or physically capacitated to serve on a selection board of such corps as herein provided, officers of the line on the active list above the rank of commander may be detailed to duty on such board to constitute the required minimum membership.

SEC. 3. Staff officers of the ranks of lieutenant and lieutenant (junior grade) who shall not have been recommended for advancement to the next higher rank by the report of a selection board as approved by the President prior to the completion of fourteen or seven years, respectively, of commissioned service in the Navy, shall be ineligible for consideration by a selection board on June 30 of the current fiscal year: *Provided*, That no such officer shall become ineligible for consideration by reason of length of commissioned service until he shall have been twice considered by a selection board for advancement to the next higher rank.

SEC. 4. Except as provided in section 6 of this Act, staff officers of the ranks of commander and lieutenant commander who shall not have been recommended for advancement by the report of a selection board as approved by the President prior to the completion of twenty-eight or twenty-one years, respectively, of commissioned service in the Navy, shall be ineligible for consideration by a selection board on June 30 of the current fiscal year: *Provided*, That for the purposes of this section, the length of such commissioned service for officers of the ranks of commander and lieutenant commander in the Construction Corps and Civil Engineer Corps shall be thirty or twenty-five years, respectively: *Provided further*, That no staff officer of the rank of commander or lieutenant commander shall become ineligible for consideration by reason of length of service until he shall have been considered by three selection boards for advancement to the next higher rank, at least two of which boards shall have been appointed after the date of this Act.

SEC. 5. All staff officers who have not been recommended for advancement and who, after the completion of the designated periods of service as prescribed for their respective ranks and corps, become ineligible for consideration by a selection board in accordance with this Act, or who, if recommended for advancement,

undergo the required examinations for advancement and are found not professionally qualified, shall be transferred to the retired list of the Navy.

SEC. 6. When the number of involuntary transfers in any fiscal year from the ranks of commander and lieutenant commander in the staff corps to the retired list pursuant to this Act, exclusive of officers who have failed professionally on examination for advancement to the next higher rank, would otherwise exceed the figures in the following tabulation, the selection board concerned shall designate by name such excess of officers for retention on the active list until the end of the next fiscal year, and officers so designated shall retain their eligibility for selection and advancement during said year: Medical Corps, seven commanders and twelve lieutenant commanders; Supply Corps, four commanders and seven lieutenant commanders; Chaplain Corps, one commander and one lieutenant commander; Construction Corps, two commanders and three lieutenant commanders; Civil Engineer Corps, one commander and one lieutenant commander; Dental Corps, one commander and two lieutenant commanders. If the officers so designated are not recommended for advancement or again designated for retention on the active list, they shall be transferred to the retired list in accordance with the provisions of this Act.

Involuntary transfers of officers in specified corps to retired list; excess number.

Designation of officers for retention on active list; status.

Subsequent retirement.

SEC. 7. If at the end of any fiscal year the number of involuntary transfers to the retired list from the ranks of commander or lieutenant commander of the Staff Corps would exceed the limits set forth in section 6 of this Act, and there has been no selection board convened during the fiscal year to recommend officers of those ranks for advancement in the Staff Corps concerned, special boards shall be convened by the Secretary of the Navy on or about June 1 preceding the end of the fiscal year to designate by name such excess of officers to be retained on the active list as provided in section 6 of this Act. Each such board shall be constituted as provided by law for selection boards for the Staff Corps concerned.

Special boards; convening.

Designation of officers for retention on active list.

How board constituted.

Retired list; date of transfers to.  
Pay, retired officers.

SEC. 8. All transfers to the retired list pursuant to this Act shall be made as of June 30 of the current fiscal year. Officers retired pursuant to this Act shall receive pay at the rate of  $2\frac{1}{2}$  per centum of their active-duty pay, multiplied by the number of years of service for which they were entitled to credit in computation of their longevity pay on the active list, not to exceed a total of 75 per centum of said active-duty pay: *Provided*, That a fractional year of six months or more shall be considered a full year in computing the number of years of service by which the rate of  $2\frac{1}{2}$  per centum is multiplied.

*Proviso.*  
Fraction of year.

SEC. 9. As soon as practicable after the date of this Act, boards for the selection of staff officers for advancement to the ranks of captain and commander shall be appointed by the Secretary of the Navy in accordance with existing law. Each such board shall recommend for advancement to the ranks hereinafter listed in the corps for which it was appointed, from those staff officers of the next lower rank in said corps who are eligible for consideration, such officers, not to exceed the number furnished it by the Secretary of the Navy. The number furnished the boards appointed in execution of this section, in addition to such numbers if any, as would otherwise be furnished such boards as the result of computations required by law for the corps and ranks concerned, shall be: For the Medical Corps, eleven for advancement to the rank of captain and eighteen for advancement to the rank of commander; for the Supply Corps, one for advancement to the rank of captain and ten for advancement to the rank of commander; for the Civil Engineer

Selection boards.  
Appointment of, for selection of officers for advancement to ranks of captain and commander.

Number to be furnished.

Corps, one for advancement to the rank of commander; for the Construction Corps<sup>1</sup>, four for advancement to the rank of captain.

If insufficient number recommended.

If a selection board does not recommend a number of officers for advancement to any rank equal to the number furnished to that board for that rank by the Secretary of the Navy, the difference between the number actually recommended by the board and the number furnished the board by the Secretary of the Navy may be added by the Secretary of the Navy to the number furnished by him to the next succeeding board.

Vol. 44, pp. 720-721; U. S. C., p. 1531.

SEC. 10. That section 10 of the Act approved June 10, 1926 (44 Stat. 720-721; U. S. C., Supp. VII, title 34, sec. 348i), is hereby repealed.

Assignment of running mates.

If the running mate of a staff officer be promoted to a higher rank and such staff officer be considered by a selection board for such rank but fails to be selected for advancement thereto, by the report of such board as approved by the President, such staff officer shall have assigned as his new running mate the line officer not promoted who was next senior to his former running mate in the rank in which the staff officer remains; if there remain in that rank no line officer who was senior therein to such former running mate, such staff officer shall not have assigned a new running mate, but shall retain his former running mate who has been promoted: *Provided*, That if subsequently selected such staff officer when advanced to the higher rank, shall have assigned as his running mate that line officer who would have been his running mate had said staff officer been recommended by the selection board which first considered him for the higher rank; except that if the running mate who would be so assigned him be senior to the running mate of an officer in his own staff corps made next senior to him in the higher rank, as determined by the order of their selection for advancement thereto, the running mate assigned him shall be that officer who had been assigned as the running mate of said next senior staff officer on the latter's advancement, and officers of the same staff corps thereby having the same running mate shall have precedence in said higher rank as determined by the order of their selection for advancement thereto: *Provided further*, That those officers of the staff corps with the rank of captain, who when eligible for consideration by a selection board for the rank of rear admiral, are not selected, shall retain their running mates; and if subsequently advanced to the rank of rear admiral shall have running mates assigned as required by the proviso next preceding. The provisions of this section shall be applicable to the cases of all staff officers now on the active list who have been advanced or have been eligible for consideration by a selection board for advancement to the rank of commander and above since June 10, 1926: *And provided further*, That no officer shall, by virtue of this section, receive any increased pay or allowance for any period prior to the date of this Act.

Provisos. Assignment if staff officer subsequently advanced.

Seniority provisions.

Officer resuming precedence when advanced.

Staff captains.

Applicability of provisions.

No prior increased pay.

Precedence of officers. Vol. 44, p. 719; U. S. C., p. 1530.

Rank of running mates.

SEC. 11. That section 4 of the Act approved June 10, 1926 (44 Stat. 719; U. S. C., Supp. VII, title 34, sec. 348c), is hereby amended to read as follows:

"Hereafter all staff officers in the Navy, when of the same rank as their running mates or of the rank for which their running mates have been selected, shall take precedence with all other line and staff officers of the same rank from the dates stated in the commissions or which in due course will be stated in the commissions of their running mates in said rank, and ahead of all line officers junior to their respective running mates. Such staff officers of a higher rank than the rank held by their running mates until their

<sup>1</sup> So in original.

running mates have been selected for such higher rank shall take precedence with all line and staff officers of the rank then held by them in accordance with the date stated in the commission of the junior line officer in such higher rank; staff officers of a lower rank than the rank held by their running mates shall take precedence with all line and staff officers of the same rank in accordance with the dates stated in the commissions that had been held by their running mates in such lower rank, and ahead of all line officers in such rank who were junior therein to their respective running mates: *Provided*, That except as otherwise provided herein, officers having the same rank and the same date of precedence in that rank shall take precedence in the following order: (a) Line officers, (b) medical officers, (c) officers of the supply corps, (d) chaplains, (e) naval constructors, (f) civil engineers, (g) dental officers: *Provided further*, That staff officers assigned running mates in accordance with this Act, if thereafter assigned new running mates, shall have with respect to other staff officers who also have as their running mates the new running mates so assigned, the precedence held by them prior to the assignment of such new running mates.

*Provisos.*  
Order of precedence when of same rank and date.

Staff officers assigned new running mates.

SEC. 12. If any staff officer who has been recommended for advancement to the rank of captain or commander by the report of a selection board as approved by the President fails to receive such advancement by reason of failure to qualify upon examination therefor or because of his removal from the active list for any cause, the number to be furnished the next ensuing selection board for the corps and rank concerned shall be increased accordingly.

Filing numbers when officer recommended for advancement fails to advance.

SEC. 13. That all laws or parts of laws, so far as they are inconsistent with or in conflict with the provisions of this Act, are hereby repealed.

Inconsistent laws repealed.

Approved, August 5, 1935.

[CHAPTER 440.]

AN ACT

To authorize the conveyance of certain Government land to the Borough of Stroudsburg, Monroe County, Pennsylvania, for street purposes and as a part of the approach to the Stroudsburg viaduct on State Highway Route Numbered 498.

August 5, 1935.  
[H. R. 5920.]  
[Public, No. 240.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, empowered and authorized to convey, by the usual quitclaim deed, to the Borough of Stroudsburg, Monroe County, Pennsylvania, for street purposes and as a part of the approach to the Stroudsburg viaduct on State Highway Route Numbered 498 and no other, that portion of the post-office site in said borough, bounded and described as follows, to wit: Beginning at the southwest corner of the intersection of Seventh and Ann Streets, in the Borough of Stroudsburg, said corner being opposite station 1244 plus 97 and sixteen feet from the center line of the said Seventh Street; thence along the west side of said Seventh Street, south twenty degrees thirty-six minutes east one hundred and twenty-four and forty-four one hundredths feet to a point; thence by land of United States Government, of which this parcel is a part along a curved line to the right having a radius of one hundred and eighty-six and six-tenths feet, a distance of fifty-seven and fifty-four one hundredths feet and subtended by a chord north twenty-nine degrees twenty-six minutes west fifty-seven and thirty-one one hundredths feet to a point on tangent; thence by the same, north twenty degrees thirty-six minutes west, sixty-seven and ninety-six one hundredths feet to a point on the south line of Ann Street;

Borough of Stroudsburg, Pa.  
Conveyance of certain land for street purposes, etc., authorized.

Description.

*Proviso.*  
Reversionary provi-  
sion.

thence along the same, north seventy degrees twenty-four minutes east eight and eight-tenths feet to the beginning, containing twenty-one thousandths acre: *Provided*, That the land conveyed shall be used for street purposes and as a part of the approach to the Stroudsburg viaduct on State Highway Route Numbered 498 and no other, to be cared for and maintained as are other public streets in said borough; and in the event that the premises shall cease to be so used as herein stated, the right, title, and interest in the land herein authorized to be conveyed shall revert to the United States, and the deed or instrument of conveyance shall recite such limitation and reversionary right.

Approved, August 5, 1935.

[CHAPTER 441.]

AN ACT

August 5, 1935.  
[H. R. 6768.]  
[Public, No. 241.]

To authorize the Secretary of War to lend War Department equipment for use at the Seventeenth National Convention of the American Legion at Saint Louis, Missouri, during the month of September 1935.

American Legion.  
Loan of Army equip-  
ment to, authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War is authorized to lend, at his discretion, to the American Legion 1935 Convention Corporation, for use at the Seventeenth National Convention of the American Legion to be held at Saint Louis, Missouri, in the month of September 1935, such tents, cots, and blankets, and other available stock out of the Army and National Guard supplies as such corporation may require to house properly Legionnaires attending such convention: *Provided*, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered at such time prior to the holding of such convention as may be agreed upon by the Secretary of War and the American Legion 1935 Convention Corporation: *Provided further*, That the Secretary of War, before delivering such property, shall take from such corporation a good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

*Provisos.*  
No Federal expense.

Bond.

Approved, August 5, 1935.

[CHAPTER 442.]

AN ACT

August 5, 1935.  
[H. R. 6983.]  
[Public, No. 242.]

To provide for the transfer of certain land in the city of Anderson, South Carolina, to such city.

Anderson, S. C.  
Transfer of certain  
land to, authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to transfer to the city of Anderson, South Carolina, all the right, title, and interest of the United States in and to a certain portion of the post-office site in such city, described as follows: A strip of land, seven feet in width, fronting on north Main Street and extending for a distance of one hundred and fifty feet from Federal Street (being the entire length of the post-office site fronting on north Main Street), upon the payment by the city to the United States of such amount as the Secretary of the Treasury in his discretion considers to be the fair value of the land conveyed to the city for the street-widening purposes. Such strip of land is required by such city for the widening of north Main Street.

Payment.

Use.

Approved, August 5, 1935.

[CHAPTER 443.]

## AN ACT

To legalize a bridge across Black River on United States Highway Numbered 60 in the town of Poplar Bluff, Butler County, Missouri.

August 5, 1935.  
[H. R. 7575.]  
[Public, No. 243.]

*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 Missouri to maintain and operate a free highway bridge and approaches thereto already constructed across Black River on United States Highway Numbered 60 in the town of Poplar Bluff, Butler County, Missouri, as a lawful structure and subject to the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Black River.  
Bridge across, at Poplar Bluff, Mo., legalized.

Construction.  
Vol. 34, p. 84.

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

Amendment.

Approved, August 5, 1935.

[CHAPTER 444.]

## AN ACT

Granting the consent of Congress to the cities of Donora and Monessen, Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River between the two cities.

August 5, 1935.  
[H. R. 7591.]  
[Public, No. 244.]

*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 cities of Donora and Monessen, Pennsylvania, to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River, at a point suitable to the interests of navigation, between the two cities, 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.

Monongahela River.  
Donora and Monessen, Pa., may bridge.

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 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 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.

Tolls applied for operation, sinking fund, etc.

Maintenance as free bridge after amortizing costs, etc.

Record of expenditures and receipts.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, August 5, 1935.

## [CHAPTER 445.]

## AN ACT

August 5, 1935.

[H. R. 7620.]

[Public, No. 245.]

To extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of Saint Louis, Missouri, and a point opposite thereto in the city of East Saint Louis, Illinois.

Mississippi River.  
Time extended for  
bridging, East Saint  
Louis, Ill., to Saint  
Louis, Mo.

Vol. 48, p. 661; *Post*  
p. 125a.

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 Mississippi River, at or near a point between Morgan and Wash Streets in the city of Saint Louis, Missouri, and a point opposite thereto in the city of East Saint Louis, Illinois, authorized to be built by an Act of Congress approved May 3, 1934, are hereby extended one and three years, respectively, from May 3, 1935.

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

Approved, August 5, 1935.

## [CHAPTER 446.]

## AN ACT

August 5, 1935.

[H. R. 7309.]

[Public, No. 246.]

To extend the times for commencing and completing the construction of certain free highway bridges across the Red River, from Moorhead, Minnesota, to Fargo, North Dakota.

Red River.  
Time extended for  
bridging, Moorhead,  
Minn., to Fargo, N.  
Dak.

Vol. 48, p. 842; *Post*  
p. 1477.

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 two free highway bridges across the Red River, between Moorhead, Minnesota, and Fargo, North Dakota, authorized to be built by the State Highway Departments of the States of Minnesota and North Dakota by an Act of Congress approved June 4, 1934, are hereby extended one and three years respectively, from June 4, 1935.

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

Approved, August 5, 1935.

## [CHAPTER 447.]

## AN ACT

August 5, 1935.

[H. R. 8400.]

[Public, No. 247.]

Providing for the loan by the War Department of certain material and equipment to the Veterans of Foreign Wars 1935 Encampment Corporation, and for other purposes.

Veterans of Foreign  
Wars 1935 Encamp-  
ment Corporation.  
Loan of Army equip-  
ment to, authorized.

*Proviso.*  
No Federal expense.

*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 to lend, at his discretion, to the Veterans of Foreign Wars 1935 Encampment Corporation, for use at the thirty-sixth national encampment of the Veterans of Foreign Wars, to be held at New Orleans, Louisiana, in the month of September 1935, such tents, cots, and blankets, and other available stock out of the Army and National Guard supplies as such corporation may require properly to house members of the Veterans of Foreign Wars attending such encampment: *Provided,* That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered at such time prior to the holding of such encampment as may be agreed upon by the Secretary of War and the Veterans of Foreign Wars



1935 Encampment Corporation: *Provided further*, That the Secretary of War, before delivering such property, shall take from such corporation a good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

Bond required.

Approved, August 5, 1935.

[CHAPTER 449.]

AN ACT

To authorize the Pennsylvania Railroad Company, by means of an overhead bridge to cross New York Avenue Northeast, to extend, construct, maintain, and operate certain industrial side tracks, and for other purposes.

August 6, 1935.  
[H. R. 6656.]  
[Public, No. 248.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Pennsylvania Railroad Company, operating lessee of all of the railroads and appurtenant properties of the Philadelphia, Baltimore and Washington Railroad Company in the District of Columbia, be, and it is hereby, authorized to establish switch and siding connections with its existing siding tracks in square numbered 4263 (also known as parcel 154/44) to cross West Virginia Avenue into and through square numbered 4105 along and adjacent to the existing main line tracks, thence into and through square numbered 4104 and 4099 crossing New York Avenue by means of a suitable overhead bridge thence to and through square numbered 4099 and the parcels of land known and identified on the plat books of the Surveyor's Office of the District of Columbia as parcels 153/44, 143/25, 142/25, and 142/28, to and through the square known as and numbered 4038 (portions of which are included in parcel 142/28), 4093, south of 4093, and 4098, with all switches, crossings, turnouts, extensions, spurs, and sidings, as may be or become necessary for the development of the squares and parcels of land above indicated for such uses as may be permitted in the use district or districts in which said squares and parcels of land are now or may hereafter be included as defined in the zoning regulations of the District of Columbia and shown in the official atlases of the Zoning Commission.

District of Columbia. Pennsylvania Railroad Company may bridge New York Avenue, northeast.

To establish certain industrial side tracks.

Location.

SEC. 2. Before any of the work above authorized shall be begun on the ground a plan or plans thereof shall be prepared and submitted to the Commissioners of the District of Columbia for their approval and only to the extent that such plans shall be so approved shall said work or any portion thereof be permitted or undertaken.

Plans to be submitted.

SEC. 3. Subject only to the approval of the Commissioners of the District of Columbia the crossing of any public street or alley other than New York Avenue, within the limits of the total area above noted may be at or on grade. The said railroad shall, when and as directed by the Commissioners of the District of Columbia, construct at its entire cost and expense, an additional overhead bridge for the track hereby authorized to be established over such other street located between Montello Avenue and New York Avenue as such street may now or or<sup>1</sup> may hereafter be shown on the Plan of the Permanent System of Highways.

Grade crossings. Vol. 44, p. 1352.

Additional bridge authorized.

Location.

SEC. 4. Nothing herein contained shall be construed as limiting or abridging the authority of the Commissioners of the District of Columbia under the Act of Congress approved March 3, 1927 (44 Stat. L. 1353), entitled "An Act to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes."

Authority of Commissioners for eliminating grade crossings.

Vol. 44, p. 1353.

SEC. 5. That Congress reserves the right to amend, alter, or repeal this Act.

Amendment.

Approved, August 6, 1935.

<sup>1</sup> So in original.

## [CHAPTER 450.]

## AN ACT

August 7, 1935.

[H. R. 3612.]

[Public, No. 249.]

To provide for adjusting the compensation of post-office inspectors and inspectors in charge to correspond to the rates established by the Classification Act of 1923, as amended.

Postal service.  
Compensation of inspectors, etc., to correspond to rates of Classification Act.  
Vol. 42, p. 1488; Vol. 46, p. 1003.  
U. S. C., p. 85.

Appropriations made available.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Postmaster General is authorized and directed to adjust the compensation of post-office inspectors and inspectors in charge in the post-office inspection service to correspond, so far as may be practicable, to the rates established by the Classification Act of 1923, as amended, for positions in the departmental service in the District of Columbia. Any appropriation now or hereafter available for the payment of the compensation of post-office inspectors and inspectors in charge shall be available for payment of compensation in accordance with the rates adjusted in accordance with the provisions of this Act.

Approved, August 7, 1935.

## [CHAPTER 451.]

## AN ACT

August 7, 1935.

[H. R. 5532.]

[Public, No. 250.]

To provide for the acquisition of a portrait of Thomas Walker Gilmer.

Thomas Walker Gilmer.  
Acquisition of portrait of, authorized.

Appropriation authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy is authorized and directed to procure the painting of a portrait of Thomas Walker Gilmer, Secretary of the Navy under President John Tyler, and to add such portrait to the collection of portraits of Secretaries of the Navy in the Department.

SEC. 2. There is authorized to be appropriated the sum of \$750 to carry out the purposes of this Act.

Approved, August 7, 1935.

## [CHAPTER 452.]

## AN ACT

August 7, 1935.

[H. R. 7909.]

[Public, No. 251.]

To amend the Act creating a United States Court for China and prescribing the title thereof, as amended.

United States Court for China.  
Vol. 34, p. 814.  
U. S. C., p. 958.

Judge authorized to appoint a U. S. Commissioner.

Duties, etc., as judge of Shanghai district.

Compensation.

Appointments to fill vacancies, etc.

Clerk may temporarily act as commissioner and judge.

*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 creating a United States Court for China and prescribing the title thereof", approved June 30, 1906 (34 Stat. 814), as amended, be, and it is hereby, amended by the addition of the following sections:

"SEC. 10. That the judge of the United States Court for China is hereby authorized to appoint, as in the District Courts of the United States and with similar powers and tenure of office, a United States commissioner, who shall in addition to his other duties be judge of the consular court for the district of Shanghai, with all the authority and jurisdiction exercised prior to June 4, 1920, by the vice consul at Shanghai. Said commissioner shall receive for his services as commissioner and judge of said consular court such compensation as may be fixed by the Attorney General, not exceeding \$10 per day for each day of service actually rendered. In the event of a vacancy in the office of said commissioner or the disability or disqualification or absence of said commissioner, the judge of the United States Court for China may appoint the clerk of said court temporarily to perform the duties of commissioner and judge of the consular court for the district of Shanghai without additional compensation therefor.

“SEC. 11. The President may appoint a special judge of the United States Court for China to act temporarily when necessary— Special temporary judge allowed when necessary.

“(a) During the absence of the judge of said court;

“(b) During any period of disability or disqualification, from sickness or otherwise, to discharge his duties; or

“(c) In the event of a vacancy in the office of judge.

“Such special judge shall receive the same rate of compensation, and the same allowances for expenses and transportation when acting outside of Shanghai, as are paid and allowed the judge of said court. No compensation shall be paid to said judge excepting in the actual discharge of his duties as provided by this section.” Pay, allowances, transportation, etc.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

Approved, August 7, 1935.

[CHAPTER 453.]

AN ACT

To amend sections 966 and 971 of chapter 22 of the Act of Congress entitled “An Act to establish a Code of Law for the District of Columbia”, approved March 3, 1901, as amended, and for other purposes. August 7, 1935. [S. 2259.] [Public, No. 252.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections 966 and 968 of chapter 22 of the Act of Congress entitled “An Act to establish a Code of Law for the District of Columbia”, approved March 3, 1901, as amended, are hereby repealed, and in lieu of section 966 the following section is hereby enacted, to be known as “section 966”:  
District of Columbia Code, amendments. Vol. 31, p. 1345, amended.

“SEC. 966. CAUSES FOR DIVORCE A VINCULO AND FOR A DIVORCE A MENSA ET THORO.—A divorce from the bond of marriage or a legal separation from the bed and board may be granted for adultery, desertion for two years, voluntary separation from bed and board for five consecutive years without cohabitation, final conviction of a felony involving moral turpitude and sentence for not less than two years to a penal institution which is served in whole or in part. A legal separation from bed and board may be granted for cruelty: *Provided*, That where a final decree of divorce from bed and board heretofore has been granted or hereafter may be granted and the separation of the parties has continued for two years since the date of such decree, the same may be enlarged into a decree of absolute divorce from the bond of marriage upon the application of the innocent spouse: *Provided further*, That marriage contracts may be declared void in the following cases: Divorce. Causes for. Legal separation for cruelty. *Provided*. Enlargement into decree of absolute divorce.

“First. Where such marriage was contracted while either of the parties thereto had a former wife or husband living, unless the former marriage had been lawfully dissolved. Causes for annulling marriages. Either party already married.

“Second. Where such marriage was contracted during the lunacy of either party (unless there has been voluntary cohabitation after the lunacy) or was procured by fraud or coercion. Contracted during lunacy or by fraud, etc.

“Third. Where either party was matrimonially incapacitated at the time of marriage and has continued so. Either party matrimonially incapacitated.

“Fourth. Where either of the parties had not arrived at the age of legal consent to the contract of marriage (unless there has been voluntary cohabitation after coming to legal age), but in such cases only at the suit of the party not capable of consenting.” Under age.

SEC. 2. Section 971 of chapter 22 of said Act of Congress, as amended, is hereby amended to read as follows: Vol. 31, p. 1345, amended.

“SEC. 971. ONLY RESIDENTS DIVORCED.—No decree of nullity of marriage or divorce shall be rendered in favor of anyone who has not been a bona fide resident of the District of Columbia for at Only bona fide residents divorced.

least one year next before the application therefor, and no divorce shall be decreed in favor of any person who has not been a bona fide resident of said District for at least two years next before the application therefor for any cause which shall have occurred out of said District and prior to residence therein."

Vol. 31, p. 1347,  
amended.

SEC. 3. That chapter 22 of said Act of Congress, as amended, is hereby further amended by adding a new section, to be numbered 974a, as follows:

Property settle-  
ments.

"SEC. 974a. Upon the entry of a final decree of annulment or divorce a vinculo, in the absence of a valid antenuptial or post-nuptial agreement in relation thereto, all property rights of the parties in joint tenancy or tenancy by the entirety shall stand dissolved and the court, in the same proceeding in which such decree is entered, shall have power and jurisdiction to award such property to the one lawfully entitled thereto or to apportion the same in such manner as shall seem equitable, just, and reasonable."

SEC. 4. That section 983a of chapter 22 of said Act of Congress, as amended, be, and it is hereby, amended and, as amended, shall read as follows:

Effective date of  
decree.

"SEC. 983a. No final decree annulling or dissolving a marriage shall be effective to annul or dissolve the marriage until the expiration of the time allowed for taking an appeal, nor until the final disposition of any appeal taken, and every final decree shall expressly so recite. Every decree for absolute divorce shall contain the date thereof and no such final decree shall be absolute and take effect until the expiration of six months after its date."

Approved, August 7, 1935.

[CHAPTER 454.]

AN ACT

August 7, 1935.

[H. R. 4901.]

[Public, No. 253.]

To authorize appropriations to pay the annual share of the United States as an adhering member of the International Council of Scientific Unions and associated unions.

International Council of Scientific Unions. Appropriations authorized for annual share.  
Post, p. 1123.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, to be expended under the direction of the Secretary of State, in paying the annual share of the United States as an adhering member of the International Council of Scientific Unions and Associated Unions, including the International Astronomical Union, International Union of Chemistry, International Union of Geodesy and Geophysics, International Union of Mathematics, International Scientific Radio Union, International Union of Physics, and International Geographical Union, and such other international scientific unions as the Secretary of State may designate, such sum as may be necessary for the payment of such annual share, not to exceed \$9,000 in any one year.

Approved, August 7, 1935.

[CHAPTER 455.]

AN ACT

August 7, 1935.

[H. R. 6673.]

[Public, No. 254.]

Providing for an annual appropriation to meet the share of the United States toward the expenses of the International Technical Committee on Aerial Legal Experts, and for participation in the meetings of the International Technical Committee of Aerial Legal Experts and the commissions established by that committee.

International Technical Committee of Aerial Legal Experts.  
Vol. 46, p. 1162,  
amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Public Resolution Numbered 118, Seventy-first Congress, approved February 1,<sup>1</sup> 1931, providing for an annual appropriation to meet the share of

<sup>1</sup> So in original.

the United States toward the expenses of the International Technical Committee of Aerial Legal Experts to be amended to read as follows:

"There is hereby authorized an annual appropriation to pay the pro rata share of the United States in the expenses of the International Technical Committee of Aerial Legal Experts.

Annual appropriation authorized for pro rata share of expenses.  
*Post*, pp. 1123, 1316.

"That not to exceed the sum of \$6,500, or so much thereof as may be necessary, is hereby authorized to be appropriated annually for the expenses of participation by the Government of the United States in the meetings of the International Technical Committee of Aerial Legal Experts and/or of the commissions established by that committee, including traveling expenses; personal services in the District of Columbia and elsewhere without reference to the Classification Act of 1923, as amended; stenographic and other services by contract if deemed necessary, without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent; purchase of necessary books and documents; printing and binding; official cards; entertainment; and such other expenses as may be authorized by the Secretary of State."

Services in District of Columbia.

R. S., sec. 3709, p. 733.  
U. S. C., p. 1903.

SEC. 2. That the provisions of these authorizations shall terminate June 30, 1941.

Termination of authorizations.

Approved, August 7, 1935.

[CHAPTER 456.]

JOINT RESOLUTION

To permit articles imported from foreign countries for the purpose of exhibition at the Texas Centennial Exposition and celebrations to be admitted without payment of tariff, and for other purposes.

August 7, 1935.  
[H. J. Res. 335.]  
[Pub. Res., No. 43.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That all articles which shall be imported from foreign countries for the purpose of exhibition at the Texas Centennial Exposition and celebrations to be held in Texas beginning in June 1936 or for use in constructing, installing, or maintaining foreign buildings or exhibits at the said exposition and celebrations, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said exposition and celebrations, to sell within the area of the exposition and celebrations any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles, which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when

Texas Centennial Exposition.  
Dutiable articles imported for exhibition, etc., purposes, admitted free under regulations.  
*Ante*, p. 431; *Post*, p. 575.

Sales permitted.

*Provisos.*  
Duty on articles withdrawn.

Deterioration allowance.

Marking provisions.

Abandonment permitted and duties remitted.

Exhibits previously entered and under continuous customs custody, etc., transfer privileges.

Commission of Control for Texas Centennial Celebrations. Deemed sole consignee of merchandise.

Expenses reimbursable.

Deposits as receipts. Vol. 46, p. 741.

imported into the United States: *Provided further*, That at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such articles shall be remitted: *Provided further*, That articles, which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond, and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition and celebrations under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the Commission of Control for Texas Centennial Celebrations and Texas Centennial Central Exposition shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the Commission of Control for Texas Centennial Celebrations and the Texas Centennial Central Exposition to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930.

Approved, August 7, 1935.

[CHAPTER 457.]

JOINT RESOLUTION

To provide for the reappointment of Frederic A. Delano as a member of the Board of Regents of the Smithsonian Institution.

August 7, 1935.  
[S. J. Res. 117.]  
[Pub. Res., No. 44.]

Smithsonian Institution. Frederic A. Delano reappointed regent of.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by the expiration of the term of Frederic A. Delano, of the city of Washington, on January 21, 1935, be filled by the reappointment of the recent incumbent (Frederic A. Delano) for the statutory term of six years.

Approved, August 7, 1935.

[CHAPTER 493.]

JOINT RESOLUTION

To amend the public resolution approved June 28, 1935, entitled "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes."

August 8, 1935.  
[S. J. Res. 167.]  
[Pub. Res., No. 45.]

Texas Centennial Exposition. *Amte*, pp. 431, 541; *Post*, p. 575.

Commissioner General and staff; payment of salaries and expenses.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the last sentence of section 3 of Public Resolution Numbered 37 of the Seventy-fourth Congress, approved June 28, 1935, is hereby amended to read as follows: "The salary and expenses of the commissioner general and such staff as he may require shall be paid out of the funds authorized to be appropriated by this joint resolution for a period of time

covering the duration of the exposition and not to exceed a six months' period following the closing thereof, and for such period prior to the opening of the exposition as the commission shall determine."

Approved, August 8, 1935.

[CHAPTER 498.]

AN ACT

To amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by motor carriers operating in interstate or foreign commerce, and for other purposes.

August 9, 1935.  
[S. 1629.]  
[Public, No. 255.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Interstate Commerce Act, as amended, herein referred to as "Part I", is hereby amended by inserting at the beginning thereof the caption "part I", and by substituting for the words "this Act", wherever they occur, the words "this part", but such part I may continue to be cited as the "Interstate Commerce Act", and said Interstate Commerce Act is hereby further amended by adding the following part II:

Interstate Commerce Act, amendment.  
Vol. 24, p. 379; U. S. C., p. 2211.

"PART II

Part II.

"SHORT TITLE

"SEC. 201. This part may be cited as the 'Motor Carrier Act, 1935'.

Motor Carrier Act, 1935.

"DECLARATION OF POLICY AND DELEGATION OF JURISDICTION

"SEC. 202. (a) It is hereby declared to be the policy of Congress to regulate transportation by motor carriers in such manner as to recognize and preserve the inherent advantages of, and foster sound economic conditions in, such transportation and among such carriers in the public interest; promote adequate, economical, and efficient service by motor carriers, and reasonable charges therefor, without unjust discriminations, undue preferences or advantages, and unfair or destructive competitive practices; improve the relations between, and coordinate transportation by and regulation of, motor carriers and other carriers; develop and preserve a highway transportation system properly adapted to the needs of the commerce of the United States and of the national defense; and cooperate with the several States and the duly authorized officials thereof and with any organization of motor carriers in the administration and enforcement of this part.

Declaration of policy.

"(b) The provisions of this part apply to the transportation of passengers or property by motor carriers engaged in interstate or foreign commerce and to the procurement of and the provision of facilities for such transportation, and the regulation of such transportation, and of the procurement thereof, and the provision of facilities therefor, is hereby vested in the Interstate Commerce Commission.

Jurisdiction in Interstate Commerce Commission.

"(c) Nothing in this part shall be construed to affect the powers of taxation of the several States or to authorize a motor carrier to do an intrastate business on the highways of any State, or to interfere with the exclusive exercise by each State of the power of regulation of intrastate commerce by motor carriers on the highways thereof.

Powers of States.

## Definitions.

## " DEFINITIONS

" SEC. 203. (a) As used in this part—

- "Person." " (1) The term 'person' means any individual, firm, copartnership, corporation, company, association, or joint-stock association; and includes any trustee, receiver, assignee, or personal representative thereof.
- "Board"; "State board." " (2) The term 'board' or 'State board' means the commission, board, or official (by whatever name designated in the laws of a State) which, under the laws of any State in which any part of the service in interstate or foreign commerce regulated by this part is performed, has or may hereafter have jurisdiction to grant or approve certificates of public convenience and necessity or permits to motor carriers, or otherwise to regulate the business of transportation by motor vehicles, in intrastate commerce over the highways of such State.
- "Commission." " (3) The term 'Commission' means the Interstate Commerce Commission.
- "Joint board." " (4) The term 'joint board' means any special board constituted as provided in section 205 of this part.
- "Certificate." " (5) The term 'certificate' means a certificate of public convenience and necessity issued under this part to common carriers by motor vehicle.
- "Permit." " (6) The term 'permit' means a permit issued under this part to contract carriers by motor vehicle.
- "License." " (7) The term 'license' means a license issued under this part to a broker.
- "State." " (8) The term 'State' means any of the several States and the District of Columbia.
- "Express company." " (9) The term 'express company' means any common carrier by express subject to the provisions of part I.
- "Interstate commerce." " (10) The term 'interstate commerce' means commerce between any place in a State and any place in another State or between places in the same State through another State, whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by rail, express, or water.
- "Foreign commerce." " (11) The term 'foreign commerce' means commerce between any place in the United States and any place in a foreign country, or between places in the United States through any foreign country, whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by rail, express, or water.
- "Highway." " (12) The term 'highway' means the roads, highways, streets, and ways in any State.
- "Motor vehicle." " (13) The term 'motor vehicle' means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails.
- "Common carrier by motor vehicle." " (14) The term 'common carrier by motor vehicle' means any person who or which undertakes, whether directly or by a lease or any other arrangement, to transport passengers or property, or any class or classes of property, for the general public in interstate or foreign commerce by motor vehicle for compensation, whether over regular or irregular routes, including such motor vehicle operations of carriers by rail or water, and of express or forwarding companies, except to the extent that these operations are subject to the provisions of part I.
- "Contract carrier by motor vehicle." " (15) The term 'contract carrier by motor vehicle' means any person, not included under paragraph (14) of this section, who or which, under special and individual contracts or agreements, and



whether directly or by a lease or any other arrangement, transports passengers or property in interstate or foreign commerce by motor vehicle for compensation.

"(16) The term 'motor carrier' includes both a common carrier by motor vehicle and a contract carrier by motor vehicle.

"Motor carrier."

"(17) The term 'private carrier of property by motor vehicle' means any person not included in the terms 'common carrier by motor vehicle' or 'contract carrier by motor vehicle', who or which transports in interstate or foreign commerce by motor vehicle property of which such person is the owner, lessee, or bailee, when such transportation is for the purpose of sale, lease, rent, or bailment, or in furtherance of any commercial enterprise.

"Private carrier by motor vehicle."

"(18) The term 'broker' means any person not included in the term 'motor carrier' and not a bona fide employee or agent of any such carrier, who or which, as principal or agent, sells or offers for sale any transportation subject to this part, or negotiates for, or holds himself or itself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation.

"Broker."

"(19) The 'services' and 'transportation' to which this part applies include all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or of contract, express or implied, together with all facilities and property operated or controlled by any such carrier or carriers and used in the transportation of passengers or property in interstate or foreign commerce or in the performance of any service in connection therewith.

"Services"; "transportation."

"(20) The term 'interstate operation' means any operation in interstate commerce.

"Interstate operation."

"(21) The term 'foreign operation' means any operation in foreign commerce.

"Foreign operation."

"(b) Nothing in this part, except the provisions of section 204 relative to qualifications and maximum hours of service of employees and safety of operation or standards of equipment shall be construed to include (1) motor vehicles employed solely in transporting school children and teachers to or from school; or (2) taxicabs, or other motor vehicles performing a bona fide taxicab service, having a capacity of not more than six passengers and not operated on a regular route or between fixed termini; or (3) motor vehicles owned or operated by or on behalf of hotels and used exclusively for the transportation of hotel patrons between hotels and local railroad or other common carrier stations; or (4) motor vehicles operated, under authorization, regulation, and control of the Secretary of the Interior, principally for the purpose of transporting persons in and about the national parks and national monuments; or (4a) motor vehicles controlled and operated by any farmer, and used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm; or (4b) motor vehicles controlled and operated by a cooperative association as defined in the Agricultural Marketing Act, approved June 15, 1929, as amended; or (5) trolley busses operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service; or (6) motor vehicles used exclusively in carrying livestock, fish (including shell fish), or agricultural commodities (not including manufactured products thereof); or (7) motor vehicles used exclusively in the distribution of newspapers; nor, unless and to the extent that the Commission shall from time to time find that such application is necessary to carry out the policy of Congress enunciated in section 202, shall the provisions of this part, except the provisions of section 204 relative to qualifications

Services excluded from provisions of Act.

School busses.

Taxicabs.

Hotel busses.

Busses in national parks, etc.

Farm trucks.

Trolley busses.

Busses used for conveying livestock, etc.

Distributing newspapers.

Transporting persons between contiguous municipalities.

Exception.

Casual transportation for compensation.

Commission; duties and powers.

and maximum hours of service of employees and safety of operation or standards of equipment apply to: (8) The transportation of passengers or property in interstate or foreign commerce wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities, except when such transportation is under a common control, management, or arrangement for a continuous carriage or shipment to or from a point without such municipality, municipalities, or zone, and provided that the motor carrier engaged in such transportation of passengers over regular or irregular route or routes in interstate commerce is also lawfully engaged in the intrastate transportation of passengers over the entire length of such interstate route or routes in accordance with the laws of each State having jurisdiction; or (9) the casual, occasional, or reciprocal transportation of passengers or property in interstate or foreign commerce for compensation by any person not engaged in transportation by motor vehicle as a regular occupation or business.

“GENERAL DUTIES AND POWERS OF THE COMMISSION

“SEC. 204 (a) It shall be the duty of the Commission—

Regulation of common carriers; establishment of requirements.

“(1) To regulate common carriers by motor vehicle as provided in this part, and to that end the Commission may establish reasonable requirements with respect to continuous and adequate service, transportation of baggage and express, uniform systems of accounts, records, and reports, preservation of records, qualifications and maximum hours of service of employees, and safety of operation and equipment.

Regulation of contract carriers; requirements.

“(2) To regulate contract carriers by motor vehicle as provided in this part, and to that end the Commission may establish reasonable requirements with respect to uniform systems of accounts, records, and reports, preservation of records, qualifications and maximum hours of service of employees, and safety of operation and equipment.

Establishment of requirements for private carriers.  
“Motor carrier”, construed.

“(3) To establish for private carriers of property by motor vehicle, if need therefor is found, reasonable requirements to promote safety of operation, and to that end prescribe qualifications and maximum hours of service of employees, and standards of equipment. In the event such requirements are established, the term ‘motor carrier’ shall be construed to include private carriers of property by motor vehicle in the administration of sections 204 (d) and (e); 205; 220; 221; 222 (a), (b), (d), (f), and (g); and 224.

Regulation of brokers; requirements.

“(4) To regulate brokers as provided in this part, and to that end the Commission may establish reasonable requirements with respect to licensing, financial responsibility, accounts, records, reports, operations, and practices of any such person or persons.

Federal research agencies; assistance to Commission.

“(5) For the purpose of carrying out the provisions pertaining to safety, the Commission may avail itself of the assistance of any of the several research agencies of the Federal Government having special knowledge of any such matter, to conduct such scientific and technical researches, investigations, and tests as may be necessary to promote the safety of operation and equipment of motor vehicles as provided in this part; the Commission may transfer to such agency or agencies such funds as may be necessary and available to make this provision effective.

Transfer of funds.

Enforcement provision; Commission orders, rules and regulations.

“(6) To administer, execute, and enforce all other provisions of this part, to make all necessary orders in connection therewith, and to prescribe rules, regulations, and procedure for such administration; and

“(7) To inquire into the organization of motor carriers and brokers and into the management of their business, to keep itself informed as to the manner and method in which the same is conducted, and to transmit to Congress, from time to time, such recommendations as to additional legislation relating to such carriers or brokers as the Commission may deem necessary.

Organization of motor carriers and brokers; investigation of.

“(b) The provisions of any code of fair competition for any industry embracing motor carriers or for any subdivision thereof approved pursuant to the National Industrial Recovery Act or any present or future Act amendatory thereof, or supplementary thereto, or in substitution therefor, which is in conflict or inconsistent with any action under the provisions of this part, shall have no force or effect after this section becomes effective.

Invalidity of inconsistent provisions.

“(c) The Commission may from time to time establish such just and reasonable classifications of brokers or of groups of carriers included in the term ‘common carrier by motor vehicle’, or ‘contract carrier by motor vehicle’, as the special nature of the services performed by such carriers or brokers shall require; and such just and reasonable rules, regulations, and requirements, consistent with the provisions of this part, to be observed by the carriers or brokers so classified or grouped, as the Commission deems necessary or desirable in the public interest.

Classifications to be established; brokers and carriers.

Rules, regulations, and requirements.

“(d) Upon complaint in writing to the Commission by any person, State board, organization, or body politic, or upon its own initiative without complaint, the Commission may investigate whether any motor carrier or broker has failed to comply with any provision of this part, or with any requirement established pursuant thereto. If the Commission, after notice and hearing, finds upon any such investigation that the motor carrier or broker has failed to comply with any such provision or requirement, the Commission shall issue an appropriate order to compel the carrier or broker to comply therewith. Whenever the Commission is of opinion that any complaint does not state reasonable grounds for investigation and action on its part, it may dismiss such complaint.

Complaints; investigations.

Order of Commission after notice and hearing.

Dismissals.

“(e) After a decision, order, or requirement has been made by the Commission in any proceeding under this part, any party thereto may make application to the Commission for reconsideration or rehearing of the same, or of any matter determined therein, and it shall be lawful for the Commission in its discretion to grant such reconsideration or a rehearing if sufficient reason therefor be made to appear. Applications for reconsideration or rehearing shall be governed by such general rules as the Commission may prescribe. No such application shall excuse any motor carrier or broker from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the Commission. If, after such reconsideration or rehearing, it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the Commission may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after such reconsideration or rehearing shall be subject to the same provisions as an original decision, order, or requirement.

Application for reconsideration or rehearing.

Rules to govern.

Not to act as stay of order.

Reversal or modification of original order.

“(f) The provisions of sections 14 and 16 (13) of part I, relating to reports, decisions, schedules, contracts, and other public records, shall apply in the administration of this part.

Vol. 24, p. 384; U. S. C., pp. 2223, 2226.

## Administration.

## "ADMINISTRATION

Hearings; reference to Commission member or examiner.

Jurisdiction of member, etc.

Order of requirements.

Copies; service of.

Post, p. 550.

Objections; time for filing.

Consideration of.

Final decision.

Joint boards.

Proceedings referred to.

Proviso.  
Determination when reference prevented.

Investigations and suspension proceedings.

Joint board; composition of.

Designation of examiners to assist.

Jurisdiction of.

"SEC. 205. (a) Excepting a matter which is referred to a joint board as hereinafter provided, any matter arising in the administration of this part requiring a hearing shall be heard and decided by the Commission, or shall, by order of the Commission, be referred to a member or examiner of the Commission for hearing and the recommendation of an appropriate order thereon. With respect to such matter the member or examiner shall have all the rights, duties, powers, and jurisdiction conferred by this part upon the Commission, except that the order recommended by such member or examiner shall be subject to the following provisions of this paragraph. Any order recommended by the member or examiner with respect to such matter shall be in writing and be accompanied by the reasons therefor, and shall be filed with the Commission. Copies of such recommended order shall be served upon the persons specified in paragraph (f), who may file exceptions thereto, but if no exceptions are filed within 20 days after service upon such persons, or within such further period as the Commission may authorize, such recommended order shall become the order of the Commission and become effective, unless within such period the order is stayed or postponed by the Commission. Where exceptions are filed as herein provided it shall be the duty of the Commission to consider the same and, if sufficient reason appears therefor, the Commission shall grant such review or make such orders or hold or authorize such further hearings or proceedings in the premises as may be necessary or proper to carry out the purposes of this part, or the Commission may, on its own motion, review any such matter and take action thereon as if exceptions thereto had been filed. The Commission, after review upon the same record or as supplemented by a further hearing, shall decide the matter and make appropriate order thereon.

"(b) The Commission shall, when operations of motor carriers or brokers conducted or proposed to be conducted involve not more than three States, and the Commission may, in its discretion, when operations of motor carriers or brokers conducted or proposed to be conducted involve more than three States, refer to a joint board for appropriate proceedings thereon, any of the following matters arising in the administration of this part with respect to such operations: Applications for certificates, permits, or licenses; the suspension, change, or revocation of such certificates, permits, or licenses; applications for the approval and authorization of consolidations, mergers, and acquisitions of control or operating contracts; complaints as to violations by motor carriers or brokers of the requirements established under section 204 (a); and complaints as to rates, fares, and charges of motor carriers or the practices of brokers: *Provided, however,* That if the Commission is prevented by legal proceedings from referring a matter to a joint board, it may determine such matter as provided in paragraph (a) of this section. The Commission, in its discretion, may also refer to a joint board any investigation and suspension proceeding or other matter not specifically mentioned above which may arise under this part. The joint board to which any such matter is referred shall be composed solely of one member from each State within which the motor-carrier or brokerage operations involved in such matter are or are proposed to be conducted: *Provided,* That the Commission may designate an examiner or examiners to advise with and assist the joint board under such rules and regulations as it may prescribe. In acting upon matters so referred joint boards shall be vested with the same rights, duties, powers, and jurisdic-

tion as are hereinbefore vested in members or examiners of the Commission while acting under its orders in the administration of this part. Orders recommended by joint boards shall be filed with the Commission, and shall become orders of the Commission and become effective in the same manner, and shall be subject to the same procedure, as provided in the case of orders recommended by members or examiners under this section.

“(c) Whenever there arises in the administration of this part any matter that the Commission is required to refer to a joint board, or that the Commission determines, in its discretion, to refer to a joint board, the Commission shall, if no joint board eligible to consider said matter is in existence, create a joint board to consider the matter when referred, and to recommend appropriate order thereon. The Commission shall prescribe rules governing meetings and procedure of joint boards and may, in the event of legal proceedings preventing reference to a joint board, determine the matter as provided in paragraph (a) of this section. Except as hereinafter provided, a joint board shall consist of a member from each State in which the motor carrier or brokerage operations involved are or are proposed to be conducted. The member from any such State shall be nominated by the board of such State from its own membership or otherwise; or if there is no board in such State or if the board of such State fails to make a nomination when requested by the Commission, then the Governor of such State may nominate such member. The Commission is authorized to appoint as a member upon the joint board any such nominee approved by it. If both the Board and the Governor of any State shall fail to nominate a joint board member when requested, then the joint board shall be constituted without a member from such State, if members for two or more States shall have been nominated and approved by the Commission. All decisions and recommendations by joint boards shall be by majority vote. If the board of each State from which a member of a joint board is entitled to be appointed shall waive action on any matter referred to such joint board, or if any joint board fails or refuses to act, or is unable to agree upon any matter submitted to it within forty-five days after the matter is referred to it or such other period as the Commission may authorize, or if a member shall not be nominated for more than one State (except only when the operations proposed shall be into or through territory foreign to the United States), then such matter shall be decided as in the case of any matter not required to be referred to a joint board. When any proceeding required to be referred to a joint board shall involve operations of a motor carrier conducted or proposed to be conducted into or through territory foreign to the United States, if a single State shall be involved, or if only one State shall make nomination of a joint board member through its Governor or State board, then the Commission, in such case, may receive from that State the nomination of not more than three members and may appoint such nominees to constitute the joint board. Members of joint boards when administering the provisions of this part shall receive such allowances for travel and subsistence expenses as the Commission shall provide. A joint board shall continue in existence for the consideration of matters referred to it by the Commission until such time as its existence may be terminated by the Commission. A substitution of membership upon a joint board from any State may be made at any time by nomination and appointment in the same manner as an original nomination and appointment.

“(d) Where practicable and as the Commission may by rule or order direct, hearings by any member, examiner, or joint board upon any matter referred to him or to such board shall be held at such places within the United States as are convenient to the parties.

Orders of; filing; effectiveness.

Creation of.

Rules governing meetings and procedure.

Qualifications of.

Nomination of members of.

Appointment of nominee.

When no nomination made.

Decisions and recommendations; majority vote.

When proceeding involves motor carrier operating through foreign territory.

Allowances to members.

Joint boards; duration.

Substitution of membership.

Hearings; place of holding.

Powers of joint boards.

“(e) So far as may be necessary for the purposes of this part, the Commission and the members and examiners thereof and joint boards 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 the Commission has in a matter arising under part I; and any person subpoenaed or testifying in connection with any matter under investigation under this part shall have the same rights, privileges, and immunities and be subject to the same duties, liabilities, and penalties as though such matter arose under part I, unless otherwise provided in this part.

Notice in connection with proceedings.

“(f) In accordance with rules prescribed by the Commission, reasonable notice shall be afforded, in connection with any proceeding under this part, to interested parties and to the board of any State, or to the governor if there be no board, in which the motor-carrier operations involved in the proceeding are or are proposed to be conducted, and opportunity for hearing and for intervention in connection with any such proceeding shall be afforded to all interested parties.

Cooperation with State authorities.

“(g) The Commission is authorized to confer with or to hold joint hearings with any authorities of any State in connection with any matter arising in any proceedings under this part. The Commission is also authorized to avail itself of the cooperation, services, records, and facilities of such State authorities as fully as may be practicable, in the enforcement or administration of any provision of this part. From any space in the Interstate Commerce Commission Building not required by the Commission, the Government authority controlling the allocation of space in public buildings shall assign for the use of the national organization of the State commissions and of their representatives suitable office space and facilities which shall be at all times available for the use of joint boards created under this part and for members and representatives of such boards cooperating with the Commission or with any other Federal commission or department under this or any other Act; and if there be no such suitable space in the Interstate Commerce Commission Building, the same shall be assigned in some other building in convenient proximity thereto.

Space for use of national organization of State commissions.

Availability.

Appeals.

“(h) Any final order made under this part 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 part I: *Provided*, That, where the Commission, in respect of any matter arising under this part, shall have issued a negative order solely because of a supposed lack of power, any such party in interest may file a bill of complaint with the appropriate District Court of the United States, convened under the Urgent Deficiency Appropriations Act, October 22, 1913, and such court, if it determines that the Commission has such power, may enforce by writ of mandatory injunction the Commission's taking of jurisdiction.

*Provided*.  
Negative order based on supposed lack of power of Commission.

Vol. 33, p. 212.

Vol. 24, p. 285; U. S. C., p. 2227.

“(i) All the provisions of section 17 of part I shall apply to all proceedings under this part.

“(j) No member or examiner of the Commission or member of a joint board shall hold any official relation to, or own any securities of, or be in any manner pecuniarily interested in, any motor carrier or in any carrier by railroad, water, or other form of transportation.

Experts, examiners, etc.; employment and compensation.

“(k) The Commission is authorized to employ, and to fix the compensation of, such experts, assistants, special agents, examiners, attorneys, and other employees as in its judgment may be necessary or advisable for the convenience of the public and for the effective administration of this part.

“APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

“SEC. 206. (a) No common carrier by motor vehicle subject to the provisions of this part shall engage in any interstate or foreign operation on any public highway, or within any reservation under the exclusive jurisdiction of the United States, unless there is in force with respect to such carrier a certificate of public convenience and necessity issued by the Commission authorizing such operations: *Provided, however,* That, subject to section 210, if any such carrier or predecessor in interest was in bona fide operation as a common carrier by motor vehicle on June 1, 1935, over the route or routes or within the territory for which application is made and has so operated since that time, or if engaged in furnishing seasonal service only, was in bona fide operation on June 1, 1935, during the season ordinarily covered by its operation, except in either instance as to interruptions of service over which the applicant or its predecessor in interest had no control, the Commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the Commission as provided in paragraph (b) of this section and within one hundred and twenty days after this section shall take effect, and if such carrier was registered on June 1, 1935, under any code of fair competition requiring registration, the fact of registration shall be evidence of bona fide operation to be considered in connection with the issuance of such certificate. Otherwise the application for such certificate shall be decided in accordance with the procedure provided for in section 207 (a) of this part and such certificate shall be issued or denied accordingly. Pending the determination of any such application the continuance of such operation shall be lawful: *And provided further,* That this paragraph shall not be so construed as to require any such carrier lawfully engaged in operation solely within any State to obtain from the Commission a certificate authorizing the transportation by such carrier of passengers or property in interstate or foreign commerce between places within such State if there be a board in such State having authority to grant or approve such certificates and if such carrier has obtained such certificate from such board. Such transportation shall, however, be otherwise subject to the jurisdiction of the Commission under this part.

“(b) Application for certificates shall be made in writing to the Commission, be verified under oath, and shall be in such form and contain such information and be accompanied by proof of service upon such interested parties as the Commission shall, by regulation, require. Any person, not included within the provisions of paragraph (a) of this section, who or which is engaged in transportation in interstate or foreign commerce as a common carrier by motor vehicle when this section takes effect may continue such operation for a period of one hundred and twenty days thereafter without a certificate and, if application for such certificate is made to the Commission within such period, the carrier may, under such regulations as the Commission shall prescribe, continue such operation until otherwise ordered by the Commission.

“ISSUANCE OF CERTIFICATE

“SEC. 207. (a) Subject to section 210, a certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of this part and the

Application for certificate of public convenience and necessity. Necessity of certificate.

*Providos.*  
When proof of public convenience and necessity waived.

Time for making application.

Registration under code of fair competition; effect.

Determination when proof not waived.

Continuation of operation provided.

Intrastate operation.

Form of application.

Operation during consideration of application.

Issuance of certificate.

Requirements. Post, p. 554.

requirements, rules, and regulations of the Commission thereunder, and that the proposed service, to the extent to be authorized by the certificate, is or will be required by the present or future public convenience and necessity; otherwise such application shall be denied: *Provided, however,* That no such certificate shall be issued to any common carrier of passengers by motor vehicle for operations over other than a regular route or routes, and between fixed termini, except as such carriers may be authorized to engage in special or charter operations.

“(b) No certificate issued under this part shall confer any proprietary or property rights in the use of the public highways.

*Proviso.*  
Restriction.

Terms and conditions of certificate.

“TERMS AND CONDITIONS OF CERTIFICATE

Terms to be specified.

“SEC. 208. (a) Any certificate issued under section 206 or 207 shall specify the service to be rendered and the routes over which, the fixed termini, if any, between which, and the intermediate and off-route points, if any, at which, and in case of operations not over specified routes or between fixed termini, the territory within which, the motor carrier is authorized to operate; and there shall, at the time of issuance and from time to time thereafter, be attached to the exercise of the privileges granted by the certificate such reasonable terms, conditions, and limitations as the public convenience and necessity may from time to time require, including terms, conditions, and limitations as to the extension of the route or routes of the carrier, and such terms and conditions as are necessary to carry out, with respect to the operations of the carrier, the requirements established by the Commission under section 204 (a) (1) and (6): *Provided, however,* That no terms, conditions, or limitations shall restrict the right of the carrier to add to his or its equipment and facilities over the routes, between the termini, or within the territory specified in the certificate, as the development of the business and the demands of the public shall require.

Conditions and limitations to be attached.

*Ante*, p. 546.

*Proviso.*  
Right to improve equipment, etc.

“(b) A common carrier by motor vehicle operating under any such certificate may occasionally deviate from the route over which, and/or the fixed termini between which, it is authorized to operate under the certificate, under such general or special rules and regulations as the Commission may prescribe.

Deviation from regular route.

Transportation of chartered parties.

“(c) Any common carrier by motor vehicle transporting passengers under a certificate issued under this part may transport in interstate or foreign commerce to any place special or chartered parties under such rules and regulations as the Commission shall have prescribed.

Of mail, baggage, etc.

“(d) A certificate for the transportation of passengers may include authority to transport in the same vehicle with the passengers, newspapers, baggage of passengers, express, or mail, or to transport baggage of passengers in a separate vehicle.

Permits for contract carriers by motor vehicle.

Necessity of.

“PERMITS FOR CONTRACT CARRIERS BY MOTOR VEHICLE

“SEC. 209. (a) No person shall engage in the business of a contract carrier by motor vehicle in interstate or foreign commerce on any public highway or within any reservation under the exclusive jurisdiction of the United States unless there is in force with respect to such carrier a permit issued by the Commission, authorizing such person to engage in such business: *Provided,* That, subject to section 210, if any such carrier or a predecessor in interest was in bona fide operation as a contract carrier by motor vehicle on July 1, 1935, over the route or routes or within the territory for which application

*Proviso.*  
When may be issued without further proceedings.



is made and has so operated since that time, or, if engaged in furnishing seasonal service, only, was in bona fide operation on July 1, 1935, during the season ordinarily covered by its operations, except in either instance as to interruptions of service over which the applicant or its predecessor in interest had no control, the Commission shall issue such permit, without further proceedings, if application for such permit is made to the Commission as provided in paragraph (b) of this section and within one hundred and twenty days after this section shall take effect and if such carrier was registered on July 1, 1935, under any code of fair competition requiring registration, the fact of registration shall be evidence of bona fide operation to be considered in connection with the issuance of such permit. Otherwise the application for such permit shall be decided in accordance with the procedure provided for in paragraph (b) of this section and such permit shall be issued or denied accordingly. Pending determination of any such application the continuance of such operation shall be lawful. Any person, not included within the foregoing provisions of this paragraph, who or which is engaged in transportation as a contract carrier by motor vehicle when this section takes effect, may continue such operation for a period of one hundred and twenty days thereafter without a permit and, if application for such permit is made within such period, the carrier may, under such regulations as the Commission shall prescribe, continue such operation until otherwise ordered by the Commission: *Provided further*, That nothing in this part shall be construed to repeal, amend, or otherwise modify any Act or Acts relating to national parks and national monuments under the administrative jurisdiction of the Secretary of the Interior, or to withdraw such authority or control as may by law be held by the Secretary of the Interior with respect to the admission and operation of motor vehicles in any national park or national monument of the United States.

“(b) Applications for such permits shall be made to the Commission in writing, be verified under oath, and shall be in such form and contain such information and be accompanied by proof of service upon such interested parties as the Commission may, by regulations, require. Subject to section 210, a permit shall be issued to any qualified applicant therefor authorizing in whole or in part the operations covered by the application, if it appears from the applications or from any hearing held thereon, that the applicant is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle, and to conform to the provisions of this part and the lawful requirements, rules, and regulations of the Commission thereunder, and that the proposed operation, to the extent authorized by the permit, will be consistent with the public interest and the policy declared in section 202 (a) of this part; otherwise such application shall be denied. The Commission shall specify in the permit the business of the contract carrier covered thereby and the scope thereof and shall attach to it, at the time of issuance, and from time to time thereafter, such reasonable terms, conditions, and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out, with respect to the operations of such carrier, the requirements established by the Commission under section 204 (a) (2) and (6): *Provided, however*, That no terms, conditions, or limitations shall restrict the right of the carrier to substitute or add contracts within the scope of the permit, or to add to his or its equipment and facilities, within the scope of the permit, as the development of the business and the demands of the public may require.

Time for making application.

Registration under code of fair competition; effect.

Issue of permits, generally.

Continuation of operation pending determination.

Operation without permit.

Commission regulations.

*Proviso.*  
Operation within national parks and monuments.

Permits; application for; form; contents.

Issue of; requirements.

*Ante*, p. 543.  
Business of contract carrier to be specified in.

Terms, conditions, and limitations to be attached.

*Ante*, p. 546.  
*Proviso.*  
Rights of carrier not restricted.

Dual operation.

## " DUAL OPERATION

Simultaneous holding of certificate and permit.

"SEC. 210. No person, after January 1, 1936, shall at the same time hold under this part a certificate as a common carrier and a permit as a contract carrier authorizing operation for the transportation of property by motor vehicle over the same route or within the same territory, unless for good cause shown the Commission shall find that such certificate and permit may be held consistently with the public interest and with the policy declared in section 202 (a) of this part.

Brokerage licenses.

## " BROKERAGE LICENSES

Conduct of business without, prohibited.

"SEC. 211. (a) No person shall for compensation sell or offer for sale transportation subject to this part or shall make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for such transportation or shall hold himself or itself out by advertisement, solicitation, or otherwise as one who sells, provides, procures, contracts, or arranges for such transportation, unless such person holds a broker's license issued by the Commission to engage in such transactions: *Provided, however,* That no such person shall engage in transportation subject to this part unless he holds a certificate or permit as provided in this part. In the execution of any contract, agreement, or arrangement to sell, provide, procure, furnish, or arrange for such transportation, it shall be unlawful for such person to employ any carrier by motor vehicle who or which is not the lawful holder of an effective certificate or permit issued as provided in this part: *And provided further,* That the provisions of this paragraph shall not apply to any carrier holding a certificate or a permit under the provisions of this part or to any bona fide employee or agent of such motor carrier, so far as concerns transportation to be furnished wholly by such carrier or jointly with other motor carriers holding like certificates or permits, or with a common carrier by railroad, express, or water.

Provisos. Requirement of certificate or permit.

Employment of carrier not holding certificate or permit, unlawful.

When provision inapplicable.

Brokerage license; issue of; requirements.

"(b) A brokerage license shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of this part and the requirements, rules, and regulations of the Commission thereunder, and that the proposed service, to the extent to be authorized by the license, is, or will be consistent with the public interest and the policy declared in section 202 (a) of this part; otherwise such application shall be denied. Any broker in operation when this section takes effect may continue such operation for a period of one hundred and twenty days thereafter without a license, and if application for such license is made within such period, the broker may, under such regulations as the Commission shall prescribe, continue such operations until otherwise ordered by the Commission.

Continuation of business.

Commission rules governing protection of travelers.

Broker's bond.

Jurisdiction of Commission as to accounts, etc.

"(c) The Commission shall prescribe reasonable rules and regulations for the protection of travelers or shippers by motor vehicle, to be observed by any person holding a brokerage license, and no such license shall be issued or remain in force unless such person shall have furnished a bond or other security approved by the Commission, in such form and amount as will insure financial responsibility and the supplying of authorized transportation in accordance with contracts, agreements, or arrangements therefor.

"(d) The Commission and its special agents and examiners shall have the same authority as to accounts, reports, and records, including inspection and preservation thereof, of any person holding a brokerage license issued under the provisions of this section, that they have under this part with respect to motor carriers subject thereto.

“SUSPENSION, CHANGE, REVOCATION, AND TRANSFER OF CERTIFICATES,  
PERMITS, AND LICENSES

Certificates, permits,  
and licenses.

“SEC. 212. (a) Certificates, permits, and licenses shall be effective from the date specified therein, and shall remain in effect until terminated as herein provided. Any such certificate, permit, or license may, upon application of the holder thereof, in the discretion of the Commission, be amended or revoked, in whole or in part, or may upon complaint, or on the Commission's own initiative, after notice and hearing, be suspended, changed, or revoked, in whole or in part, for willful failure to comply with any provision of this part, or with any lawful order, rule, or regulation of the Commission promulgated thereunder, or with any term, condition, or limitation of such certificate, permit, or license: *Provided, however,* That no such certificate, permit, or license shall be revoked (except upon application of the holder) unless the holder thereof willfully fails to comply, within a reasonable time, not less than ninety days, to be fixed by the Commission, with a lawful order of the Commission, made as provided in section 204 (d), commanding obedience to the provision of this part, or to the rule or regulation of the Commission thereunder, or to the term, condition, or limitation of such certificate, permit, or license, found by the Commission to have been violated by such holder.

Effective dates of.

Amendment; revoca-  
tion.

*Provido.*  
Willful noncompli-  
ance with Commis-  
sion's order, etc.

“(b) Except as provided in section 213, any certificate or permit may be transferred, pursuant to such rules and regulations as the Commission may prescribe.

Certificate or permit;  
transfer of.

“CONSOLIDATION, MERGER, AND ACQUISITION OF CONTROL

“SEC. 213. (a) It shall be lawful, under the conditions specified below, but under no other conditions, for two or more motor carriers which are not also carriers by railroad to consolidate or merge their properties, or any part thereof, into one corporation for the ownership, management, and/or operation of the properties theretofore in separate ownership; or for any such motor carrier or two or more such carriers jointly, to purchase, lease, or contract to operate the properties, or any part thereof, of another such carrier; or for any such motor carrier or two or more such carriers jointly, to acquire control of another such carrier through purchase of its stock; or for a person which is not a motor carrier or a carrier by railroad, or express, or water to acquire control of two or more motor carriers through ownership of their stock; or for any such person which has control of one or more motor carriers to acquire control of another such carrier through ownership of its stock; or for a carrier by railroad, express, or water to consolidate, or merge with, or acquire control of, any motor carrier or to purchase, lease, or contract to operate its properties, or any part thereof.

Consolidation,  
merger, and acquisition  
of control.

Lawful acts.

“(1) Whenever a consolidation, merger, purchase, lease, operating contract, or acquisition of control is proposed under this section, the carrier or carriers or the person 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 or operations of the carriers involved in the proposed transaction is situated, and also such carriers and the applicant or applicants, and other parties known to have a substantial interest in the proceeding of the time and place for a public hearing. If after such hearing the Commission finds that the transaction proposed will be consistent with the public interest and that the conditions of this section have been or will be fulfilled, it may enter an order approving and authorizing such consolidation, merger, purchase, lease, operating contract, or acquisition of control, upon

Application for; fil-  
ing.

Notification required.

Hearings.

Commission's order.

*Proviso.*  
When carrier other than motor carrier is applicant.

Vol. 24, p. 380; U. S. C., p. 2217.

Jurisdiction over, when order permitting merger, etc., entered.

*Act*, p. 546.

Unlawful acts.

Investigation by Commission.

Order of.

"Control" construed.

United States district courts; jurisdiction of.

Supplemental orders.

Limitation on authority of Commission; inapplicability of provisions when not more than twenty motor vehicles involved.

such terms and conditions as it shall find to be just and reasonable and with such modifications as it may prescribe: *Provided, however,* That if a carrier other than a motor carrier is an applicant, or any person which is controlled by such a carrier other than a motor carrier or affiliated therewith within the meaning of section 5 (8) of part I, the Commission shall not enter such an order unless it finds that the transaction proposed will promote the public interest by enabling such carrier other than a motor carrier to use service by motor vehicle to public advantage in its operations and will not unduly restrain competition.

"(2) Whenever a person which is not a motor carrier is authorized, by an order entered under subparagraph (1) of this section, to acquire control of any such carrier or of two or more such carriers, such person thereafter shall, to the extent provided by the Commission, for the purposes of section 204 (a) (1), and section 220 (a) and (b), relating to accounts, records, and reports, and to the inspection of facilities and records, including the penalties applicable in the case of violations thereof, be subject to the provisions of this part.

"(b) (1) It shall be unlawful for any person, except as provided in paragraph (a), to accomplish or effectuate, or to participate in accomplishing or effectuating, the control or management in a common interest of any two or more motor carriers which are not also carriers by railroad, 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 part and in violation of this paragraph. As used in this paragraph, the words "control or management" shall be construed to include the power to exercise control or management.

"(2) 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 the provisions of paragraph (b) (1) of this section. 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 consistent with the provisions of this part as may be necessary, in the opinion of the Commission, to prevent further violation of such provisions.

"(3) For the purposes of this section, wherever reference is made to control, it is immaterial whether such control is direct or indirect.

"(c) 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.

"(d) The Commission may from time to time, for good cause shown, make such orders, supplemental to any order made under paragraphs (a) or (b), as it may deem necessary or appropriate.

"(e) Except where a carrier other than a motor carrier is an applicant or any person which is controlled by such a carrier or carriers by railroad or affiliated therewith within the meaning of section 5 (8) of part I, the provisions of this section requiring authority from the Commission for consolidation, merger, purchase, lease, operating contract, or acquisition of control shall not apply where the total number of motor vehicles involved is not more than twenty.

“(f) The carriers and any person 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 relieved from operation of anti-trust laws.  
Vol. 26, p. 209; U. S. C., p. 509.

“ISSUANCE OF SECURITIES

“SEC. 214. Common or contract carriers by motor vehicle, corporations organized for the purpose of engaging in transportation as such carriers, and corporations authorized by order entered under section 213 (a) (1) to acquire control of any such carrier, or of two or more such carriers, shall be subject to the provisions of paragraphs 2 to 11, inclusive, of section 20a of part I of this Act (including penalties applicable in cases of violations thereof): *Provided, however,* That said provisions shall not apply to such carriers or corporations where the par value of the securities to be issued, together with the par value of the securities then outstanding, does not exceed \$500,000. In the case of securities having no par value, the par value for the purpose of this section shall be the fair market value as of the date of their issue: *Provided further,* That the exemption in section 3 (a) (6) of the ‘Securities Act, 1933’ is hereby amended to read as follows: ‘(6) Any security issued by a common or contract carrier, the issuance of which is subject to the provisions of section 20a of the Interstate Commerce Act, as amended;’.

Securities; issuance of.  
Provisions applicable to.

Vol. 41, p. 494; U. S. C., p. 2231.

*Provisos.*  
Restriction on application of provisions.

Securities having no par value.

Securities Act, 1933; amendment.  
Vol. 48, p. 76; U. S. C., p. 520.  
Vol. 41, p. 494; U. S. C., p. 2231.

“SECURITY FOR THE PROTECTION OF THE PUBLIC

“SEC. 215. No certificate or permit shall be issued to a motor carrier or remain in force, unless such carrier complies with such reasonable rules and regulations as the Commission shall prescribe governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer or other securities or agreements, in such reasonable amount as the Commission may require, conditioned to pay, within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer or other securities or agreements, any final judgment recovered against such motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, maintenance, or use of motor vehicles under such certificate or permit, or for loss or damage to property of others. The Commission may, in its discretion and under such rules and regulations as it shall prescribe, require any such common carrier to file a surety bond, policies of insurance, qualifications as a self-insurer, or other securities or agreements, in a sum to be determined by the Commission, to be conditioned upon such carrier making compensation to shippers and/or consignees for all property belong<sup>1</sup> to shippers and/or consignees, and coming into the possession of such carrier in connection with its transportation service. Any carrier which may be required by law to compensate a shipper and/or consignee for any loss, damage, or default for which a connecting motor common carrier is legally responsible shall be subrogated to the rights of such shipper and/or consignee under any such bond, policies of insurance, or other securities or agreements, to the extent of the sum so paid.

Security for protection of public.

Surety bonds; filing and approval.

Insurance policies; qualifications as self-insurer; regulations governing.

Compensation to shippers.

Carrier subrogated to rights of shipper when payment made.

<sup>1</sup> So in original.

Rates, fares, and charges of common carriers by motor vehicle.  
Duty of carriers to establish through routes; provide adequate service.

"RATES, FARES, AND CHARGES OF COMMON CARRIERS BY MOTOR VEHICLE

Establish joint rates, etc.

"SEC. 216. (a) It shall be the duty of every common carrier of passengers by motor vehicle to establish reasonable through routes with other such common carriers and to provide safe and adequate service, equipment, and facilities for the transportation of passengers in interstate or foreign commerce; to establish, observe, and enforce just and reasonable individual and joint rates, fares, and charges, and just and reasonable regulations and practices relating thereto, and to the issuance, form, and substance of tickets, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with the transportation of passengers in interstate or foreign commerce; and in case of such joint rates, fares, and charges, to establish just, reasonable, and equitable divisions thereof as between the carriers participating therein which shall not unduly prefer or prejudice any of such participating carriers.

Division of.

Duty to establish facilities for property transportation.

"(b) It shall be the duty of every common carrier of property by motor vehicle to provide safe and adequate service, equipment, and facilities for the transportation of property in interstate or foreign commerce; to establish, observe, and enforce just and reasonable rates, charges, and classifications, and just and reasonable regulations and practices relating thereto and to the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation, and all other matters relating to or connected with the transportation of property in interstate or foreign commerce.

Marking, packing, and delivery.

Through routes, joint rates, etc.

"(c) Common carriers of property by motor vehicle may establish reasonable through routes and joint rates, charges, and classifications with other such carriers or with common carriers by railroad and/or express and/or water; and common carriers of passengers by motor vehicle may establish reasonable through routes and joint rates, fares, or charges with common carriers by railroad and/or water. In case of such joint rates, fares, or charges it shall be the duty of the carriers parties thereto to establish just and reasonable regulations and practices in connection therewith, and just, reasonable, and equitable divisions thereof as between the carriers participating therein which shall not unduly prefer or prejudice any of such participating carriers.

Regulations in connection therewith.

Unlawful acts. Granting preferences; making unjust discriminations.

"(d) It shall be unlawful for any common carrier by motor vehicle engaged in interstate or foreign commerce to make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, gateway, locality, or description of traffic in any respect whatsoever, or to subject any particular person, port, gateway, locality, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever: *Provided, however,* That this paragraph shall not be construed to apply to discriminations, prejudice or disadvantage to the traffic of any other carrier of whatever description.

*proviso.*  
Not applicable to discriminations against other carriers.

Complaints.

"(e) Any person, State board, organization, or body politic may make complaint in writing to the Commission that any such rate, fare, charge, classification, rule, regulation, or practice, in effect or proposed to be put into effect, is or will be in violation of this section or of section 217. Whenever, after hearing, upon complaint or in an investigation on its own initiative, the Commission shall be of the opinion that any individual or joint rate, fare, or charge, demanded, charged, or collected by any common carrier or carriers by motor vehicle or by any common carrier or carriers by motor vehicle in conjunction with any common carrier or carriers by

Hearing.

railroad and/or express, and/or water for transportation in interstate or foreign commerce, or any classification, rule, regulation, or practice whatsoever of such carrier or carriers affecting such rate, fare, or charge or the value of the service thereunder, is or will be unjust or unreasonable, or unjustly discriminatory or unduly preferential or unduly prejudicial, it shall determine and prescribe the lawful rate, fare, or charge or the maximum or minimum, or maximum and minimum rate, fare, or charge thereafter to be observed, or the lawful classification, rule, regulation, or practice thereafter to be made effective and the Commission shall, whenever deemed by it to be necessary or desirable in the public interest, after hearing, upon complaint or upon its own initiative without a complaint, establish through routes and joint rates, fares, charges, regulations, or practices, applicable to the transportation of passengers by common carriers by motor vehicle, or the maxima or minima, or maxima and minima, to be charged, and the terms and conditions under which such through routes shall be operated: *Provided, however,* That nothing in this part shall empower the Commission to prescribe, or in any manner regulate, the rate, fare, or charge for intrastate transportation, or for any service connected therewith, for the purpose of removing discrimination against interstate commerce or for any other purpose whatever.

Determination of lawful rate, etc.

*Proviso.*  
Intrastate transportation excluded.

“(f) Whenever, after hearing, upon complaint or upon its own initiative, the Commission is of opinion that the divisions of joint rates, fares, or charges, applicable to the transportation in interstate or foreign commerce of passengers or property by common carriers by motor vehicle or by such carriers in conjunction with common carriers by railroad and/or express, and/or water are or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the carriers parties thereto (whether agreed upon by such carriers, or any of them, or otherwise established), the Commission shall by order prescribe the just, reasonable, and equitable divisions thereof to be received by the several carriers, and in cases where the joint rate, fare, or charge was established pursuant to a finding or order of the Commission and the divisions thereof are found by it to have been unjust, unreasonable, or inequitable, or unduly preferential or prejudicial, the Commission may also by order determine what would have been the just, reasonable, and equitable divisions thereof to be received by the several carriers, and require adjustment to be made in accordance therewith. The order of the Commission may require the adjustment of divisions between the carriers, in accordance with the order, from the date of filing the complaint or entry of order of investigation or such other date subsequent as the Commission finds justified and, in the case of joint rates prescribed by the Commission, the order as to divisions may be made effective as a part of the original order.

Complaints respecting divisions of joint rates, etc.

Equitable division to be ordered.

Adjustment of divisions between carriers.

“(g) Whenever there shall be filed with the Commission any schedule stating a new individual or joint rate, fare, charge, or classification for the transportation of passengers or property by a common carrier or carriers by motor vehicle, or by any such carrier or carriers in conjunction with a common carrier or carriers by railroad and/or express, and/or water in interstate or foreign commerce, or any rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Commission is hereby authorized and empowered upon complaint of any interested party or upon its own initiative at once and, if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, or charge, or

Schedule of new rates, etc.

Hearing to determine lawfulness; notice.

Suspension of operation of new schedule.

such rule, regulation, or practice, and pending such hearing and the decision thereon the Commission, by filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, fare, or charge, or such rule, regulation, or practice, for a period of ninety days and if the proceeding has not been concluded and a final order made within such period the Commission may, from time to time, extend the period of suspension by order, but not for a longer period in the aggregate than one hundred and eighty days beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the rate, fare, charge, classification, rule, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change of rate, fare, or charge, or classification, rule, regulation, or practice, shall go into effect at the end of such period: *Provided*, That this paragraph shall not apply to any initial schedule or schedules filed by any such carrier in bona fide operation when this section takes effect.

*Proviso.*  
Not applicable to initial schedule.

Proceeding to determine just rate, etc.; elements to be considered.

“(h) In any proceeding to determine the justness or reasonableness of any rate, fare, or charge of any such carrier, there shall not be taken into consideration or allowed as evidence or elements of value of the property of such carrier, either good will, earning power, or the certificate under which such carrier is operating; and in applying for and receiving a certificate under this part any such carrier shall be deemed to have agreed to the provisions of this paragraph, on its own behalf and on behalf of all transferees of such certificate.

Factors to be considered.

“(i) In the exercise of its power to prescribe just and reasonable rates for the transportation of passengers or property by common carriers by motor vehicle the Commission shall give due consideration, among other factors, to the inherent advantages of transportation by such carriers to the effect of rates upon the movement of traffic by such carriers; to the need, in the public interest, of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable such carriers, under honest, economical, and efficient management, to provide such service.

Remedies, rights of action.

“(j) Nothing in this section shall be held to extinguish any remedy or right of action not inconsistent herewith.

Tariffs of common carriers.

#### “TARIFFS OF COMMON CARRIERS BY MOTOR VEHICLE

Filing; printing; inspection.

“SEC. 217. (a) Every common carrier by motor vehicle shall file with the Commission, and print, and keep open to public inspection, tariffs showing all the rates, fares, and charges for transportation, and all services in connection therewith, of passengers or property in interstate or foreign commerce between points on its own route and between points on its own route and points on the route of any other such carrier, or on the route of any common carrier by railroad and/or express and/or water, when a through route and joint rate shall have been established. Such rates, fares, and charges shall be stated in terms of lawful money of the United States. The tariffs required by this section shall be published, filed, and posted in such form and manner, and shall contain such information, as the Commission by regulations shall prescribe; and the Commission is

Publication, etc.

Rejection.



authorized to reject any tariff filed with it which is not in consonance with this section and with such regulations. Any tariff so rejected by the Commission shall be void and its use shall be unlawful.

“(b) No common carrier by motor vehicle shall charge or demand or collect or receive a greater or less or different compensation for transportation or for any service in connection therewith between the points enumerated in such tariff than the rates, fares, and charges specified in the tariffs in effect at the time; and no such carrier shall refund or remit in any manner or by any device, directly or indirectly, or through any agent or broker or otherwise, any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities for transportation in interstate or foreign commerce except such as are specified in its tariffs: *Provided*, That the provisions of sections 1 (7) and 22 (1) of part I shall apply to common carriers by motor vehicles subject to this part.

“(c) No change shall be made in any rate, fare, charge, or classification, or any rule, regulation, or practice affecting such rate, fare, charge, or classification, or the value of the service thereunder, specified in any effective tariff of a common carrier by motor vehicle, except after 30 days' notice of the proposed change filed and posted in accordance with paragraph (a) of this section. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The Commission may, in its discretion and for good cause shown, allow such change upon notice less than that herein specified or modify the requirements of this section with respect to posting and filing of tariffs either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

“(d) No common carrier by motor vehicle, unless otherwise provided by this part, shall engage in the transportation of passengers or property unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this part.

#### “ SCHEDULES OF CONTRACT CARRIERS BY MOTOR VEHICLE

“SEC. 218. (a) It shall be the duty of every contract carrier by motor vehicle to file with the Commission, publish, and keep open for public inspection, in the form and manner prescribed by the Commission, schedules or, in the discretion of the Commission, copies of contracts containing the minimum charges of such carrier for the transportation of passengers or property in interstate or foreign commerce, and any rule, regulation, or practice affecting such charges and the value of the service thereunder. No such contract carrier, unless otherwise provided by this part, shall engage in the transportation of passengers or property in interstate or foreign commerce unless the minimum charges for such transportation by said carrier have been published, filed, and posted in accordance with the provisions of this part. No reduction shall be made in any such charge either directly or by means of any change in any rule, regulation, or practice affecting such charge or the value of service thereunder, except after thirty days' notice of the proposed change filed in the aforesaid form and manner; but the Commission may, in its discretion and for good cause shown, allow such change upon less notice, or modify the requirements of this paragraph with respect to posting and filing of such schedules or copies of contracts, either in particular instances, or by general order applicable to special or peculiar circumstances or conditions. Such notice shall plainly state the change proposed to be made and the time when such change

Charging compensation not specified in, prohibited.

Rebates.

*Proviso.*  
Other provisions applicable.  
Vol. 24, p. 379; U. S. C., pp. 2212, 2233.  
Notice of proposed change in rate, etc.

Modification of requirements of section.

Rates, fares, and charges; publication.

Schedules of contract carriers by motor vehicle.

Duty of carrier to file and publish; keep open for inspection.

Reductions.

Notice required.

Statements therein.

Compensation less than filed charges prohibited.

*Proviso.*  
Application of carriers for relief hereunder.

Complaints respecting charges, rules, etc.

Minimum charge to be prescribed.

Preferences.

Schedule of reduced rate.

Hearing to determine lawfulness; notice.

Suspension of operation of new schedule.

will take effect. No such carrier shall demand, charge, or collect a less compensation for such transportation than the charges filed in accordance with this paragraph, as affected by any rule, regulation, or practice so filed, or as may be prescribed by the Commission from time to time, and it shall be unlawful for any such carrier, by the furnishing of special services, facilities, or privileges, or by any other device whatsoever, to charge, accept, or receive less than the minimum charges so filed or prescribed: *Provided*, That any such carrier or carriers, or any class or group thereof, may apply to the Commission for relief from the provisions of this paragraph, and the Commission may, after hearing, grant such relief to such extent and for such time, and in such manner as in its judgment is consistent with the public interest and the policy declared in section 202 (a) of this part.

“(b) Whenever, after hearing upon complaint or its own initiative, the Commission finds that any charge of any contract carrier or carriers by motor vehicle, or any rule, regulation, or practice of any such carrier or carriers affecting such charge, or the value of the service thereunder, for the transportation of passengers or property in interstate or foreign commerce, contravenes the policy declared in section 202 (a) of this part, the Commission may prescribe such minimum charge, or such rule, regulation, or practice as in its judgment may be necessary or desirable in the public interest and to promote the policy declared in said section. Such minimum charge, or such rule, regulation, or practice, so prescribed by the Commission, shall give no advantage or preference to any such carrier in competition with any common carrier by motor vehicle subject to this part, which the Commission may find to be undue or inconsistent with the public interest and the policy declared in said section, and the Commission shall give due consideration to the cost of the services rendered by such carriers and to the effect of such minimum charge, or such rules, regulations, or practices, upon the movement of traffic by such carriers. All complaints shall state fully the facts complained of and the reasons for such complaint and shall be made under oath.

“(c) Whenever there shall be filed with the Commission by any such contract carrier any schedule or contract stating a reduced charge directly, or by means of any rule, regulation, or practice, for the transportation of passengers or property in interstate or foreign commerce, the Commission is hereby authorized and empowered upon complaint of interested parties or upon its own initiative at once and, if it so orders, without answer or other formal pleading by the interested party, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such charge, or such rule, regulation, or practice, and pending such hearing and the decision thereon the Commission, by filing with such schedule or contract and delivering to the carrier affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule or contract and defer the use of such charge, or such rule, regulation, or practice, for a period of ninety days, and if the proceeding has not been concluded and a final order made within such period the Commission may, from time to time, extend the period of suspension, but not for a longer period in the aggregate than one hundred and eighty days beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the charge, or rule, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and an order

made within the period of suspension, the proposed change in any charge or rule, regulation, or practice shall go into effect at the end of such period: *Provided*, That this paragraph shall not apply to any initial schedule or schedules, or contract or contracts, filed by any such carrier in bona fide operation when this section takes effect.

*Proviso.*  
Not applicable to  
initial schedule.

“RECEIPTS OR BILLS OF LADING

Receipts or bills of  
lading.

“SEC. 219. The provisions of section 20 (11) of part I shall apply with like force and effect to receipts or bills of lading of common carriers by motor vehicle.

Provisions applicable  
to.

“ACCOUNTS, RECORDS, AND REPORTS

Accounts, records,  
and reports.

“SEC. 220. (a) The Commission is hereby authorized to require annual, periodical, or special reports from all motor carriers, to prescribe the manner and form in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commission may deem information to be necessary. Such reports shall be under oath whenever the Commission so requires. The Commission may also require any motor carrier to file with it a true copy of each or any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to any traffic affected by the provisions of this part, to which he or it may be a party.

Authority of Com-  
mission respecting.

Contracts, agree-  
ments, etc.

“(b) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by motor carriers and the length of time such accounts, records, and memoranda shall be preserved, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money. The Commission or its duly authorized special agents or examiners shall at all times have access to all lands, buildings, or equipment of motor carriers used in connection with interstate or foreign operation and also all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept, or required to be kept, by motor carriers. The special agents or examiners of the Commission shall have authority under its order to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing and kept or required to be kept by such carriers. This provision shall apply to receivers of carriers and to operating trustees and, to the extent deemed necessary by the Commission, to persons having control, direct or indirect, over or affiliated with any motor carrier.

Additional author-  
ity.

Access to lands,  
buildings, and carrier  
equipment.

Authority of special  
agents or examiners.

Application of pro-  
vision.

“(c) As used in this section the term ‘motor carriers’ includes brokers.

“Motor carriers” to  
include brokers.

“ORDERS, NOTICES, AND SERVICE OF PROCESS

Orders, notices, and  
service of process.

“SEC. 221. (a) It shall be the duty of every motor carrier to file with the board of each State in which it operates under a certificate or permit issued under this part, and with the Commission, a designation in writing of the name and post-office address of a person upon whom or which service of notices or orders may be made under this part. Such designation may from time to time be changed by like writing similarly filed. Service of notices or orders in proceedings under this part may be made upon a motor carrier by personal service upon it or upon the person so designated by it, or by registered mail addressed to it or to such person at the address

Designation of agent  
for service of notices or  
orders.

Methods of making  
service.

Service in default of designation.

Time when notice considered served.

Orders of Commission; effective date.

Designation of agent for service of process.

Service in default of designation.

"Motor carrier" to include broker.

Unlawful operation.

Penalty for violating provisions.

Proceedings to enforce provisions; exception.

Jurisdiction of court.

Penalty for offering, procuring, etc., rebates, discriminations, etc.

filed. In default of such designation, service of any notice or order may be made by posting in the office of the secretary or clerk of the board of the State wherein the motor carrier maintains headquarters and in the office of the secretary of the Commission. Whenever notice is given by mail as provided herein the date of mailing shall be considered as the time when notice is served.

"(b) Except as otherwise provided in this part, all orders of the Commission shall take effect within such reasonable time as the Commission may prescribe and shall continue in force until its further order, or for a specified period of time, according as shall be prescribed in the order, unless the same shall be suspended or modified or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction.

"(c) Every motor carrier shall also file with the board of each State in which it operates a designation in writing of the name and post-office address of a person in such State upon whom process issued by or under the authority of any court having jurisdiction of the subject matter may be served in any proceeding at law or equity brought against such carrier. Such designation may from time to time be changed by like writing similarly filed. In the event such carrier fails to file such designation, service may be made upon any agent of such motor carrier within such State.

"(d) As used in this section, the term 'motor carriers' includes brokers.

" UNLAWFUL OPERATION

" SEC. 222. (a) Any person knowingly and willfully violating any provision of this part, or any rule, regulation, requirement, or order thereunder, or any term or condition of any certificate, permit, or license, for which a penalty is not otherwise herein provided, shall, upon conviction thereof, be fined not more than \$100 for the first offense and not more than \$500 for any subsequent offense. Each day of such violation shall constitute a separate offense.

"(b) If any motor carrier or broker operates in violation of any provision of this part (except as to the reasonableness of rates, fares, or charges and the discriminatory character thereof), or any rule, regulation, requirement, or order thereunder, or of any term or condition of any certificate or permit, the Commission or its duly authorized agent may apply to the district court of the United States for any district where such motor carrier or broker operates, for the enforcement of such provision of this part, or of such rule, regulation, requirement, order, term, or condition; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or by other process, mandatory or otherwise, restraining such carrier or broker, his or its officers, agents, employees, and representatives from further violation of such provision of this part or of such rule, regulation, requirement, order, term, or condition and enjoining upon it or them obedience thereto.

"(c) Any person, whether carrier, shipper, consignee, or broker, or any officer, employee, agent, or representative thereof, who shall knowingly offer, grant, or give, or solicit, accept, or receive any rebate, concession, or discrimination in violation of any provision of this part, or who by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device, shall knowingly and willfully assist, suffer or permit any person or persons, natural or artificial, to obtain transportation of passengers or property sub-

ject to this part for less than the applicable rate, fare, or charge, or who shall knowingly and willfully by any such means or otherwise fraudulently seek to evade or defeat regulation as in this part provided for motor carrier or brokers, shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than \$500 for the first offense and not more than \$2,000 for any subsequent offense.

“(d) Any special agent or examiner who divulges any fact or information which may come to his knowledge during the course of the examination of the accounts, records, and memoranda of motor carriers or brokers as provided in section 220 (b), except as he may be directed by the Commission or by a court of competent jurisdiction or judge thereof, shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than \$5,000 or imprisonment for a term not exceeding two years, or both.

Penalty, agent or examiner divulging information.

“(e) It shall be unlawful for any motor carrier or broker engaged in interstate or foreign commerce or any officer, receiver, trustee, lessee, agent, or employee of such carrier, broker, or person, or for any other person authorized by such carrier, broker, or person to receive information, knowingly to disclose to, or permit to be acquired by any person other than the shipper or consignee without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such motor carrier or broker for such transportation, which information may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor; and it shall also be unlawful for any person to solicit or knowingly receive any such information which may be so used.

Penalty for unauthorized disclosure of information respecting shipment.

“(f) Nothing in this part shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court, or to any officer or agent of the Government of the United States or of any State, Territory, or District thereof, in the exercise of his power, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crimes or to another carrier or broker, or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers or brokers.

Information furnished in response to legal process.

“(g) Any motor carrier, or broker, or any officer, agent, employee, or representative thereof who shall willfully fail or refuse to make a report to the Commission as required by this part, or to keep accounts, records, and memoranda in the form and manner approved or prescribed by the Commission, or shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully file any false report, account, record, or memorandum, shall be deemed guilty of a misdemeanor and upon conviction thereof be subject for each offense to a fine of not less than \$100 and not more than \$5,000.

Penalty; refusal to make report, keep accounts, etc.

#### “COLLECTION OF RATES AND CHARGES

Rates and charges.

“SEC. 223. No common carrier by motor vehicle shall deliver or relinquish possession at destination of any freight transported by it in interstate or foreign commerce until all tariff rates and charges thereon have been paid, except under such rules and regulations as the Commission may from time to time prescribe to govern the

Collection of.

*Proviso.*  
Credit extensions.

Liability for trans-  
portation charges.

settlement of all such rates and charges, including rules and regulations for weekly or monthly settlement, and to prevent unjust discrimination or undue preference or prejudice: *Provided*, That the provisions of this paragraph shall not be construed to prohibit any such carrier from extending credit in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State or Territory, or political subdivision thereof, or for the District of Columbia. Where any common carrier by motor vehicle is instructed by a shipper or consignor to deliver property transported by such carrier to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of such property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and had no beneficial title in the property, and (b) prior to delivery of the property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of the property. In such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges, irrespective of any provisions to the contrary in the bill of lading or in the contract under which the shipment was made. If the consignee has given to the carrier erroneous information as to who is the beneficial owner, such consignee shall himself be liable for such additional charges, notwithstanding the foregoing provisions of this paragraph. On shipments reconsigned or diverted by an agent who has furnished the carrier with a notice of agency and the proper name and address of the beneficial owner, and where such shipments are refused or abandoned at ultimate destination, the said beneficial owner shall be liable for all legally applicable charges in connection therewith.

Identification of inter-  
state carriers.

#### " IDENTIFICATION OF INTERSTATE CARRIERS

Display of plates;  
regulations.

" SEC. 224. The Commission is hereby authorized, under such rules and regulations as it shall prescribe, to require the display by motor carriers upon each motor vehicle operated under a certificate or permit issued by the Commission, suitable identification plate or plates, to provide for the issuance of such plates, and to require the payment by such carriers of the reasonable cost thereof. All moneys so collected shall be paid into the Treasury of the United States. Any substitution, transfer, or use of any such identification plate or plates, except such as may be duly authorized by the Commission, is hereby prohibited and shall be unlawful.

Issue of; cost.

Deposit of receipts.

Transfer of plates un-  
lawful.

Motor vehicle sizes,  
weights, etc.

#### " INVESTIGATION OF MOTOR VEHICLE SIZES, WEIGHTS, AND SO FORTH

Investigation of.

" SEC. 225. The Commission is hereby authorized to investigate and report on the need for Federal regulation of the sizes and weight of motor vehicles and combinations of motor vehicles and of the qualifications and maximum hours of service of employees of all motor carriers and private carriers of property by motor vehicle; and in such investigation the Commission shall avail itself of the assistance of all departments or bureaus of the Government and of any organization of motor carriers having special knowledge of any such matter.

Employees; qualifi-  
cations, hours of serv-  
ice.

“SEPARABILITY OF PROVISIONS

Separability provision.

“SEC. 226. If any provision of this part, or the application thereof to any person, or commerce, or circumstance, is held invalid, the remainder of the part, and part, and the application of such provision to other persons, or commerce, or circumstances, shall not be affected thereby.

“TIME EFFECTIVE

Effective date.

“SEC. 227. (a) This part (except this section, which shall become effective immediately upon approval) shall take effect and be in force on and after the 1st day of October 1935: *Provided, however,* That the Commission shall, if found by it necessary or desirable in the public interest, by general or special order, postpone the taking effect of any provision of this part to such time after the 1st day of October 1935, as the Commission shall prescribe, but not beyond the 1st day of April 1936.”

Proviso. Postponement authorized.

Approved, August 9, 1935.

[CHAPTER 499.]

AN ACT

August 9, 1935.

[S. 1726.]

[Public, No. 256.]

To authorize the Secretary of War to grant a right-of-way for street purposes upon and across the San Antonio Arsenal, in the State of Texas.

*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 to grant an easement for a right-of-way to the city of San Antonio, State of Texas, to construct and maintain a street to be known as Main Avenue, on the San Antonio Arsenal Military Reservation, Texas, on such terms and conditions as the Secretary of War may prescribe: *Provided,* That the construction and maintenance of said thoroughfare shall be without expense to the United States, and whenever the lands within said right-of-way shall cease to be used for street or highway purposes they shall revert to the United States.

San Antonio, Tex. Easement to, authorized.

Proviso. No Federal expense.

Approved, August 9, 1935.

[CHAPTER 500.]

AN ACT

August 9, 1935.

[H. R. 3641.]

[Public, No. 257.]

To amend section 559 of title 20 of the Code of the District of Columbia as to restriction on residence of members of the fire department.

*Be enacted<sup>1</sup> by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 559 of title 20 of the Code of the District of Columbia be amended to read as follows:

District of Columbia Code, amendment.

“RESTRICTIONS ON MEMBERS OF DEPARTMENT LEAVING DISTRICT; LEAVES OF ABSENCE.—No member of the fire department shall, unless on leave of absence, go beyond the confines of the District of Columbia, or be absent from duty without permission, except that nothing in this Act shall be construed to limit the right of members of the department to reside anywhere within the Washington, District of Columbia, Metropolitan District; and leaves of absence exceeding twenty days in any one year shall be without pay and require the consent of the Commissioners, and such year shall be from January 1 to December 31, both inclusive, and thirty days shall be the term of total sick leave in any year without disallowance

Fire Department members. Residence requirement.

Leave of absence.

Term of sick leave.

<sup>1</sup> So in original.

Extension author-  
ized.

of pay; and leave of absence with pay of members of the Fire Department of the District of Columbia may be extended in cases of illness or injury incurred in line of duty, upon recommendation of the board of surgeons approved by the Commissioners of the District of Columbia, for such period exceeding thirty days in any calendar year as in the judgment of the Commissioners may be necessary: *Provided*, That for the purposes of this Act, Washington, District of Columbia, Metropolitan District, shall be held to include the District of Columbia and the territory adjacent thereto within a radius of twelve miles from the United States Capitol Building: *And provided further*, That any member of the fire department living outside the District of Columbia shall have and maintain a telephone at all times in his residence."

*Provisos.*  
"Washington, District of Columbia, Metropolitan District", determined.

Telephone require-  
ment.

Approved, August 9, 1935.

[CHAPTER 501.]

AN ACT

August 9, 1935.

[H. R. 3642.]

[Public, No. 258.]

To amend section 483 of title 20 of the Code of the District of Columbia as to residence of members of the Police Department.

District of Columbia  
Code, amendment.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 483 of title 20 of the Code of the District of Columbia be amended to read as follows:

Residence, members  
of police force.

"RESIDENCE OF MEMBERS OF POLICE FORCE.—There shall be no limitation or restriction of place of residence to any member of the police force, other than residence within the Washington, District of Columbia, metropolitan district: *Provided*, That for the purposes of this Act, Washington, District of Columbia, metropolitan district, shall be held to include the District of Columbia and the territory adjacent thereto within a radius of twelve miles from the United States Capitol Building: *And provided further*, That any member of the Police Department living outside of the District of Columbia shall have and maintain a telephone at all times in his residence."

*Provisos.*  
"Washington, District of Columbia, Metropolitan District", determined.

Telephone require-  
ment.

Approved, August 9, 1935.

[CHAPTER 502.]

AN ACT

August 9, 1935.

[H. R. 7447.]

[Public, No. 259.]

To amend an Act to provide for a Union Railroad Station in the District of Columbia, and for other purposes.

Union Railroad Sta-  
tion in District of Co-  
lumbia.  
Vol. 32, p. 909.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of section 5 of an Act of Congress entitled "An Act to provide for a Union Railroad Station in the District of Columbia, and for other purposes", approved February 28, 1903 (Public, Numbered 122, 32 Stat. 909), which reads:

"No streets or avenues, except Ninth, Twelfth, and Fifteenth Streets, and New York Avenue, shall be opened across the railroads constructed under authority of this Act between Florida and Montana Avenues, and said Ninth, Twelfth, and Fifteenth Streets, when and as opened, shall be carried above the railroads by suitable viaduct bridges, the cost whereof, with their approaches within the limits of the right-of-way, shall be paid by the terminal company, but shall be maintained as in the case of other public highways in the District of Columbia", be, and the same is hereby, amended to read as follows:



“No streets or avenues shall be opened across the railroads constructed under the authority of this Act between Florida Avenue and an extension of the west line of Twenty-second Street Northeast from Bryant Street to New York Avenue, except New York Avenue and except as hereinafter provided; the Baltimore and Ohio Railroad Company and the Philadelphia, Baltimore and Washington Railroad Company shall construct, within two years after being directed so to do by the Commissioners of the District of Columbia, a suitable viaduct bridge above the said railroads connecting Brentwood Road and T Street Northeast, with New York Avenue at such point as may be determined by the said Commissioners between Fourth Street Northeast and the extension of Mount Olivet Road Northeast, as the same may be shown on the plan of the permanent system of highways at the time the said Commissioners direct the construction of said viaduct bridge, said viaduct bridge either to connect directly with New York Avenue at grade or to pass over said avenue with connections thereto as the said Commissioners may direct; the Baltimore and Ohio Railroad Company and the Philadelphia, Baltimore and Washington Railroad Company shall pay in equal shares the entire cost and expense of the bridge structure, including the necessary retaining walls and approaches in connection therewith, between the southerly line of New York Avenue as now publicly owned, and the southerly line of Brentwood Road as now publicly owned; the Baltimore and Ohio Railroad Company and the Philadelphia, Baltimore and Washington Railroad Company shall dedicate or cause to be dedicated to the District of Columbia such land lying between the southerly line of Brentwood Road and the northerly line of New York Avenue Northeast, as now publicly owned, as may be necessary for the location of such bridge structure and the approaches thereto in accordance with the plan of the permanent system of highways as said plan may be established at the time the Commissioners direct the construction of said viaduct bridge; the cost of maintenance of said viaduct bridge, retaining walls, and approaches is to be borne entirely by the District of Columbia; and said viaduct bridge, retaining walls, and approaches shall be constructed in accordance with plans and specifications and at a location approved by the Commissioners of said District; and the Baltimore and Ohio Railroad Company and the Philadelphia, Baltimore and Washington Railroad Company shall construct, within two years after being directed so to do by the Commissioners of the District of Columbia, a suitable subway or underpass beneath the tracks of said companies within the lines of the street connecting the intersection of New York Avenue and West Virginia Avenue Northeast, as the same may be shown on said plan of the permanent system of highways at the time said Commissioners direct the construction of said subway or underpass; the said railroad companies shall pay in equal shares the entire cost and expense of the subway or underpass structure, including the necessary retaining walls in connection therewith, and in addition thereto, so much of the approaches to said subway or underpass as lie within the limits of the said railroad companies' properties; each of said railroad companies shall dedicate or cause to be dedicated to the District of Columbia such land lying within the limits of said railroad companies' properties as may be necessary for said street in accordance with the plan of the permanent system of highways as said plan may be established at the time the Commissioners direct the construction of said subway or underpass; the cost of maintenance of said approaches is to be borne entirely by the District of Columbia; the cost of maintenance of said subway or

Restriction on opening streets within designated area.

Construction of viaduct bridges.

Construction costs.

Dedication of necessary lands.

Maintenance costs.

Plans and specifications of construction.

Subway.

Construction costs.

Dedication of necessary lands.

Maintenance costs.

Plans and specifications of construction.

underpass structure and the retaining walls is to be borne entirely by said railroad companies; and the said subway or underpass and the retaining walls and approaches shall be constructed in accordance with the plans and specifications and at a location approved by the Commissioners of said District."

Amendment of Act.

SEC. 2. Congress reserves the right to alter, amend, or repeal this Act.

Separability of provisions.

SEC. 3. If this amendatory Act or any part thereof shall be declared invalid, so much of this Act as forbids the opening of Ninth, Twelfth, and Fifteenth Streets shall be void, and the duty of the terminal company referred to in said Act of Congress approved February 28, 1903, to construct suitable viaduct bridges and the approaches thereto to carry said streets over the railroads as required by said section 5 of said Act of February 28, 1903, as originally enacted, shall remain in full force and effect and unimpaired by this amendatory Act.

Approved, August 9, 1935.

[CHAPTER 503.]

JOINT RESOLUTION

August 9, 1935.  
[S. J. Res. 139.]  
[Pub. Res., No. 46.]

Requesting the President to extend to the International Statistical Institute an invitation to hold its twenty-fourth session in the United States in 1939.

International Statistical Institute.

Whereas the American Statistical Association will celebrate its centenary in 1939; and

Whereas it desires to invite the International Statistical Institute, an international organization with similar objectives, to be its guest at that time; and

Whereas for fifty years the Institute has met on invitation from the Government of the country in which the meeting occurs: Therefore be it

Invitation to hold 1939 session in the United States.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President be, and he is hereby, requested to extend to the International Statistical Institute an invitation to hold its twenty-fourth session in the United States in the year 1939.

Approved, August 9, 1935.

[CHAPTER 504.]

JOINT RESOLUTION

August 9, 1935.  
[H. J. Res. 258.]  
[Pub. Res., No. 47.]

To provide for certain State allotments under the Cotton Control Act.

Cotton Control Act, amendment.  
Vol. 48, p. 600.  
Post, pp. 777, 1106.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5 (a) of the Act entitled "An Act to place the cotton industry on a sound commercial basis, to prevent unfair competition and practices in putting cotton into the channels of interstate and foreign commerce, to provide funds for paying additional benefits under the Agricultural Adjustment Act, and for other purposes", approved April 21, 1934, as amended, is amended by inserting before the period at the end of the first sentence thereof a colon and the following: "*Provided further,* That no State shall receive an allotment for any crop year beginning with the crop year 1935-1936 of less than four thousand bales of cotton if during any one of the ten crop years prior to the date of the enactment of this Act the production of such State exceeded five thousand bales".

State allotments.  
Minimum allotment, crop years beginning with 1935-1936.

Approved, August 9, 1935.

[CHAPTER 508.]

## AN ACT

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1935, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1935, and June 30, 1936, and for other purposes.

August 12, 1935.  
[H. R. 8554.]  
[Public, No. 260.]

*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, 1935, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1935, and June 30, 1936, and for other purposes, namely:

Second Deficiency Act, fiscal year, 1935.

TITLE I—GENERAL APPROPRIATIONS  
LEGISLATIVE

General appropriations.  
Legislative.

## SENATE

Senate.

The unobligated balance of the appropriation for expenses of inquiries and investigations ordered by the Senate, contingent fund of the Senate, for the fiscal year 1935, is reappropriated and made available for the fiscal year 1936.

Inquiries and investigations, expenses.  
Vol. 48, p. 820.

For the purchase of furniture, fiscal year 1936, \$2,089.18.

Furniture.

For miscellaneous items, exclusive of labor, fiscal year 1936, \$50,000.

Miscellaneous.

## HOUSE OF REPRESENTATIVES

House of Representatives.

For payment to the widow of Cap R. Carden, late a Representative from the State of Kentucky, \$10,000, to be disbursed by the Sergeant at Arms of the House.

Cap R. Carden.  
Pay to widow.

Speaker's office: Effective on the date of the enactment of this Act, the positions of clerk to Speaker at \$2,400 and clerk to Speaker at \$1,440 are abolished and in lieu thereof there are hereby established three clerical positions at \$2,400 each per annum; and the appropriations for the fiscal year 1936 in the Legislative Branch Appropriation Act, 1936, for compensation of the positions hereby abolished are made available for compensation of the positions hereby created and in addition there is appropriated for the fiscal year 1936 the sum of \$3,360.

Speaker's office.  
Reclassification of positions under.

Parliamentary Precedents: For reimbursement to Clarence Cannon for expenses incurred by him in compiling, preparing, correcting, and revising Hinds' Parliamentary Precedents of the House of Representatives up to and including the Seventy-third Congress, \$20,000.

Appropriation available.

*Ante*, p. 463.

Hinds' Parliamentary Precedents.  
Expenses of compiling, etc.  
*Ante*, p. 509.

Contingent expenses: For stenographic reports of hearings of committees other than special and select committees, for the following fiscal years:

Contingent expenses.

For 1934, \$55.50;

For 1935, \$12,500.

For telegraph and telephone service, exclusive of personal services, fiscal year 1935, \$15,000.

Telegraph and telephone service.

## OFFICE OF ARCHITECT OF THE CAPITOL

Architect of the Capitol.

Air-conditioning, Capitol, Senate and House Office Buildings: For providing and installing air-conditioning systems, Capitol, Senate and House Office Buildings, including all necessary structural alterations required for such installations, fiscal years 1936 and 1937,

Capitol, Senate and House Office Buildings.  
Air conditioning systems.

Expenditures included.  
Vol. 36, p. 699;  
U. S. C., p. 1787.  
Services.  
Vol. 42, p. 1488; Vol.  
46, p. 1003; U. S. C.,  
p. 85.

\$2,550,000, to be expended by the Architect of the Capitol and to include expenditures for material, supplies, equipment, accessories, advertising, traveling expenses, and, without regard to section 35 of the Public Buildings Act, approved June 25, 1910, as amended, or the Classification Act of 1923, as amended, the employment of necessary personnel (including professional, architectural, and engineering services).

Senate Office Building.  
Construction, etc.,  
expenses.

Senate Office Building: For letter-filing cabinets, \$5,000; for fire-proofing attic and wire-mesh partitions, \$5,040; and two cut-off partitions with fire doors, \$1,500; for remodelling and painting rooms in the Senate Office Building, \$45,500; in all, fiscal year 1936, \$57,040.

House Office Building.  
Maintenance.

House Office Building: For an additional amount for maintenance, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1935, \$5,000.

Capitol Buildings.

Capitol Buildings: For an additional amount for the Capitol Buildings for the fiscal year 1936, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1936, \$5,000.

Capitol Power Plant.  
Maintenance, etc.

Capitol Power Plant: For an additional amount for lighting, heating, and power for the Capitol, Senate and House Office Buildings, and so forth, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1935, \$56,100.

Feed water deaerator,  
heater, etc.  
Sums available.  
Vol. 48, p. 827.

The sum of \$25,600 of the appropriation for the Capitol Power Plant, contained in the Legislative Branch Appropriation Act, 1935, is hereby continued available until June 30, 1936, and shall be available for the purchase and installation of a feed water deaerator heater, auxiliaries, and so forth, including housing and all expenses in connection therewith, together with an additional amount of \$35,000, to remain available for the same purposes until June 30, 1936.

Travel expenses.  
Amount increased.  
Vol. 48, p. 827.

The limitation of \$1,750 placed on expenses for travel on official business under the Architect of the Capitol contained in the Legislative Branch Appropriation Act, 1935, is hereby increased to \$2,500.

Library of Congress.

#### LIBRARY OF CONGRESS

Books for adult  
blind.  
Vol. 47, p. 1570.  
U. S. C., p. 16.

Books for adult blind: For an additional sum required to enable the Librarian of Congress to carry out the provisions of the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931, as amended (U. S. C., Supp. VII, title 2, sec. 135a), fiscal year 1936, \$75,000.

Government Printing  
Office.

#### GOVERNMENT PRINTING OFFICE

Designated messen-  
gers on night duty.

For payment to Samuel Robinson, William Madden, Preston L. George, and William S. Houston, messengers on night duty during the first session of the Seventy-fourth Congress, \$900 each; in all, \$3,600, to be paid from the appropriation for printing and binding for Congress for the fiscal year 1935.

Independent Offices.

#### INDEPENDENT OFFICES

Executive.

#### EXECUTIVE

Naval oil reserves.  
Expenses, canceling,  
etc.

Protection of interests of the United States in matters affecting oil lands in former naval reserves: For an additional amount for compensation and expenses of special counsel and for all other expense, including employment of experts and other assistants at such rates as may be authorized or approved by the President, in connection with carrying into effect the "Joint resolution directing the Secretary of the Interior to institute proceedings touching sections

Vol. 43, p. 15.

16 and 36, township 30 south, range 23 east, Mount Diablo meridian", approved February 21, 1924, \$62,500, of which \$36,000 shall be available for the fiscal year 1936 and no part of such sum of \$36,000 shall be used to compensate any person at a rate in excess of \$10,000 per annum, and \$26,500, to be available for services rendered during the fiscal year 1934 and prior fiscal years, and to be expended by the President.

## CIVIL SERVICE COMMISSION

Civil Service Commission.

Salaries and expenses: For an additional amount for salaries and expenses, including the same objects specified under this head in the Independent Offices Appropriation Act, 1936, \$25,000.

Salaries and expenses.  
*Ante*, p. 7.  
*Post*, p. 1111.

Printing and binding: For an additional amount for printing and binding, including the same objects specified under this head in the Independent Offices Appropriation Act for the fiscal year 1935, fiscal years 1935 and 1936, \$10,900.

Printing and binding.

## DISTRICT OF COLUMBIA ALLEY DWELLING AUTHORITY

D. C. Alley Dwelling Authority.

Conversion of inhabited-alleys fund: The unexpended balance of the "Conversion of inhabited-alleys fund" of \$500,000 established pursuant to the provisions of the District of Columbia Alley Dwelling Act, approved June 12, 1934, is hereby continued available for the purposes of said Act until June 30, 1936.

Funds for, continued available.  
Vol. 48, p. 930.  
*Post*, p. 1601.

## EMPLOYEES' COMPENSATION COMMISSION

Employees' Compensation Commission.

Salaries and expenses: For an additional amount for salaries and expenses for the United States Employees' Compensation Commission, including the same objects specified under this head in the Independent Offices Appropriation Act, 1928, \$1.25.

Salaries and expenses.  
Vol. 44, p. 1074.

## FEDERAL TRADE COMMISSION

Federal Trade Commission.

Salaries and expenses: For an additional amount for the Federal Trade Commission, including the same objects specified under this head in the Independent Offices Appropriation Act, 1936, including \$4,000 for printing and binding, \$200,000, to remain available until December 31, 1936.

Salaries and expenses.  
*Ante*, p. 10.  
*Post*, p. 1111.

## GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

George Rogers Clark Sesquicentennial Commission.

For payment of the General Accounting Office settlement, dated April 16, 1935, in favor of D. Frank Culbertson, vice chairman of the Commission, for per diem in lieu of subsistence and for reimbursement of expenses incurred by him when on official business during the period from January 2, 1930, to October 26, 1934, both inclusive, \$1,875.67, to be payable from the unexpended balances of the appropriations continued available to the Commission during the fiscal year 1935.

D. Frank Culbertson.  
Payment to.  
Vol. 48, p. 324.

## GEORGE WASHINGTON BICENTENNIAL COMMISSION

George Washington Bicentennial Commission.

For an additional amount for the George Washington Bicentennial Commission, to be available only for completing the printing and binding at the Government Printing Office of the remaining volumes of the definitive edition of the writings of George Washington as authorized by Public Resolution Numbered 6, Seventy-fourth Congress, approved March 4, 1935, \$103,600, to remain available until December 31, 1936.

Definitive edition of writings of George Washington.  
Vol. 48, p. 1210.  
*Ante*, p. 38.  
*Post*, p. 1896.

National Advisory  
Committee for Aero-  
nautics.

Expenses, scientific  
research, etc.  
*Ante*, p. 13.  
*Post*, p. 1602.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

For an additional amount for scientific research, technical investigations, and special reports in the field of aeronautics, including the same objects specified under this head in the Independent Offices Appropriation Act, 1936, fiscal year 1936, \$338,050, of which sum not to exceed \$20,000 may be used for personal services in the District of Columbia.

National Capital  
Park and Planning  
Commission.

Incidental expenses.  
Vol. 46, p. 482.  
*Post*, p. 1602.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

For the work of the National Capital Park and Planning Commission necessary toward carrying into effect the provisions of section 4 of the Act approved May 29, 1930 (46 Stat. 482), providing for a comprehensive park, parkway, and playground system of the National Capital, and so forth; personal services in the District of Columbia, including real-estate and other technical services, at rates of pay to be fixed by the Commission not exceeding those usual for similar services and without reference to civil-service rules and the Classification Act of 1923, as amended; travel expenses; survey, searching of titles, and all other costs incident to the acquisition of land; reimbursements to be made as prescribed in such Act, as amended, fiscal year 1936, \$800,000.

Personal services.  
U. S. C., p. 85.

National Railroad  
Adjustment Board.

Expenses.  
*Ante*, p. 23.  
*Post*, pp. 1178, 1603.

NATIONAL RAILROAD ADJUSTMENT BOARD

Not to exceed \$25,000 of the unexpended balance of the appropriation for the National Railroad Adjustment Board for the fiscal year 1935, contained in Public Resolution Numbered 3, Seventy-fourth Congress, approved February 13, 1935, is hereby continued available until June 30, 1936, of which amount not to exceed \$12,500 shall be available for the payment of salaries and expenses of referees of the National Railroad Adjustment Board, and not to exceed \$12,500 shall be available for printing and binding.

United States offi-  
cers and employees in  
foreign countries.

Payments, due to  
appreciation of for-  
eign currencies.  
*Ante*, pp. 14, 71.

PAYMENT TO OFFICERS AND EMPLOYEES OF THE UNITED STATES IN FOREIGN COUNTRIES DUE TO APPRECIATION OF FOREIGN CURRENCIES

For an additional amount for payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies, including the same objects specified under this head in the Independent Offices Appropriation Act, 1936, \$1,478,652.

Petroleum Admin-  
istration.

Expenses.  
*Ante*, p. 30.

PETROLEUM ADMINISTRATION

For administering and enforcing the provisions of the Act approved February 22, 1935 (Public, Numbered 14, Seventy-fourth Congress), entitled "An Act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", and to include necessary personal services in the District of Columbia and elsewhere without regard to the civil-service laws and regulations, traveling expenses, contract stenographic reporting services, rent, stationery and office supplies, not to exceed \$10,000 for printing and binding, not to exceed \$1,500 for books and periodicals, not to exceed \$20,000 for the purchase, exchange, hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, and not to exceed \$20,000 for the maintenance, operation, and repair of boats, fiscal year 1936, \$500,000.

## RAILROAD RETIREMENT BOARD

Railroad Retirement Board.

Salaries and Expenses: For each and every expense necessary to liquidate the affairs of the former Railroad Retirement Board, as established in section 9 of the Railroad Retirement Act, approved June 27, 1934, which is hereby reestablished to effect such liquidation, including compensation of members of said Board and its employees heretofore and hereafter employed for services rendered from May 1 to 6, 1935, inclusive, and subsequently thereto but not beyond September 30, 1935; to pay any expense heretofore incurred by the Board and not yet paid, for the preparation of a report upon its activities and experiences to the President for transmission to Congress as contemplated in section 2 (b) of the Railroad Retirement Act, and for arranging for turning over the records, papers, and property of the Board to such agency as the President shall designate, fiscal years 1935 and 1936, \$35,000; and in addition thereto refundment is hereby authorized to past and present members and employees of the Board of all compensation earned by them but withheld as employees' contribution to the Railroad Retirement Fund and deposited to the credit of said fund in the Treasury, and the amount necessary for this purpose is hereby appropriated from said fund: *Provided*, That no member of the Board or of its staff shall be personally liable for any action heretofore taken within the terms of the authority sought to be granted by the Railroad Retirement Act.

Salaries and expenses. Vol. 48, p. 1287. Post, p. 1098.

*Proviso.*  
Personal liability.

## TARIFF COMMISSION

Tariff Commission.

Salaries and expenses: The sum of \$19,000 of the unobligated balance of the appropriation and other funds of \$877,942 for salaries and expenses of the United States Tariff Commission, 1935, contained in the Independent Offices Appropriation Act, 1935, and the Emergency Appropriation Act, fiscal year 1935, is hereby continued available for the fiscal year 1936, and the limitation of \$870,000 on the amount which may be expended for personal services in the District of Columbia, contained in the Independent Offices Appropriation Act, 1936, under this head, is hereby increased to \$908,000.

Salaries and expenses. Vol. 48, pp. 517, 1027. Ante, p. 16.

Printing and binding: The sum of \$1,000 of the unobligated balance of the appropriation and other funds of \$15,775 for printing and binding for the Tariff Commission, 1935, contained in the Independent Offices Appropriation Act, 1935, and the Emergency Appropriation Act, fiscal year 1935, is hereby continued available for the fiscal year 1936.

Printing and binding.

Sum of unexpended balance continued. Vol. 48, pp. 518, 1027.

## TEXAS CENTENNIAL EXPOSITION

Texas Centennial Exposition.

For the purpose of carrying into effect the provisions of the public resolution entitled "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes", approved June 28, 1935, and for each and every object thereof, and within the limits of the cost specified therein, \$3,000,000, said sum to include \$300,000 toward the Texas Memorial Museum to be granted to the board of directors of such museum for expenditures for such purpose, to remain available until expended.

Participation expenses. Ante, pp. 431, 541, 542.

Sum for Texas Memorial Museum.

Thomas Jefferson  
Memorial Commis-  
sion.

THOMAS JEFFERSON MEMORIAL COMMISSION

Expenses.  
Vol. 48, p. 1244.

For every expenditure requisite for and incident to the performance of the duties of the Thomas Jefferson Memorial Commission, created by Public Resolution Numbered 49, Seventy-third Congress, approved June 26, 1934 (48 Stat. 1244), including personal services without regard to the provisions of the civil-service laws and regulations, and the Classification Act of 1923, as amended, purchase or preparation of plans, designs, and estimates, printing and binding, office equipment and supplies, contract stenographic reporting service, books and periodicals, traveling expenses of members and employees of the Commission (including such expenses and allowances for members of the Commission when required to be in Washington, District of Columbia, in connection with the work of the Commission), and such other contingent and miscellaneous expenses as may be necessary, fiscal years 1935 and 1936, \$15,000: *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 Commission.

*Proviso.*  
Purchases or serv-  
ices.  
R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.

District of Columbia.

DISTRICT OF COLUMBIA

Corporation Coun-  
sel's Office.

OFFICE OF CORPORATION COUNSEL

Salaries.  
*Ante*, p. 342.

Salaries: For an additional amount for personal services, fiscal year 1934, \$522.50.

Coroner's office.

CORONER'S OFFICE

Maintenance.  
*Ante*, p. 342.

Maintenance: For additional amount for maintenance, Coroner's Office, including the same objects specified under this head in the District of Columbia Appropriation Acts for the following fiscal years:  
For 1934, \$931.50;  
For 1935, \$740.

Contingent and mis-  
cellaneous expenses.

CONTINGENT AND MISCELLANEOUS EXPENSES

Judicial expenses.  
*Ante*, p. 345.

Judicial expenses: For an additional amount for judicial expenses, including the same objects specified under this head in the District of Columbia Appropriation Acts for the following fiscal years:  
For 1934, \$911.37;  
For 1935, \$2,095.50.

Advertising.

General advertising: For an additional amount for general advertising, including the same objects specified under this head in the District of Columbia Appropriation Acts for the following fiscal years:  
For 1934, \$2,515.74;  
For 1935, \$1,494.31.

Employees' Com-  
pensation Fund.

EMPLOYEES' COMPENSATION FUND; DISTRICT OF COLUMBIA

Burial expenses.  
Vol. 41, p. 104.  
*Ante*, p. 344.

For an additional amount 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, fiscal year 1935, \$6,000.

Vol. 39, p. 745.



## PUBLIC SCHOOLS

Fuel, gas, and so forth: For an additional amount for fuel, gas, and electric light and power, for the following fiscal years:

For 1934, \$11,303.01;

For 1935, \$45,000.

Furniture and equipment: The unexpended balance of the appropriation of \$150,000, contained in the District of Columbia Appropriation Act for the fiscal year 1935, for furniture and equipment, including pianos and window shades, for the Woodrow Wilson Senior High School, is continued available for the same purposes during the fiscal year 1936: *Provided*, That the total amount expended under this appropriation and the appropriation for the same purposes in the District of Columbia Appropriation Act for the fiscal year 1936 shall not exceed \$150,000.

Education of deaf, dumb, and blind: For an additional amount 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 entered into with the said institution by the Commissioners, fiscal year 1935, \$500.

## FIRE DEPARTMENT

For an additional amount for fuel, fiscal year 1935, \$4,000.

## HEALTH DEPARTMENT

Salaries: For an additional amount for personal services, fiscal year 1936, \$45,000.

Prevention of contagious diseases: For an additional amount for prevention of contagious diseases, including the same objects specified under this head in the District of Columbia Appropriation Act for the fiscal year 1935, \$4,000.

Maintenance of motor vehicles: For an additional amount for maintenance and operation of motor ambulances and motor vehicles, fiscal year 1935, \$300.

Garfield Hospital isolating ward: For additional amounts for isolating wards for minor contagious diseases at Garfield Memorial Hospital, maintenance, for the following fiscal years:

For 1935, \$18,000;

For 1936, \$3,000.

## COURTS AND PRISONS

Juvenile court: For an additional amount for witness fees and compensation of jurors, fiscal year 1935, \$700.

Support of convicts: For an additional amount for support, maintenance, and transportation of convicts transferred from District of Columbia, including the same objects specified under this head in the District of Columbia Appropriation Act for the fiscal year 1934, \$55,456.64.

Writs of lunacy: For an additional amount 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, fiscal year 1934, \$1,372.16.

Public schools.

Operating supplies.  
*Ante*, p. 355.

Furniture, etc.  
Vol. 48, p. 859.  
*Ante*, p. 355.

*Proviso*.  
Limitation.

Education of deaf,  
dumb, and blind.  
*Ante*, p. 354.

R. S., sec. 4864, p. 942.  
Vol. 31, p. 844; Vol.  
36, p. 1422.

Fire Department.

Fuel.

Health Department.

Salaries.  
*Ante*, p. 359.

Contagious diseases  
prevention.  
*Ante*, p. 359.

Motor vehicles.

Garfield Hospital.  
Isolating wards.

Courts and prisons.

Juvenile court.

Support of convicts  
out of the District.

Lunacy writs.  
Expenses of exe-  
cuting.  
Vol. 33, p. 740.

## Public welfare.

## PUBLIC WELFARE

Board of Public Welfare, ambulance, etc.  
*Ante*, p. 363.  
Child Welfare Division.

Board of Public Welfare: For purchase and exchange of one motor ambulance and equipment, fiscal year 1936, \$1,500.

Division of Child Welfare: For an additional amount for board and care of all children committed to the guardianship of said Board by the courts of the District, including the same objects specified under this head in the District of Columbia Appropriation Act for the fiscal year 1935, \$10,000.

Jail, maintenance, etc.

Jail: For an additional amount for maintenance and support of prisoners of the District of Columbia at the jail, including the same objects specified under this head in the District of Columbia Appropriation Act for the fiscal year 1935, \$13,000.

Workhouse and reformatory.

Workhouse and reformatory: For an additional amount for maintenance, care, and support of inmates, including the same objects specified under this head in the District of Columbia Appropriation Act for the fiscal year 1935, \$75,000.

National Training School for Boys.

National Training School for Boys, contract: For an additional amount 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 made by the Board of Public Welfare with the authorities of such school for the following fiscal years:

For 1934, \$12,590.19;

For 1935, \$60,000.

National Training School for Girls.

National Training School for Girls: For an additional amount for maintenance, including the same objects specified under this head in the District of Columbia Appropriation Act for the fiscal year 1934, \$122.67.

Medical charities.

Medical charities: For an additional amount for care and treatment of indigent patients under contracts made by the Board of Public Welfare with the following institutions and for not to exceed the following amounts, respectively:

Children's Hospital.

Children's Hospital: Fiscal year 1934, \$8,948; fiscal year 1935, \$45,000; in all, \$53,948.

Emergency Hospital.

Central Dispensary and Emergency Hospital, fiscal year 1935, \$20,000.

Casualty Hospital.

Eastern Dispensary and Casualty Hospital: Fiscal year 1934, \$3,425.10; fiscal year 1935, \$20,000; in all, \$23,425.10.

Tuberculosis Hospital.

Tuberculosis Hospital: For an additional amount for provisions, including the same objects specified under this head in the District of Columbia Appropriation Acts for the following fiscal years:

For 1934, \$233.20;

For 1935, \$15,000.

Children's Tuberculosis Sanatorium.

Children's Tuberculosis Sanatorium: For an additional amount for provisions, including the same objects specified under this head in the District of Columbia Appropriation Act for the fiscal year 1935, \$6,000.

Gallinger Municipal Hospital.

Gallinger Municipal Hospital: For an additional amount for maintenance of the hospital, including the same objects specified under this head in the District of Columbia Appropriation Act for the fiscal year 1935, \$10,000.

Industrial Home School for Colored Children.

Industrial Home School for Colored Children: For an additional amount for maintenance, including the same objects specified under this head in the District of Columbia Appropriation Act for the following fiscal years:

For 1934, \$210.53;

For 1935, \$4,000.

**Industrial Home School:** For an additional amount for maintenance, including care of horses, purchase and care of wagon and harness, maintenance of nonpassenger-carrying motor vehicle, fiscal year 1935, \$2,000.

Industrial Home School.

**Home for Aged and Infirm:** For an additional amount for provisions, including the same objects specified under this head in the District of Columbia Appropriation Act for the following fiscal years:

Home for Aged and Infirm.

For 1934, \$593.02;

For 1935, \$10,500.

**Saint Elizabeths Hospital:** For an additional amount for support of indigent insane of the District of Columbia in Saint Elizabeths Hospital, as provided by law, fiscal year 1935, \$29,000.

Saint Elizabeths Hospital.

**Relief of the poor:** For an additional amount 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, fiscal year 1935, \$2,000.

Relief of the poor.

#### WATER SERVICE

Water service.

**Washington Aqueduct:** For replacing the pumping equipment and appurtenant features of the pumping station of the McMillan Filter Plant and for each and every purpose connected therewith, fiscal year 1936, \$150,000, or so much thereof as may be necessary, to be paid wholly out of the revenues of the Water Department of the District of Columbia.

Washington Aqueduct.  
Post, p. 1615.

Out of water revenues.

#### SETTLEMENT OF CLAIMS

For the payment of claims approved by the Commissioners under and in accordance with the provisions of the Act entitled "An Act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia", approved February 11, 1929 (45 Stat., 1160), as amended by the Act approved June 5, 1930 (46 Stat., 500), and reported in Senate Document Numbered 78 and House Document Numbered 177, Seventy-fourth Congress, \$11,522.30.

Settlement of claims and suits.  
Vol. 45, p. 1160; Vol. 46, p. 500.

#### REFUND OF ASSESSMENTS

For payment of refunds of assessments for paving streets, avenues, and roads, and laying curbs, as authorized by the provisions of section 11 of the Act entitled "An Act to provide for special assessments for the paving of roadways and the laying of curbs and gutters", approved February 20, 1931, \$2,033.87.

Paying refunds of street, etc., assessments.  
Vol. 46, p. 1199.

For payment of refunds of assessments for sewer and water mains in the subdivision of Barry Farm, pursuant to the provisions of the District of Columbia Appropriation Act for the fiscal year 1935, \$18,121.98.

Barry Farm subdivision.  
Vol. 48, p. 876.

#### JUDGMENTS

For the payment of final judgments, including costs, rendered against the District of Columbia, as set forth in Senate Document Numbered 77 and House Document Numbered 188, Seventy-fourth Congress, \$12,749.93, together with the further sum to pay the 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 of payment.

Payment of judgments.

Workmen's Com-  
pensation Act.

## WORKMEN'S COMPENSATION ACT

Lyman C. Drake.  
Post, p. 2084.  
Vol. 45, p. 600.

Relief of Lyman C. Drake: For payment to Lyman C. Drake, under the provisions of the Act of June 19, 1935, on account of an award made by the United States Employees' Compensation Commission on September 6, 1934, under the District of Columbia Workmen's Compensation Act, case numbered 4927-91, for personal injuries sustained by the said Lyman C. Drake on April 6, 1933, while in the employ of the District of Columbia Committee on Employment, \$1,316.40: *Provided*, That payment to and the receipt by the claimant of the sum herein appropriated shall be in full settlement of any and all claims arising out of said personal injuries.

*Proviso.*  
Payment, etc., to be  
in full settlement.

## Audited claims.

## AUDITED CLAIMS

Payment of.  
Vol. 18, p. 110.  
U. S. C., p. 1410.

For the payment of the following claims, certified to be due by the accounting officers of the District of Columbia, under appropriations the balances of which have been exhausted or 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, p. 1022), being for the service of the fiscal year 1932 and prior fiscal years:

For contingent and miscellaneous expenses, District of Columbia, 1932, general advertising, \$105.60;

For playgrounds, District of Columbia, 1932, general maintenance, \$63.52;

For public schools, District of Columbia, 1931-1932, fuel, gas, and electricity, \$5.53;

For buildings and grounds, public schools, District of Columbia, 1931-1932, 8-room addition to Janney School, \$84.20;

For policemen and firemen's relief fund, District of Columbia, 1932, \$10;

For police court, District of Columbia, 1932, witness fees, \$1.50;

For writs of lunacy, District of Columbia, 1932, expenses, \$450;

For contingent and miscellaneous expenses, District of Columbia, 1931, general advertising, \$22.26;

For public schools, District of Columbia, 1929-1931, furniture and equipment, E. A. Paul Junior High, \$8.75;

For public schools, District of Columbia, 1929-1931, furniture and equipment, 24-room building, Nineteenth and Columbia Road NW., \$20;

For teachers retirement appropriated fund, District of Columbia, 1931, \$31.93;

For health department, District of Columbia, 1931, dispensaries, \$5.88;

For child welfare and hygiene service, District of Columbia, 1931, \$4.49;

For miscellaneous expenses, Supreme Court, District of Columbia, 1931, \$130;

For contingent and miscellaneous expenses, District of Columbia, 1930, contingent expenses, \$3;

For Gallinger Municipal Hospital, District of Columbia, 1930, maintenance, \$17.25;

For miscellaneous expenses, Supreme Court, District of Columbia, 1930, \$20;

For playgrounds, District of Columbia, 1929, general maintenance, \$270;

For fees of witnesses, Supreme Court, District of Columbia, 1928, \$6;  
 For Court of Appeals report, District of Columbia, 1924, \$71.50;  
 In all, audited claims, \$1,331.41.

## DIVISION OF EXPENSES

Division of expenses.

The foregoing sums for the District of Columbia, unless otherwise therein specifically provided, shall be paid as follows: Such sums as relate to the fiscal years 1921 to 1924, inclusive, 60 per centum out of the revenues of the District of Columbia and 40 per centum out of the Treasury of the United States; and such sums as relate to the fiscal years 1925 to 1936, inclusive, jointly or severally, shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed by the District of Columbia Appropriation Acts for such respective fiscal years.

From District revenues.  
 Fiscal years 1921-1924, 1925-1936.

## DEPARTMENT OF AGRICULTURE

Department of Agriculture.

## BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

Entomology and Plant Quarantine Bureau.

Grasshopper survey: To provide for a cooperative grasshopper survey, the sum of \$25,000 of the unexpended balance of the appropriation for "Grasshopper Control, Bureau of Entomology", provided in the Agricultural Department Appropriation Act of 1935, is continued available during the fiscal year 1936 and added to the amount appropriated for "Cereal and Forage Insects" under Salaries and Expenses, Bureau of Entomology and Plant Quarantine, included in the Department of Agriculture Appropriation Act, 1936.

Grasshopper survey. Amount available. Vol. 48, p. 488.

*Ante*, p. 267.

West Indian fruit fly and black fly: For determining and applying such methods of eradication and control of the West Indian fruit fly and black fly as in the judgment of the Secretary of Agriculture may be necessary to eradicate these pests from the State of Florida, fiscal year 1936, \$36,000: *Provided*, That no expenditures shall be made for these purposes until there has been provided by the State of Florida funds and means which in the judgment of the Secretary of Agriculture are fully adequate to effectively cooperate in the accomplishment of these purposes: *Provided further*, That no part of this appropriation shall be used to pay the cost or value of trees or other property destroyed.

West Indian fruit fly and black fly.

*Provides*. Cooperation by Florida.

No payment for destroyed trees, etc.

## BUREAU OF BIOLOGICAL SURVEY

Biological Survey Bureau.

Maintenance of mammal and bird reservations: For an additional amount for maintenance of mammal and bird reservations, including the same objects specified under this heading in the Agricultural Appropriation Act for the fiscal year 1936, \$25,000.

Game, etc., reservations.

## BUREAU OF AGRICULTURAL ECONOMICS

Agricultural Economics Bureau.

Enforcement of United States Cotton Futures and United States Cotton Standards Act: For an additional amount to enable the Secretary of Agriculture to carry out the provisions of the United States Cotton Futures Act, as amended March 4, 1919 (U. S. C., title 26, secs. 731-752), and the United States Cotton Standards Act, approved March 4, 1923 (U. S. C., title 7, secs. 51-65), including the same objects specified under this head in the Department of Agriculture Appropriation Act, 1936, \$10,000.

Cotton Futures and Cotton Standards Act, enforcement.

Vol. 39, p. 476; Vol. 40, p. 1351.

U. S. C., p. 1130.

Vol. 42, p. 1517.  
U. S. C., p. 112.

## Miscellaneous.

## MISCELLANEOUS

Agricultural research,  
etc.

To carry into effect the provisions of an Act entitled "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges", approved June 29, 1935, as follows: For special research work by the Department of Agriculture, including the employment of persons and means in the District of Columbia and elsewhere, and for payment to the several States, Hawaii, Alaska, and Puerto Rico for research work, pursuant to the authorization contained in title I of said Act, \$1,000,000; and for payments to the States and the Territory of Hawaii for cooperative agricultural extension work, pursuant to the authorizations contained in section 21 of title II of said Act, \$8,000,000; in all, fiscal year 1936, \$9,000,000: *Provided*, That the Secretary of Agriculture is hereby authorized and directed to ascertain and certify to the Secretary of the Treasury, on or before September 1, 1935, as to Puerto Rico and each State and Territory, whether it has assented to the provisions of the Act of June 29, 1935, and is entitled to receive its share of the appropriations herein provided: *Provided further*, That the allotments due July 1, 1935, shall be payable upon such certification by the Secretary of Agriculture to the Secretary of the Treasury (U. S. C., title 5, secs. 511, 512; Act June 29, 1935).

*Ante*, p. 436.

*Provisos.*  
Assent to provisions  
of Act by States, etc.,  
to be reported.

Allotments to be  
payable on Treasury  
certification.  
U. S. C., p. 74.

Department of Com-  
merce.

## DEPARTMENT OF COMMERCE

## CONTINGENT EXPENSES

Printing and binding.  
*Ante*, p. 86.

Printing and binding: For an additional amount for printing and binding for the Department of Commerce, including the same objects specified under this head in the Act making appropriations for the Department of Commerce for the fiscal year 1935, fiscal years 1935 and 1936, \$20,000.

Bureau of Light-  
houses.

## BUREAU OF LIGHTHOUSES

General expenses.  
Allowance for trans-  
fer of employees' effects  
increased.  
*Ante*, p. 93.

General expenses, Lighthouse Service: The limitation of \$2,000 in the appropriation "General Expenses, Lighthouse Service", for the fiscal year 1936, for packing, crating, and transporting personal household effects of employees when transferred from one official station to another for permanent duty, is hereby increased to \$3,500.

Foreign and Domes-  
tic Commerce Bureau.

## BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Promoting commerce  
in Europe, etc.  
*Ante*, p. 88.

Promoting commerce in Europe and other areas: For an additional amount for salaries and expenses, fiscal year 1936, including the same objects specified under this head in the Department of Commerce Appropriation Act, 1936, \$30,950.

In Latin America.

Promoting commerce in Latin America: For an additional amount for salaries and expenses, fiscal year 1936, including the same objects specified under this head in the Department of Commerce Appropriation Act, 1936, \$10,000.

In the Far East.

Promoting commerce in the Far East: For an additional amount for salaries and expenses, fiscal year 1936, including the same objects specified under this head in the Department of Commerce Appropriation Act, 1936, \$18,800.

In Africa.

Promoting commerce in Africa: For an additional amount for salaries and expenses, fiscal year 1936, including the same objects

specified under this head in the Department of Commerce Appropriation Act, 1936, \$4,550.

Transportation of families and effects of officers and employees, Bureau of Foreign and Domestic Commerce: For an additional amount for the fiscal year 1936 for the same purpose specified under this head in the Department of Commerce Appropriation Act, 1936, \$3,600.

Transporting families and effects of officers, etc.  
*Ante*, p. 89.

Allowance for quarters, Foreign Commerce Service: For an additional amount for the fiscal year 1936 for the same purpose specified under this head in the Department of Commerce Appropriation Act, 1936, \$3,000.

Allowance for living quarters.  
*Ante*, p. 90.

## DEPARTMENT OF THE INTERIOR

Interior Department.

### OFFICE OF THE SECRETARY

Secretary's office.

Contingent expenses: For an additional amount for contingent expenses of the Department of the Interior, including the same objects specified under this head in the Department of the Interior Appropriation Act, fiscal year 1935, fiscal years 1935 and 1936, \$10,000.

Contingent expenses.  
*Ante*, p. 178.

Library: For an additional amount for the purchase or exchange of professional and scientific books, law and medical books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the Department, fiscal year 1933, \$50.47.

Library.  
*Ante*, p. 179.

Printing and binding: For an additional amount for printing and binding for the Bureau of Mines, fiscal years 1935 and 1936, \$8,000.

Printing and binding.  
*Ante*, p. 179.

### DIVISION OF INVESTIGATIONS

Division of Investigations.

Salaries and expenses: For an additional amount for salaries and expenses of the Division of Investigations, including the same objects specified under this head in the Department of the Interior Appropriation Act, fiscal year 1935, \$15,000.

Expenses.  
*Ante*, p. 177.

### WAR MINERALS RELIEF

War minerals relief.

Administrative expenses: For administrative expenses made necessary by section 5 of the Act entitled "An Act to provide relief in cases on contracts connected with the prosecution of the war, and for other purposes", approved March 2, 1919 (40 Stat., 1272), including personal services, without regard to the civil-service laws and regulations; traveling and subsistence expenses; supplies and all other expenses incident to the proper prosecution of this work, both in the District of Columbia and elsewhere, fiscal year 1936, \$19,000.

Administrative expenses.  
Vol. 40, p. 1272.

### BUREAU OF INDIAN AFFAIRS

Indian Affairs Bureau.

General expenses: For an additional amount for transportation and incidental expenses of officers and clerks of the Bureau of Indian Affairs when traveling on official duty; for telegraph and telephone toll messages on business pertaining to the Indian Service sent and received by the Bureau of Indian Affairs at Washington, and for other necessary expenses of the Indian Service for which no other appropriation is available, fiscal year 1934, \$4,800.

General expenses.  
Transportation, etc.  
*Ante*, p. 181.

Field representatives, Indian Service: For an additional amount for salaries, traveling and incidental expenses of field representatives of the Commissioner of Indian Affairs, fiscal year 1933, \$46.45.

Field representatives.

Menominee Indians: The appropriation of \$20,000 from tribal funds of the Menominee Indians, Wisconsin, for the purpose of making an audit of such funds and for other purposes, contained

Menominee Indians, Wis.  
Audit of funds.

in the Interior Department Appropriation Act, fiscal year 1936, approved May 9, 1935, is hereby made available for the expenses of such audit from and after February 1, 1935, and the contract or contracts for such audit may be made retroactive to February 1, 1935.

Sioux Sanatorium,  
etc., S. Dak.  
Balance reappropri-  
ated.  
Vol. 47, pp. 412, 783.  
Post, p. 1777.

Conservation of health among Indians (Sioux Sanatorium and employees' quarters, South Dakota): The unexpended balance of the appropriation of \$375,000 (including the amount impounded under section 320 of the Act of June 30, 1932), contained in the Interior Department Appropriation Act, fiscal year 1932, and continued available by the Acts of April 22, 1932, and February 17, 1933, for the construction of the Sioux Sanatorium and employees' quarters at Pierre, South Dakota, is hereby reappropriated and made available until June 30, 1937, for such a sanatorium and employees' quarters at such place in South Dakota as the Secretary of the Interior shall select.

Public school build-  
ings, construction.  
Post, p. 1773.

Construction, enlargement, or improvement of public-school buildings: For cooperation with public-school districts in the construction, enlargement, or improvement of local public elementary or high schools, including purchase of necessary equipment, as authorized by and in conformity with numerous Acts of the Seventy-fourth Congress approved June 7, 1935, fiscal year 1936, \$931,000, as follows: Queets, Washington, \$10,000 (Public, Numbered 111); Glacier County, Montana, \$100,000 (Public, Numbered 103); Wolf Point, Montana, \$50,000 (Public, Numbered 104); Polson, Montana, \$40,000 (Public, Numbered 105); Lake and Missoula Counties, Montana, \$100,000 (Public, Numbered 106); Brockton, Montana, \$40,000 (Public, Numbered 107); Poplar, Montana, \$25,000 (Public, Numbered 108); Marysville, Washington, \$38,000 (Public, Numbered 110); Frazer, Montana, \$25,000 (Public, Numbered 109); White Swan, Washington, \$50,000 (Public, Numbered 112); Covelo, California, \$50,000 (Public, Numbered 113); Shannon County, South Dakota, \$125,000 (Public, Numbered 114); Big Horn County, Montana (district numbered 27), \$80,000 (Public, Numbered 119); Blaine County, Montana, \$15,000 (Public, Numbered 120); Medicine Lake, Montana, \$25,000 (Public, Numbered 127); Hardin and Crow Agency, Big Horn County, Montana (district 17-H), \$158,000 (Public, Numbered 126): *Provided*, That plans and specifications for construction, enlargement, or improvement of structures shall be furnished by local or State authorities, without cost to the United States, and upon approval thereof by the Commissioner of Indian Affairs actual work shall proceed under the direction of such local or State officials. Payment for work in place shall be made monthly, on vouchers properly certified by local officials of the Indian Service: *Provided further*, That any amount expended on any project hereunder shall be recouped by the United States within a period of thirty years, commencing with the date of occupancy of the project, through reducing the annual Federal tuition payments for the education of Indian pupils enrolled in public or high schools of the district involved, or by the acceptance of Indian pupils in such schools without cost to the United States; and in computing the amount of recoupment for each project interest at 3 per centum per annum shall be included on unrecouped balances.

Ante, pp. 327-331.

Ante, pp. 333, 336.

Provisos.  
Plans, etc.

Monthly payments.

United States to re-  
coup expenditures.

National Park Serv-  
ice.

#### NATIONAL PARK SERVICE

Kennesaw Moun-  
tain National Battle-  
field Park.  
Ante, p. 423.  
Post, p. 1794.

Kennesaw Mountain National Battlefield Park: To carry out the purposes of Public Act Numbered 167, Seventy-fourth Congress, entitled "An Act to create a national memorial military park at



and in the vicinity of Kennesaw Mountain in the State of Georgia, and for other purposes", approved June 26, 1935, fiscal year 1936, \$70,000.

## OFFICE OF EDUCATION

Office of Education.

Further endowment of colleges of agriculture and the mechanic arts: For carrying out the provisions of section 22 of the Act entitled "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges", approved June 29, 1935 (Public Act Numbered 182, Seventy-fourth Congress), fiscal year 1936, \$980,000.

Agricultural, etc.,  
college aid.  
*Act*, p. 439.  
U. S. C., p. 135.

## GOVERNMENT IN THE TERRITORIES

Government in the Territories.

Insane of Alaska: For an additional amount for care and custody of persons legally adjudged insane in Alaska, including the same objects and for the same services specified in the Interior Department Appropriation Act for the fiscal year 1935, \$15,900.

Alaska.  
Care of insane.

Legislative expenses, Territory of Alaska: For additional legislative expenses for the fiscal year 1935, including \$29 for mileage of members, and \$3,021 for printing, indexing, comparing proofs, and binding laws, printing, indexing and binding journals, stationery, supplies, printing of bills, reports, and so forth; in all, \$3,050, to be expended under the direction of the Governor of Alaska.

Legislative expenses.

## COLUMBIA INSTITUTION FOR THE DEAF

Columbia Institution for the Deaf.

For an additional amount for support of the institution, including salaries and incidental expenses, books and illustrative apparatus, and general repairs and improvements, fiscal year 1935, \$4,000.

Maintenance, etc.

## HOWARD UNIVERSITY

Howard University.

General expenses: For an additional amount for general expenses, Howard University, fiscal year 1933, including the same objects specified under this head in the Interior Department Appropriation Act, fiscal year 1933, \$240.60.

Expenses.

## FREEDMEN'S HOSPITAL

Freedmen's Hospital.

For an additional amount for the maintenance and operation of Freedmen's Hospital, including the same objects specified under this head in the Department of the Interior Appropriation Act for the fiscal year 1935, fiscal years 1935 and 1936, \$4,000, of which amount one-half shall be chargeable to the District of Columbia and paid in like manner as other appropriations of the District of Columbia are paid.

Maintenance, etc.

## DEPARTMENT OF JUSTICE

Department of Justice.

## OFFICE OF THE ATTORNEY GENERAL

Printing and binding: For an additional amount for printing and binding for the Department of Justice and the courts of the United States, fiscal year 1932, \$198.10.

Printing and binding.

Contingent expenses: For an additional amount for contingent expenses, Department of Justice, including the same objects specified under this head in the Department of Justice Appropriation Act for the fiscal year 1935, fiscal years 1935 and 1936, \$25,000.

Contingent expenses.

Federal Bureau of Investigation.

FEDERAL BUREAU OF INVESTIGATION

Purchase, etc., of automobiles.

Salaries and expenses, Federal Bureau of Investigation: That portion of the appropriation for the Federal Bureau of Investigation contained in the Department of Justice Appropriation Act, 1936, reading "hire, purchase and exchange not to exceed \$50,000, maintenance, upkeep, and operation of motor-propelled passenger-carrying vehicles, to be used only on official business" is amended to read "purchase and exchange not to exceed \$50,000, hire, maintenance, upkeep, and operation of motor-propelled passenger-carrying vehicles, to be used only on official business."

*Ante*, p. 78.

Judicial.

JUDICIAL

United States Supreme Court.

Preparing unified system of rules in equity and at law.

*Post*, p. 1625.

United States Supreme Court, miscellaneous expenses: For miscellaneous expenses of the Supreme Court of the United States to provide for expenses of the advisory committee appointed by the Court to assist it in the preparation of a unified system of general rules for cases in equity and actions at law in the District Courts of the United States and in the Supreme Court of the District of Columbia pursuant to the Act entitled "An Act to give the Supreme Court of the United States authority to make and publish Rules in Actions at Law", approved June 19, 1934 (48 Stat. 1064), including personal services in the District of Columbia and elsewhere and printing and binding, to be expended as the Chief Justice in his discretion may direct, including such per diem allowances in lieu of actual expenses for subsistence at rates to be fixed by him not to exceed \$10 per day, fiscal years 1935 and 1936, \$25,000.

Vol. 48, p. 1064.

United States Court for China.

Living quarters, etc.

*Ante*, p. 81.

Vol. 46, p. 818.

U. S. C., p. 45.

United States Court for China: The appropriation "Salaries and Expenses, United States Court for China, 1936", shall be available also for allowances for living quarters, including fuel, heat, and light, as authorized by the Act approved June 26, 1930 (U. S. C., Supp. VII, title 5, sec. 118a), not to exceed \$1,700 for any one person.

United States Courts.

MARSHALS, DISTRICT ATTORNEYS, CLERKS, AND OTHER EXPENSES OF UNITED STATES COURTS

Marshals.

Salaries, fees, and expenses of marshals: For an additional amount for salaries, fees, and expenses of marshals, 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 1931, \$72.33.

District attorneys.

Salaries and expenses of district attorneys: For an additional amount for salaries and expenses of district attorneys, 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 1933, \$245.68.

Special assistants to Attorney General.

Payment to special assistants to Attorney General: For compensation in full to special assistants to the Attorney General for services rendered by them in the case of the United States versus Pan American Petroleum Company (B-115M, in equity) in the United States District Court for the Southern District of California, fiscal year 1936, \$176,767.

Commissioners.

Fee 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 following fiscal years:

For 1930, \$1.65;

For 1931, \$8;

For 1933, \$2,702.32.

Fees and expenses of conciliation commissioners: For an additional amount 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, as amended, fiscal years 1935 and 1936, \$209,000.

Conciliation commissioners.

Vol. 30, p. 544; Vol. 47, p. 1467.  
U. S. C., p. 319.

Fees of jurors and witnesses: For an additional amount for fees of jurors and witnesses, United States courts, including the same objects specified under this head in the Department of Justice Appropriation Act, fiscal year 1935, \$140,000.

Jurors and witnesses.

Rent of court rooms: For an additional amount for rent of rooms for the United States courts and judicial officers, fiscal year 1935, \$17,000.

Rent.

Supplies: For an additional amount for supplies for 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 1934, \$863.61.

Supplies.

#### PENAL AND CORRECTIONAL INSTITUTIONS

Penal and correctional institutions.

Building and equipment: For construction and repair of buildings, including the purchase and installation of machinery and equipment, and all expenses incident thereto, to be expended so as to give the maximum amount of employment to inmates of the institutions, fiscal year 1936, at the following institutions:

Construction, etc.

United States Penitentiary, Leavenworth, Kansas, \$22,000;

United States Penitentiary, McNeil Island, Washington, \$55,000;

United States Penitentiary, Alcatraz Island, California, \$48,000;

United States Industrial Reformatory, Chillicothe, Ohio, \$4,500;

United States Hospital for Defective Delinquents, \$24,500.

Support of United States prisoners: For an additional amount for support of United States prisoners, including the same objects specified under this head in the Department of Justice Appropriation Act, fiscal year 1935, \$390,000.

Support of United States prisoners.

United States Penitentiary, McNeil Island, Washington, buildings and equipment: The unexpended balance of the appropriation "United States Penitentiary, McNeil Island, Washington, buildings and equipment, 1935", is continued available for the same purposes until June 30, 1936.

McNeil Island, Wash.  
Construction, etc.  
Balance available.  
Vol. 48, p. 544.

#### DEPARTMENT OF LABOR

Department of Labor.

##### OFFICE OF THE SECRETARY

Secretary's office.

Commissioners of Conciliation, salaries and expenses: For an additional amount for salaries and expenses, including the same objects specified under this head in the Department of Labor Appropriation Act, 1936, \$281,000, to be immediately available, of which not to exceed \$125,000 may be expended for personal services in the District of Columbia: *Provided*, That officers and employees may be appointed and paid from the amount herein appropriated without regard to the provisions of the civil-service laws requiring competitive examinations: *Provided further*, That said officers and employees (except Commissioners of Conciliation) shall be required to take nonassembled examinations.

Commissioners of Conciliation.

*Provisos.*  
Competitive civil-service examinations waived.

Nonassembled examinations required.

Contingent expenses: For contingent and miscellaneous expenses of the offices and bureaus of the Department, for which appropriations for contingent and miscellaneous expenses are not specifically

Contingent expenses.

made, including the same objects specified under this head in the Department of Labor Appropriation Act, 1936, \$5,500.

Printing and binding.

Printing and binding: For printing and binding for the Department of Labor, including the same objects specified under this head in the Department of Labor Appropriation Act, 1936, \$13,500.

International Labor Organization.  
Liaison with salaries and expenses.

Liaison with the International Labor Organization, Geneva, Switzerland, salaries and expenses: For a United States Labor Commissioner and other personal services in Geneva, Switzerland; compensation of interpreters, translators, and porters; traveling expenses of employees, including transportation of employees, their families, and effects, in going to and returning from foreign posts; rent, heat, light, and fuel; hire, maintenance, and operation of motor-propelled, passenger-carrying vehicles; purchase and exchange of foreign and domestic books, periodicals, and newspapers; purchase of furniture, stationery, and supplies; printing and binding; postage; telephone and other similar expenses, for which payment may be made in advance; necessary technical or special investigations in connection with matters falling within the scope of the International Labor Organization; allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U. S. C., Supp. VII, title 5, sec. 118a), not to exceed \$1,700 for any person, and contingent and such other expenses in the United States and elsewhere as the Secretary of Labor may deem necessary, fiscal year 1936, \$28,000.

Living quarters.  
Vol. 46, p. 818.  
U. S. C., p. 45.

Navy Department.

## NAVY DEPARTMENT

Secretary's office.

### OFFICE OF THE SECRETARY

Naval Observatory.

Contingent and miscellaneous expenses, Naval Observatory: Not to exceed \$6,000 of the appropriation of \$110,000 for the purchase and installation of equipment, utilities, and appurtenances for astrographic and research work and modernization of astronomical plant of the Naval Observatory, as contained in the Naval Appropriation Act for the fiscal year 1933, approved June 30, 1932, is hereby reappropriated and made available until June 30, 1936, for the payment of obligations heretofore incurred under said appropriation.

Vol. 47, p. 443.

Collision damage claims.

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the Act entitled "An Act to amend the Act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collision with naval vessels", approved December 28, 1922 (U. S. C., title 34, sec. 599), as fully set forth in House Document Numbered 202, Seventy-fourth Congress, \$291.

Vol. 42, p. 1066; U. S. C., p. 1550.

Navy and Marine Memorial to Americans lost at sea.  
Vol. 43, p. 14; Vol. 48, p. 1243.  
*Post*, p. 1627.

Navy and Marine Memorial Monument: For payment in full for the transportation of the Navy and Marine Memorial Monument to the site on Columbia Island, District of Columbia, chosen for such memorial, for the erection of such memorial on the granite pedestal base constructed on such site, and for the landscaping and approach work of land adjacent to such base, as authorized by Public Resolution Numbered 5, approved February 16, 1924 (43 Stat. 14), as amended by Public Resolution Numbered 47, approved June 26, 1934 (48 Stat. 1243), fiscal year 1936, \$13,000.

Bureau of Supplies and Accounts.

### BUREAU OF SUPPLIES AND ACCOUNTS

Limitation on number of Dental Corps officers increased.

Pay, subsistence and transportation of naval personnel: The limitation on the number of officers of the Dental Corps contained in the Navy Department Appropriation Act approved June 24, 1935, is

*Ante*, p. 407.

hereby increased from one hundred and eighty-six officers of the Dental Corps to two hundred and thirty-four officers of the Dental Corps.

Fuel and transportation: For an additional amount for coal and other fuel for submarine bases and steamers' and ships' use, and so forth, including the same objects specified under this head in the Act making appropriations for the Navy Department and the naval service for the fiscal year 1935, \$1,970,000.

Fuel and transportation.  
*Ante*, p. 411.

#### BUREAU OF NAVIGATION

Transportation: For travel allowances, and so forth, including the same objects specified under this head in the Naval Appropriation Act for the fiscal year 1923, \$10.

Bureau of Navigation.  
Travel allowances.

#### BUREAU OF YARDS AND DOCKS

Public Works, Bureau of Yards and Docks: For the following-named public works and public-utilities projects at a limit of cost not to exceed the amount stated for each project enumerated, respectively:

Bureau of Yards and Docks.  
Public works.

Naval Air Station, Pensacola, Florida: Barracks and mess hall, \$650,000; assembly and repair shop, \$675,000; quarters for student officers, \$500,000; improvement to power plant and distributing systems, roads, walks, and sewer systems, \$175,000;

Pensacola, Fla., air station.

Marine Barracks, Quantico, Virginia: Quarters for officers, \$1,050,000;

Quantico, Va., marine barracks.

In all, \$3,050,000, which, together with unexpended balances of appropriations heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That of the amount herein appropriated not to exceed \$90,000 shall be available for the employment of classified personal services in the Bureau of Yards and Docks and in the field service to be engaged upon such work and to be in addition to employees otherwise provided for.

Total; accounted as one fund.

*Proviso*.  
Bureau of Yards and Docks; personal services.

### POST OFFICE DEPARTMENT

Post Office Department.

#### OUT OF THE POSTAL REVENUES

##### OFFICE OF THE CHIEF INSPECTOR

Payment of rewards: For an additional amount for payment of rewards, including the same objects specified under this head in the Act making appropriations for the Post Office Department for the fiscal year 1934, \$15,000.

Chief Inspector's office.  
Payment of rewards.

##### OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

Star-route service, Alaska: For an additional amount for inland transportation by star routes in Alaska, fiscal year 1935, \$5,000.

Second Assistant Postmaster General.  
Star routes, Alaska.

Rural Delivery Service: For an additional amount for pay of rural carriers, and so forth, including the same objects specified under this head in the Act making appropriations for the Post Office Department for the fiscal year 1935, \$2,685,000.

Rural delivery service.

Foreign-mail transportation: For transportation of foreign mail by aircraft, including mail for island possessions and territories of the United States, across the Pacific Ocean between the United States and Asia, fiscal year 1936, \$1,000,000, to be expended under a contract or contracts which will not create annual obligations for the fiscal year 1936 or for any subsequent fiscal year in excess of \$1,850,000.

Foreign-mail transportation.

## Department of State.

## DEPARTMENT OF STATE

Foreign Service.  
Ambassador to  
China.  
Vol. 48, p. 530; *Ante*,  
p. 69.

Salaries of Ambassadors and Ministers, fiscal years 1935 and 1936: So much as may be necessary of the appropriations for salaries of Ambassadors and Ministers contained in the Department of State Appropriations Acts for the fiscal years 1935 and 1936 shall be available for the salary of an Ambassador Extraordinary and Plenipotentiary to China at the rate of \$17,500 per annum.

Miscellaneous  
salaries and allowances.  
*Ante*, p. 71.

Miscellaneous salaries and allowances, Foreign Service: For an additional amount for miscellaneous salaries and allowances, Foreign Service, including the same objects specified under this head in the Department of State Appropriation Act, 1936, \$9,000.

Contingent expenses.  
*Ante*, p. 72.

Contingent expenses, Foreign Service: For an additional amount for contingent expenses, Foreign Service, including the same objects specified under this head in the Department of State Appropriation Act, 1936, \$41,000.

Emergencies.  
*Ante*, p. 73.

Emergencies arising in the Diplomatic and Consular Service: For an additional amount for emergencies arising in the Diplomatic and Consular Service, including the same objects specified under this head in the Department of State Appropriation Act, 1936, \$25,000.

Foreign Service  
Buildings Fund.  
Vol. 44, p. 404.  
U. S. C., p. 967.

Foreign Service buildings fund: For the purpose of further carrying into effect the provisions of the Foreign Service Buildings Act, 1926, as amended (U. S. C., Supp. VII, title 22, sec. 295), and for each and every object thereof, including the acquisition of a site, erection of buildings, and the furnishings thereof, for the use of the diplomatic and consular establishments of the United States at Helsingfors, Finland, as authorized by Public Act Numbered 145, approved June 15, 1935, \$300,000, to remain available until expended.

Helsingfors, Finland.  
*Ante*, p. 377.

International Labor  
Organization, Geneva,  
Switzerland.  
Participation ex-  
penses.

International Labor Organization, Geneva, Switzerland: For the expenses of participation by the Government of the United States in the General Conference and in the meetings of the Governing Body of the International Labor Organization, to be held at Geneva, Switzerland, including personal services without reference to the Classification Act of 1923, as amended, in the District of Columbia and elsewhere; 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); rent; traveling expenses; purchase of books, documents, newspapers, periodicals, and charts; stationery; official cards; printing and binding; entertainment; hire, maintenance, and operation of motor-propelled passenger-carrying vehicles; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, fiscal year 1936, \$27,300.

Vol. 48, p. 1182.

Services, etc.

R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.

General and Special Claims Conventions, United States and Mexico: For an additional amount for General and Special Claims Conventions, United States and Mexico, including the same objects specified under this head in Department of State Appropriation Act, 1936, \$65,120.

General and Special  
Claims Conventions  
with Mexico.  
*Ante*, p. 75.

Special Mexican  
Claims Commission.  
Vol. 48, p. 1844.  
*Ante*, p. 151.  
*Post*, p. 1321.

Special Mexican Claims Commission: For the purpose of carrying into effect the provisions of the Act entitled "An Act to establish a commission for the settlement of the special claims comprehended within the terms of the convention between the United States of America and the United Mexican States concluded April 24, 1934", approved April 10, 1935, including personal services in the District of Columbia or elsewhere, without regard to the provisions of any statute relating to employment; rent in the District of Columbia or elsewhere; furniture; office supplies, and equipment, including law books and books of reference; stenographic reporting, translating,

and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); traveling expenses; transportation of things; printing and binding; and such other necessary expenses as may be authorized by the Secretary of State, fiscal year 1936, \$90,000.

**International Congress of Military Medicine and Pharmacy:** For the expenses of participation by the United States in the Eighth International Congress of Military Medicine and Pharmacy to be held at Brussels, Belgium, in 1935, as authorized by Public Resolution Numbered 21, approved May 24, 1935, including personal services in the District of Columbia or elsewhere without reference to the Classification Act of 1923, as amended; stenographic reporting and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent; traveling expenses; purchase of necessary books, documents, newspapers, periodicals, and maps; stationery; official cards; printing and binding; entertainment; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified; to be expended under the supervision of the Secretary of State; fiscal year 1935, \$8,000, to remain available until June 30, 1936.

**Mixed Claims Commission, United States and Germany:** The unexpended balance of the appropriation "Mixed Claims Commission, United States and Germany, 1934-1935", contained in the Deficiency Appropriation Act, 1934, is continued available for the same purposes until June 30, 1936.

**International Institute of Agriculture at Rome, Italy, 1934:** So much as may be necessary of the unexpended balance of the appropriation "International Institute of Agriculture at Rome, Italy, 1934", contained in the Independent Offices Appropriation Act, 1934, is made available to pay for publications of the International Institute of Agriculture received by the Department of Agriculture during the years 1931, 1932, 1933, and 1934.

**Third Pan American Financial Conference, Santiago, Chile, and Commercial Conference, Buenos Aires, Argentina:** The unexpended balance of the appropriation "Third Pan American Financial Conference, Santiago, Chile, and Commercial Conference, Buenos Aires, Argentina, 1934 and 1935" is continued available for the same purposes until June 30, 1936.

**Bureau of Interparliamentary Union for Promotion of International Arbitration:** For an additional amount for United States' contributions to international commissions, congresses, and bureaus, including \$2,500 for the contribution of the United States toward the maintenance of the Bureau of Interparliamentary Union for Promotion of International Arbitration in addition to the amount contained in the Department of State Appropriation Act, 1936; and \$10,000 for the expenses of the American group of the Interparliamentary Union, including personal services in the District of Columbia and elsewhere without regard to the Classification Act of 1923, as amended, stenographic reporting and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), traveling expenses, purchase of necessary books, documents, newspapers, periodicals, and maps, stationery, official cards, printing and binding, entertainment, and other necessary expenses, to be disbursed on vouchers approved by the President and executive secretary of the American group; in all, fiscal year 1936, \$12,500.

R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.

International Congress of Military Medicine and Pharmacy.

*Ante*, p. 291.

Reimbursement of other appropriations.

Mixed Claims Commission, United States and Germany.  
Unexpended balance available.  
Vol. 48, p. 1041.

International Institute of Agriculture.  
Use of balance for publications of.  
Vol. 48, p. 303.

Third Pan American Financial Conference.  
Vol. 48, p. 1040.

Interparliamentary Union for Promoting International Arbitration.  
*Ante*, pp. 73, 425.

James G. Finley.  
Payment to widow  
of.  
*Post*, p. 2085.

Payment to Germaine M. Finley: For payment to Germaine M. Finley, widow of James G. Finley, late a Foreign Service officer of the United States at Havre, France, of one year's salary of her deceased husband, who died while in the Foreign Service, as authorized by the Act approved June 24, 1935, \$2,750.

Ransford S. Miller.  
Payment to widow  
of.  
*Post*, p. 2097.

Payment to Lily M. Miller: For payment to Lily M. Miller, widow of Ransford S. Miller, late American consul general, of one year's salary of her deceased husband, who died while in Foreign Service, as authorized by the Act approved June 29, 1935, \$9,000.

Clarence Carrigan.  
Payment to widow  
of.  
*Post*, p. 2045.

Payment to Anna S. Carrigan: For payment to Anna S. Carrigan, widow of Clarence Carrigan, late American consul at Montevideo, Uruguay, of one year's salary of her deceased husband, who died of illness incurred while in the Consular Service, as authorized by the Act approved March 4, 1935, \$7,000.

Hernando de Soto.  
Payment to widow  
of.  
*Post*, pp. 2046, 2377.

Payment to Sophie de Soto: For payment to Sophie de Soto, widow of Hernando de Soto, late American consul at Leipzig, Germany, of one year's salary of her deceased husband, who died of illness incurred while in the Consular Service, as authorized by the Act approved March 14, 1935, \$6,000.

Henry S. Hitchcock.  
Payment to widow  
of.  
*Post*, p. 2055.

Payment to Sarah J. Hitchcock: For payment to Sarah J. Hitchcock, widow of Henry S. Hitchcock, late American Consul at Nagasaki, Japan, of one year's salary of her deceased husband, who died while in the Foreign Service, as authorized by the Act approved May 6, 1935, \$5,000.

Treasury Department.

## TREASURY DEPARTMENT

Secretary's office.

### OFFICE OF THE SECRETARY

Payment to Federal land banks on account of interest rate reductions on mortgages.  
*Vol. 48, p. 43.*

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 land bank 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 the Emergency Farm Mortgage Act of 1933, approved May 12, 1933 (48 Stat. 31), as amended by section 3 of the Farm Credit Act of 1935, approved June 3, 1935 (Public, Numbered 87), fiscal year 1936, \$36,000,000: *Provided*, That the unexpended balance of the appropriation of \$7,950,000 made in the Emergency Appropriation Act of June 19, 1934 (48 Stat. 1060), for the purposes of said section 24, shall be available for the purposes named herein until June 30, 1936.

*Ante*, p. 314.

*Proviso*.  
Balance of appropriation continued available.  
*Vol. 48, p. 1060.*  
*Post*, pp. 1835, 1829.

Subscriptions to paid-in surplus of Federal land banks.  
*Vol. 48, p. 43.*

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 under section 23 of the Emergency Farm Mortgage Act of 1933, approved May 12, 1933 (48 Stat. 31), fiscal year 1936, \$20,000,000: *Provided*, That the unexpended balance of the appropriation of \$75,000,000 made in the Emergency Appropriation Act approved June 19, 1934 (48 Stat. 1060) for the purpose of said section 23, shall remain available until June 30, 1936.

*Proviso*.  
Balance of appropriation continued available.  
*Post*, pp. 1635, 1829.

Emergency Banking, Gold Reserve, and Silver Purchase Acts.  
Balances of designated appropriations consolidated.  
*Vol. 48, pp. 1, 1060.*

Expenses, Emergency Banking, Gold Reserve, and Silver Purchase Acts: The unobligated balance of the appropriation of \$2,000,000 for "National Banking Emergency, Act March 9, 1933", contained in the Emergency Banking Act, approved March 9, 1933, and the unobligated balance of the appropriation of \$4,500,000 for "Expenses, Emergency Banking, Gold Reserve, and Silver Purchase Acts, 1934 and 1935", contained in the Emergency Appropriation Act, fiscal year 1935, approved June 19, 1934, are hereby consolidated,

*Vol. 48, p. 1178.*



effective July 1, 1935, into an appropriation account, "Expenses, Emergency Banking, Gold Reserve and Silver Purchase Acts", to remain available until June 30, 1936, and to be expended under the direction of the Secretary of the Treasury for any purpose in connection with the carrying out of the provisions of the Emergency Banking Act, approved March 9, 1933 (48 Stat. 1), the Gold Reserve Act of 1934, approved January 30, 1934 (48 Stat. 337), the Silver Purchase Act of 1934, approved June 19, 1934 (48 Stat. 1178), any Executive orders, proclamations, and regulations issued under the foregoing Acts, and section 3653 of the Revised Statutes, including costs of transportation, insurance, and protection of gold coin, gold bullion, and gold certificates transferred to Federal Reserve banks and branches, United States mints and assay offices, and the Treasury, after March 9, 1933, losses sustained by Federal Reserve banks due to abrasion of gold coin, and reimbursement to Federal Reserve banks and branches for expenses incurred by them in carrying out instructions issued by the Secretary of the Treasury after March 4, 1933.

The Comptroller General of the United States is authorized and directed to allow credit in the accounts of Guy F. Allen, chief disbursing officer, Division of Disbursement, and J. L. Summers, disbursing clerk, Division of Disbursement, for disbursements made from the fund "Expenses, National Banking Emergency, Act March 9, 1933, Comptroller of Currency", during the period March 6, 1933, to July 1, 1934, in connection with the emergency arising out of the national banking crisis and disallowed by the Comptroller General of the United States for any reason except fraud: *Provided*, That such total credit shall not exceed the sum of \$25,000.

#### DIVISION OF SUPPLY

Printing and binding: For an additional amount for printing and binding, Treasury Department, including the same objects specified under this head in the Act making appropriations for the Treasury Department for the fiscal year 1935, fiscal years 1935 and 1936, \$48,760.

#### OFFICE OF COMMISSIONER OF ACCOUNTS AND DEPOSITS

Payment of unclaimed moneys: To enable the Secretary of the Treasury to meet any expenditures of the character formerly chargeable to the appropriation accounts abolished under section 17 of the Permanent Appropriation Repeal Act of 1934, approved June 26, 1934, payable from the funds held by the United States in the trust fund receipt account "Unclaimed moneys of individuals whose whereabouts are unknown", fiscal year 1936, \$10,000.

#### BUREAU OF THE BUDGET

Salaries and expenses: For an additional amount for salaries and expenses, Bureau of the Budget, including the same objects specified under this head in the Treasury Department Appropriation Act, 1936, \$25,000.

#### BUREAU OF ENGRAVING AND PRINTING

Salaries and expenses: For an additional amount for salaries and expenses, Bureau of Engraving and Printing, including the same objects specified under this head in the Treasury Department Appro-

Purposes.

Vol. 48, pp. 1, 337, 1178.

Expenses of fiscal agents.  
R. S., sec. 3653, p. 719.  
U. S. C., p. 1396.

National Banking Emergency Act expenses.

*Proviso.*  
Limitation.

Division of Supply.

Printing and binding.

Office of Commissioner of Accounts and Deposits.

Payment of unclaimed moneys.  
Vol. 48, p. 1231.

Bureau of the Budget.

Salaries and expenses.  
*Ante*, p. 222.

Engraving and Printing Bureau.

Salaries and expenses.  
Vol. 48, p. 432.

*Proviso.*  
Internal revenue,  
etc., stamps.  
Number of sheets  
increased.  
U. S. C., p. 1124.

priation Act for the fiscal year 1935, \$491,780: *Provided*, That the limitations in said Act as to the number of delivered sheets of internal-revenue stamps, including opium orders and special-tax stamps required under the Act of December 17, 1914, is increased from 97,175,283 to 132,175,283 and as to the number of delivered sheets of checks, drafts, and miscellaneous work, from 10,438,121 to 10,738,121.

Secret Service Division.

#### SECRET SERVICE DIVISION

White House police,  
salaries.  
*Ante*, p. 228.  
Uniforms and equip-  
ment.  
*Ante*, p. 228.

White House Police: For an additional amount for salaries at the rates of pay provided by law, fiscal year 1936, \$28,800.

For an additional amount for uniforming and equipping the White House Police, including the same objects specified under this head in the Treasury Department Appropriation Act, 1936, \$750.

Bureau of the Mint.

#### BUREAU OF THE MINT

Mints and Assay  
Offices.  
*Ante*, p. 231.

Salaries and expenses, Mints and Assay Offices: For an additional amount for salaries and expenses, Mints and Assay Offices, including the same objects specified under this head in the Treasury Department Appropriation Act, 1936, and in addition thereto the purchase of uniforms, arms, ammunition, and accessories for guards; procurement and installation of emergency gasoline-driven generator sets, emergency electric call systems, alarms, flood lights, radio-communication systems, tear-gas equipment, bullet-proof booths and window shields, wire screens and bars for windows, armor-plate covers for doors, heavy fences, and any other protective devices, fiscal year 1936, \$150,000.

Procurement Division—Public Works Branch.

#### PROCUREMENT DIVISION—PUBLIC WORKS BRANCH

New York, N. Y.  
Old appraisers'  
stores.  
Vol. 45, p. 1659; Vol.  
46, p. 901.

New York, New York, appraisers' stores (old): The limit of cost fixed in the Second Deficiency Act, fiscal year 1930 (46 Stat. 901), for remodeling the New York, New York, appraisers' stores (old), is hereby increased from \$600,000 to \$604,154.31.

Relief of contractors.  
Vol. 48, p. 974.  
*Post*, p. 1843.

Payment of claims for relief of contractors, Act of June 16, 1934: To enable the Secretary of the Treasury to make payment of claims settled and certified by the Comptroller General of the United States under the provisions of the Act entitled "An Act to provide relief to Government contractors whose costs of performance were increased as a result of compliance with the Act approved June 16, 1933, and for other purposes", approved June 16, 1934 (48 Stat. 974), fiscal year 1936, \$700,000.

#### MEMORIAL TO PERSONNEL OF AMERICAN EXPEDITIONARY FORCES

Pershing Hall, Paris,  
France.  
Settlement of in-  
debtedness.

For settlement of any indebtedness in connection with Pershing Hall, a memorial already erected in Paris, France, under the auspices of the American Legion, Inc., to the commander in chief, officers, men, and auxiliary services of the American Expeditionary Forces, and for the creation by the Secretary of the Treasury of a special fund to be known as the "Pershing Hall Memorial Fund", to be derived from the "Recreation fund, Army", created by the War Department Appropriation Act approved March 4, 1933: *Provided*, That the amount herein appropriated shall not be used until the legal title to said property shall have been vested in the Government of the United States for the use and benefit of all American officers and enlisted men of the World War, all as authorized by the Act approved June 28, 1935, to remain available until expended, \$482,032.92.

"Pershing Hall Memorial Fund", created.  
Vol. 48, p. 1573.

*Proviso.*  
Vested title.

*Ante*, p. 426.

## WAR DEPARTMENT

## MILITARY ACTIVITIES

## QUARTERMASTER CORPS

Subsistence of the Army: For an additional amount for "Subsistence of the Army, 1935", including the same objects specified under this head in the War Department Appropriation Act for the fiscal year 1935, \$1,800,000.

Claim of the Public Service Coordinated Transport of Newark, New Jersey: For payment of the claim of the Public Service Coordinated Transport of Newark, New Jersey, upon settlement and adjustment by the Comptroller General of the United States, arising out of the removal by the War Department during the late war of certain tracks, car house, storage tracks, and so forth, belonging to said company or its predecessor, as authorized and directed in Private Act Numbered 25, Seventy-fourth Congress, approved April 24, 1935, \$122,422.43, or so much thereof as may be necessary.

War Department.

Military activities.

Quartermaster Corps.

Subsistence.

Public Service Coordinated Transport of Newark, N. J.  
Payment of claim.

Post, p. 2054.

## ORDNANCE DEPARTMENT

Seacoast defenses, insular possessions: For payment of General Accounting Office settlement, dated January 14, 1935, in favor of Wharton and Northern Railroad Company, fiscal year 1929, \$117.10.

Replacing ordnance and ordnance stores: For payment of General Accounting Office settlement, dated February 6, 1935, in favor of Carlos M. Aquino, fiscal years 1926 and 1927, \$23.60.

For payment of General Accounting Office Settlement Numbered 0301581, in favor of the Colt's Patent Fire Arms Manufacturing Company, chargeable to the appropriation "Replacing Ordnance and Ordnance Stores, 1926 and 1927", \$812.91.

Ordnance Department.

Wharton and Northern Railroad Company.

Carlos M. Aquino.

Colt's Patent Fire Arms Manufacturing Company.

## NONMILITARY ACTIVITIES

Construction of buildings for United States representative in the Philippine Islands: For the necessary housing for office and residence purposes for the establishment of the United States representative in the Philippine Islands, including the acquisition of land, the purchase, construction, and reconstruction of buildings, and the procurement of furniture, furnishings, and equipment, as authorized by the Act approved June 24, 1935, to remain available until expended, \$750,000.

Cemeterial expenses: For the purchase of ten thousand additional headstones, fiscal year 1936, \$90,300.

Protective works and measures, Lake of the Woods and Rainy River, Minnesota: For an additional amount for purchase of flowage easements and for protective works and measures along the shores of Lake of the Woods and the banks of Rainy River as authorized by sections 1 and 2 of the Act entitled "An Act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods, concluded on the 24th day of February 1925", approved May 22, 1926, including the purchase, maintenance, repair, and operation of passenger-carrying vehicles, printing and binding, and any other necessary expenses connected therewith, \$125,000, to remain available until expended, and in addition thereto the unexpended balance of the appropriation of \$375,000 made by the Second Deficiency Act, fiscal year 1928, approved May 29, 1928 (45 Stat. 930), as extended by the Second Deficiency Act, fiscal year 1932, approved July 1, 1932 (47 Stat. 542), is hereby continued and made available until expended.

Nonmilitary activities.

Buildings in Philippine Islands for United States representative.

Ante, p. 394.

Cemeterial expenses.

Lake of the Woods and Rainy River, Minn.

Protective works, etc.  
Vol. 44, p. 2108.

Contingent expenses.

Balances reappropriated.  
Vol. 45, p. 930; Vol. 47, p. 542.

Pending Indian suits  
in Court of Claims.

Offset against  
amounts due, for gratu-  
ities, etc.

Amount of Federal  
expense to be expressed  
in Court findings.

Provisos.  
Pending claims not  
affected.

Vol. 48, p. 984.  
Exceptions.

Tribal expenditures  
not gratuities.

Designated activi-  
ties, etc., excluded.

"Civilian Conserva-  
tion Corps" construed.  
*Ante*, p. 115.

General Public  
Works.

Tennessee Valley  
Authority.

Continuance, etc., of  
projects.  
Vol. 48, p. 58.

SEC. 2. In all suits now pending in the Court of Claims by an Indian tribe or band which have not been tried or submitted, and in any suit hereafter filed in the Court of Claims by any such tribe or band, the Court of Claims is hereby directed to consider and to offset against any amount found due the said tribe or band all sums expended gratuitously by the United States for the benefit of the said tribe or band; and in all cases now pending or hereafter filed in the Court of Claims in which an Indian tribe or band is party plaintiff, wherein the duty of the court is merely to report its findings of fact and conclusions to Congress, the said Court of Claims is hereby directed to include in its report a statement of the amount of money which has been expended by the United States gratuitously for the benefit of the said tribe or band: *Provided*, That expenditures made prior to the date of the law, treaty, agreement, or Executive order under which the claims arise shall not be offset against the claims or claim asserted; and expenditures under the Act of June 18, 1934 (48 Stat. L. 984), except expenditures under appropriations made pursuant to section 5 of such Act, shall not be charged as offsets against any claim on behalf of an Indian tribe or tribes now pending in the Court of Claims or hereafter filed: *Provided further*, That funds appropriated and expended from tribal funds shall not be construed as gratuities; and this section shall not be deemed to amend or affect the various Acts granting jurisdiction to the Court of Claims to hear and determine the claims listed on page 678 of the hearings before the subcommittee of the House Committee on Appropriations on the second deficiency appropriation bill for the fiscal year 1935: *And provided further*, That no expenditure under any emergency appropriation or allotment made subsequently to March 4, 1933, and generally applicable throughout the United States for relief in stricken agricultural areas, relief from distress caused by unemployment and conditions resulting therefrom, the prosecution of public works and public projects for the relief of unemployment or to increase employment, and for work relief (including the civil-works program) shall be considered in connection with the operation of this section.

SEC. 3. The term "Civilian Conservation Corps" as used in section 1 of the Emergency Relief Appropriation Act for 1935, approved April 8, 1935, shall be construed as embracing emergency conservation work of the character carried on prior to April 1, 1935, under authority of the Act of March 31, 1933, as amended.

## TITLE II—GENERAL PUBLIC WORKS

### TENNESSEE VALLEY AUTHORITY

For the purpose of carrying out the provisions of the Act entitled "The Tennessee Valley Authority Act of 1933", approved May 18, 1933 (48 Stat. 58), including the continued construction of Norris Dam, Wheeler Dam, Pickwick Landing Dam, and the beginning of construction on a dam at or near Guntersville, Alabama, and a dam at or near Chickamauga Creek, both on the Tennessee River, and a dam on the Hiwassee River, a tributary of the Tennessee River, at or near Fowlers Bend, and the continuation of preliminary investigations as to the location and desirability of a dam at or near Aurora Landing and a dam at or near Whites Creek, and the acquisition of necessary land, the clearing of such land, relocation of highways, and the construction or purchase of transmission lines and other facilities, 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, \$36,000,000: *Provided*, That this appropriation and all appropriations, allotments, and other funds made available heretofore to the Tennessee Valley Authority, including any unexpended balances remaining from the appropriation of \$50,000,000 made to the Tennessee Valley Authority by the Fourth Deficiency Act, fiscal year 1933, the allocation of \$25,000,000 made to the Tennessee Valley Authority under the Emergency Appropriation Act, fiscal year 1935, and the receipts of the Tennessee Valley Authority from all sources, except as limited by section 26 of the Tennessee Valley Authority Act approved May 18, 1933 (48 Stat. 58), shall be covered into and accounted for as one fund to be known as the "Tennessee Valley Authority Fund" and shall remain available until June 30, 1936: *Provided further*, That not to exceed \$1,000,000 shall be expended on the dam on the Hiwassee River.

*Provisos.*  
Sundry appropriations to be considered one fund.  
*Post*, p. 1607.

Vol. 48, p. 71.

Hiwassee River dam.

#### VETERANS' ADMINISTRATION

Hospital and domiciliary facilities: For hospital and domiciliary facilities, \$21,250,000, to remain available until expended: *Provided*, That this amount is authorized to be used by the Administrator of Veterans' Affairs, with the approval of the President, for extending any of the facilities under the jurisdiction of the Veterans' Administration or for any of the purposes set forth in sections 1 and 2 of the Act approved March 4, 1931 (46 Stat. 1550): *Provided further*, That not to exceed 3 per centum of this amount shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistants at the customary rates of compensation exclusively to aid in the preparation of the plans and specifications for the projects authorized herein and for the supervision of the execution thereof, and for traveling expenses, rentals in the District of Columbia, field office equipment, and supplies in connection therewith.

Veterans' Administration.

Hospital and domiciliary facilities.  
*Provisos.*  
Use of, in extending facilities.  
Vol. 48, p. 1550.

Personal services.

### DEPARTMENT OF THE INTERIOR

#### BUREAU OF RECLAMATION

Boulder Canyon project: For the continuation of construction of the Boulder Canyon Dam and incidental works in the main stream of the Colorado River at Black Canyon, to create a storage reservoir, and of a complete plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from such reservoir; to acquire by proceedings in eminent domain or otherwise, all lands, rights-of-way, and other property necessary for such purposes; and for incidental operations, as authorized by the Boulder Canyon Project Act, approved December 21, 1928 (U. S. C., Supp. VII, title 43, ch. 12A): \$14,000,000, to remain available until advanced to the Colorado River Dam fund, which amount shall be available for personal services in the District of Columbia and in the field without regard to the civil-service laws and the Classification Act of 1923, as amended, and for all other objects of expenditure that are specified for projects included in the Interior Department Appropriation Act for the fiscal year

Interior Department.

Reclamation Bureau.

Boulder Canyon project, construction, etc.

Vol. 45, p. 1057.  
U. S. C., p. 1879.

Personal services.

*Anti*, p. 197.

*Proviso.*  
Investigations and  
reports.  
Vol. 45, p. 1065.

1936, under the caption "Bureau of Reclamation": *Provided*, That of this fund not to exceed \$35,000, reimbursable, shall be available for investigation and reports as authorized by section 15 of the Boulder Canyon Project Act.

Navy Department.

## NAVY DEPARTMENT

Bureau of Yards and  
Docks.

### BUREAU OF YARDS AND DOCKS

Public works.

*Ante*, p. 155.

Public Works, Bureau of Yards and Docks: For public works and public utilities as authorized by the Act approved April 15, 1935 (Public Act Numbered 36, Seventy-fourth Congress), and for improvement of fresh-water system at the Fleet Air Base, Pearl Harbor, Hawaii, \$13,874,000, of which not to exceed \$416,000 shall be available for the employment of classified personal services in the Bureau of Yards and Docks and in the field service to be engaged upon such work and to be in addition to employees otherwise provided for: *Provided*, That the Secretary of the Navy is authorized to commence, continue, or complete the construction of, or make provision for, by contract or otherwise, the following-named public-works and public-utilities projects at a limit of cost not to exceed the amount stated for each project enumerated, respectively:

Pearl Harbor Fleet  
Air Base, fresh water  
system.

Navy Yard, Pearl Harbor, Hawaii: Floating dry dock, type B, including mooring facilities and accessories, \$10,000,000; floating dry dock, type D, including mooring facilities and accessories, \$750,000;

*Proviso.*  
Designated projects  
authorized.

Naval Ammunition Depots, Balboa, and Coco Solo, Canal Zone: Ammunition storage facilities, including buildings and accessories, \$2,000,000;

Pearl Harbor, float-  
ing dry dock.

Fleet Air Base, Pearl Harbor, Hawaii: Barracks and mess hall for enlisted men, \$587,000; quarters for officers, \$200,000; quarters for chief petty officers, \$180,000; paint and oil storehouse building and accessories, \$30,000; garage and fire-station buildings and accessories, \$22,000; boathouse building and accessories, \$25,000; improvement of fresh-water system, \$80,000.

Balboa, and Coco  
Solo, C. Z., ammu-  
nition depots.

Navy Yard, Puget Sound, Washington: For purchase of land for foundry extension, \$10,000.

Pearl Harbor, Fleet  
Air Base.

Puget Sound, navy  
yard.

Increase of the Navy.

### INCREASE OF THE NAVY

Armor, etc., for au-  
thorized vessels.

Armor, armament, and ammunition: For an additional amount toward the armor, armament, and ammunition for vessels heretofore authorized, and so forth, including the same objects specified under this head in the Act making appropriations for the Navy Department for the fiscal year 1935, \$6,110,000, to remain available until expended.

Department of State.

## DEPARTMENT OF STATE

Foreign Service  
building fund,  
Shanghai, China.

For the erection and initial furnishing of a building on the site at Shanghai, China, owned by the Government of the United States; and for the acquisition of an embassy residence and the initial alteration, repair and furnishing thereof and the conversion by alteration, repair and furnishing of the government owned combined office and residence building, to provide office accommodations for the use of the diplomatic and consular and other establishments of the United States at Rio de Janeiro, Brazil; and for the acquisition of a legation residence and the initial alteration, repair, and furnishing thereof, at Ottawa, Canada, \$1,325,000, which shall be avail-

Rio de Janeiro,  
Brazil.

Ottawa, Canada.

able for the purposes and subject to the applicable provisions of the Foreign Service Buildings Act of 1926, as amended (U. S. C., Supp. VII, title 22, secs. 292-299).

U. S. C., p. 967.

## TREASURY DEPARTMENT

### PROCUREMENT DIVISION—PUBLIC WORKS BRANCH

Public buildings outside the District of Columbia: For emergency construction of public building projects outside of the District of Columbia (including the acquisition, where necessary, by purchase, condemnation, exchange, or otherwise of sites and additional land for such buildings; the demolition of old buildings where necessary and construction, remodeling, or extension of buildings; rental of temporary quarters during construction, including moving expenses; purchase of necessary equipment for buildings and such additional administrative expenses and salaries as may be required solely for the purpose of carrying out the provisions of this paragraph), \$60,000,000; such projects, including the sites therefor, to be selected by the Secretary of the Treasury and the Postmaster General, acting jointly, from the public-building projects specified in Statement Numbered 1 contained in House Report Numbered 1879 Seventy-third Congress, second session, as revised April 15, 1935, and Statement Numbered 2 attached thereto, and the projects so selected shall be carried out within the respective estimates of proposed limits of cost specified in such Statement Numbered 1 and those hereafter fixed by the Secretary of the Treasury and the Postmaster General for projects selected from Statement Numbered 2 and otherwise, except that the unobligated balance of the \$2,500,000 fund established by the Emergency Appropriation Act, fiscal year 1935, approved June 19, 1934 (48 Stat. 1061), shall be available also for the augmentation of limits of cost of projects selected under the provisions of this Act in an amount not exceeding 10 per centum for any project and including \$70,000 for the completion of the Oak Park (Illinois), post-office building as planned by the Treasury Department, and \$56,000 for the Marquette (Michigan), post-office and courthouse building, in order to award the contract therefor to the lowest responsible bidder: *Provided*, That with a view to relieving country-wide unemployment the Secretary of the Treasury and the Postmaster General, in the selection of towns or cities in which buildings are to be constructed, shall endeavor to distribute the projects equitably throughout the country so far as may be consistent with the needs of the public service; and the Secretary of the Treasury and the Postmaster General may also select for prosecution under this appropriation such projects not included in such revised report as in their judgment are economically sound and advantageous to the public service: *Provided further*, That the Secretary of the Treasury is authorized to direct the preparation of all sketches, estimates, plans and specifications (including supervision and inspection thereof), and to enter into all contracts necessary for carrying out the purposes of this paragraph, and he is hereby authorized, when deemed by him desirable and advantageous, to employ by contract or otherwise, temporary professional, technical, or nontechnical employees, firms, or corporations to such extent as may be required to carry out the purposes of this paragraph, without reference to civil-service laws, rules, regulations, or to the Classification Act of 1923, as amended, or to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5): *Provided further*, That in the acquisition of land or sites for the purposes of Federal public buildings and in the construction of such buildings provided

Treasury Department.

Procurement Division—Public Works Branch.

Public buildings outside the District of Columbia.  
*Post*, p. 1638.

Emergency construction fund.  
Vol. 48, p. 1061.

Oak Park, Ill.

Marquette, Mich.

*Provisos*.  
Equitable distribution of projects.

Selection of other projects.

Preparation of plans, contracts.

Technical services.

R. S., sec. 3709, p. 733.  
U. S. C., p. 1803.  
Acquisition of sites, building plans, etc.  
Vol. 47, pp. 722-723.

for in this paragraph, the provisions of sections 305 and 306 of the Emergency Relief and Construction Act of 1932, as amended, shall apply.

Public buildings,  
District of Columbia.  
Contracts author-  
ized.

Public buildings, District of Columbia: The Secretary of the Treasury is hereby authorized to enter into contracts for construction of the following public-building projects in the District of Columbia, in amounts not exceeding the following respective estimated limits of cost, which limits of cost shall include salaries and other expenses required solely for the purpose of carrying out said public-building projects; and the Secretary of the Treasury is authorized to direct the preparation of all sketches, estimates, plans, and specifications (including supervision and inspection thereof), and to enter into all contracts necessary for carrying out the purposes of this paragraph, and he is hereby authorized, when deemed by him desirable and advantageous, to employ, by contract or otherwise, temporary professional, technical, or nontechnical employees, firms, or corporations, to such extent as may be required to carry out the purposes of this paragraph, without reference to civil-service laws, rules, and regulations, or to the Classification Act of 1923, as amended, or to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) :

Plans, etc.

Technical, etc., serv-  
ices.

U. S. C., p. 85.

U. S. C., p. 1803.

Engraving and Print-  
ing Bureau, addition.  
*Post*, p. 1640.

Economics Building.

Bureau of Engraving and Printing: For site and construction of an additional building for the Bureau of Engraving and Printing and other Treasury Department activities, including furniture, equipment, moving expenses, rental of temporary quarters during construction, demolition of the Economics Building located on the proposed site and, if necessary, the replacement thereof on Government-owned land, railroad sidings, and all necessary tunnels connecting the proposed building with the railroad sidings and with the main Bureau of Engraving and Printing Building, \$2,000,000, within a total limit of cost not to exceed \$5,500,000.

Government Print-  
ing Office, annex.  
*Post*, p. 1639.

Government Printing Office: For necessary land and construction of annex buildings for the Government Printing Office, including rights-of-way, furniture, moving expenses, rental of temporary quarters during construction, railroad sidings, alterations to existing buildings, all necessary tunnels connecting proposed and existing buildings, demolition of existing structures, all necessary changes in mechanical equipment, \$2,000,000, within a total limit of cost not to exceed \$5,885,000.

General Accounting  
Office, extension.

General Accounting Office: For the extension on land owned by the Government and remodeling of the old Pension Office Building now occupied by the General Accounting Office, including furniture, equipment, rent of temporary quarters during construction, and moving expenses, \$2,000,000, within a total limit of cost not to exceed \$4,700,000.

War Department.

## WAR DEPARTMENT

Quartermaster Corps.

### QUARTERMASTER CORPS

Military posts, etc.,  
construction, remodel-  
ing, etc.

U. S. C., pp. 293,  
1787.

U. S. C., p. 1803.

Construction of buildings, utilities, and appurtenances at military posts: For construction, remodeling, reconditioning, and installation at military posts of buildings and appurtenances thereto, including interior facilities, necessary services, roads, connections to water, sewer, gas, and electric mains, and similar improvements without reference to sections 1136 and 3734, Revised Statutes (U. S. C., title 10, sec. 1339; title 40, sec. 267), including also the engagement by contract or otherwise without regard to section 3709, Revised Statutes (U. S. C., title 41, sec. 5), and without regard to the restrictions of existing law governing the employment or compensation of



employees of the United States, and at such rates of compensation as the Secretary of War may determine of the services of architects or firms or corporations thereof and other technical and professional personnel as may be necessary, and including also general overhead expenses of transportation, engineering, supplies, inspection and supervision, travel connected therewith, and such services as may be necessary in the office of the Quartermaster General, to remain available until expended, \$9,850,000 as follows: Toward construction at the United States Military Academy, \$5,324,250; toward construction of an airdrome in Hawaii, \$4,525,750.

Personal services.

## CORPS OF ENGINEERS

Engineer Corps.

River and Harbor Works: For an additional amount for the construction, preservation, and maintenance of works of river and harbor improvement, including the same objects specified under this head in the War Department Appropriation Act for the fiscal year 1935, \$10,000,000, to remain available until expended.

River and Harbor Works.

## TITLE III—JUDGMENTS AND AUTHORIZED CLAIMS

Judgments, and authorized claims.

## DAMAGE CLAIMS

Damage claims.

SECTION 1. (a) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent establishments 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), as fully set forth in House Document Numbered 209, Seventy-fourth Congress, as follows:

Payment of.

Civil Works Administration, \$1,231.03;  
 Federal Emergency Relief Administration, \$131;  
 Veterans' Administration, \$25;  
 Department of Agriculture, \$5,197.49;  
 Department of Commerce, \$465.70;  
 Department of the Interior, \$672.96;  
 Department of Justice, \$104.69;  
 Department of Labor, \$36.72;  
 Navy Department, \$279.90;  
 Post Office Department (out of postal revenues), \$92.25;  
 Department of State, \$19.26;  
 Treasury Department, \$530.04;  
 War Department, \$7,238.77;

Vol. 42, p. 1066.

U. S. C., p. 1369.

In all, \$16,024.81: *Provided*, That in such document Numbered 209 the amount allowed in item 50, page 10, shall read "\$108.56" instead of "\$108.06."

*Proviso.*  
Textual correction.

(b) For the payment of claims for damages to or losses of privately owned property, adjusted and determined by the following respective departments and an independent office, under the provisions of the Act entitled "An Act to provide 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), as fully set forth in Senate Document Numbered 80 of the Seventy-fourth Congress, as follows:

Settlement of, not in excess of \$1,000.

Vol. 42, p. 1066.

U. S. C., p. 1369.

Federal Civil Works Administration, \$2,897.71;  
 Department of Agriculture, \$2,350.42;  
 Department of the Interior, \$685.98;

Navy Department, \$392.43;  
 Treasury Department, \$1,086.40;  
 War Department, \$3,091.88;  
 Post Office Department (payable from postal revenues), \$45.03;  
 In all, \$10,549.85.

#### JUDGMENTS, UNITED STATES COURTS

United States courts,  
 judgments.

Payment of, under  
 War Department.

U. S. C., pp. 1229,  
 1262, 1308.

SEC. 2. (a) For payment of the final judgments and decrees, including costs of suits, which have been 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), certified to the Seventy-fourth Congress in House Document Numbered 205 under the following departments and establishments, namely:

War Department, \$21,483.64;

Interest.

In all, \$21,483.64, together with such additional sum as may be necessary to pay interest on certain judgments at the rate of 4 per centum from the date thereof until the time this appropriation is made.

Payment of, for suits  
 in admiralty.

Vol. 43, p. 1112.  
 U. S. C., p. 2054.

(b) 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, certified to the Seventy-fourth Congress in House Document Numbered 205, under the following departments, namely:

Navy Department, \$6,151.60;

Treasury Department, \$2,500;

War Department, \$388;

Interest.

In all, \$9,039.60, together with such additional sum as may be necessary to pay interest, where specified in such judgments, at the rate provided by law.

Judgments, in special  
 cases.

U. S. C., p. 1399.

(c) For the payment of the judgments, including costs of suits, rendered against the Government by United States District Courts in special cases and under the provisions of certain special Acts and certified to the Seventy-fourth Congress in House Document Numbered 205, under the following departments, namely:

Department of Labor, \$2,664.60;

Navy Department, \$112,023.64;

In all, \$114,688.24.

Time of payments.

(d) 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.

Interest payment re-  
 striction.

(e) 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.

Judgments, Court of  
 Claims.

#### JUDGMENTS, COURT OF CLAIMS

Payment of.

SEC. 3. (a) For payment of the judgments rendered by the Court of Claims and reported to the Seventy-fourth Congress in Senate Document Numbered 83 and House Document Numbered 199, under the following departments and establishments, namely:

Department of the Interior (Indians), \$622,465.57;

Navy Department, \$90,361.70;

Post Office Department, \$849.48;  
 Treasury Department, \$3,995.27;  
 War Department, \$298,145.58;  
 In all, \$1,015,817.60.

(b) 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).

(c) For payment of judgments rendered by the Court of Claims and reported to Congress in House Document Numbered 174, Seventy-second Congress, first session, as follows:

Number H-320, in favor of Tillett S. Daniel, \$648;  
 Number K-138, in favor of William B. Hetfield, \$2,510.93;  
 In all, \$3,158.93.

#### AUDITED CLAIMS

SEC. 4. (a) 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 1932 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 fully set forth in House Document Numbered 210, Seventy-fourth Congress, there is appropriated as follows:

**Independent offices:** For traveling expenses, Civil Service Commission, \$2.

For Interstate Commerce Commission, \$11.48.

For Federal Trade Commission, \$89.60.

For agricultural credits and rehabilitation, emergency relief, \$25,000.

For Army pensions, \$25.83.

For medical and hospital services, Bureau of War Risk Insurance, \$4.

For medical and hospital services, Veterans' Bureau, \$429.97.

For salaries and expenses, Veterans' Administration, \$4,257.38.

**Department of Agriculture:** For salaries and expenses, Weather Bureau, \$279.84.

For salaries and expenses, Bureau of Plant Industry, \$1.11.

**Department of Commerce:** For aircraft in commerce, 17 cents.

For air navigation facilities, \$22.

For general expenses, Lighthouse Service, \$1.

For miscellaneous expenses, Bureau of Fisheries, \$1.19.

**Department of the Interior:** For National Park Service, \$2.75.

For Saint Elizabeths Hospital, \$3.64.

For general expenses, Bureau of Mines, \$10.82.

For support and civilization of Indians, \$14.50.

For education of natives of Alaska, \$4.90.

For conservation of health among Indians, \$5.

For support of Indians and administration of Indian property, \$3.49.

Time of payment.

Vol. 43, p. 939; U. S. C., p. 1265.

Tillett S. Daniel.

William B. Hetfield.

Audited claims.

Payment of.

Vol. 18, p. 110.  
 U. S. C., p. 1410.

Independent offices.

Department of Agriculture.

Department of Commerce.

Department of the Interior.

Department of Justice.

**Department of Justice:** For printing and binding, Department of Justice and courts, \$31.60.

For detection and prosecution of crimes, \$2.80.

For salaries and expenses, Bureau of Prohibition, \$29.51.

For salaries, fees, and expenses of marshals, United States courts, \$231.15.

For fees of commissioners, United States courts, \$13.89.

For Federal jails, \$12.60.

For salaries and expenses, Bureau of Prisons, \$1.

For pay of bailiffs, and so forth, United States courts, \$2.50.

Department of Labor.

**Department of Labor:** For expenses of regulating immigration, \$14.67.

For salaries and expenses, Bureau of Immigration, 87 cents.

For salaries and expenses, Bureau of Naturalization, \$2.99.

Navy Department.

**Navy Department:** For organizing the Naval Reserve, \$1.

For engineering, Bureau of Engineering, \$109,300.65.

For pay, subsistence, and transportation, Navy, \$2,926.03.

For pay of the Navy, \$122.51.

For maintenance, Bureau of Supplies and Accounts, \$2,825.29.

For construction and repair, Bureau of Construction and Repair, \$3.03.

For maintenance, Bureau of Yards and Docks, \$1.43.

For aviation, Navy, \$1,512.25.

For pay, Marine Corps, \$3,253.53.

For general expenses, Marine Corps, \$21.65.

Department of State.

**Department of State:** For contingent expenses, foreign missions, \$407.50.

Treasury Department.

**Treasury Department:** For collecting the revenue from customs, \$6.

For pay and allowances, Coast Guard, \$218.56.

For pay of personnel and maintenance of hospitals, Public Health Service, \$2,017.25.

For pay of other employees, Public Health Service, \$23.47.

For quarantine service, \$1.09.

For enforcement of the Narcotic and National Prohibition Acts, internal revenue, \$70.60.

For operating force for public buildings, \$12.86.

For operating supplies for public buildings, \$37.67.

For repairs and preservation of public buildings, \$7.

War Department.

**War Department:** For registration and selection for military service, \$170.

For pay, and so forth, of the Army, \$7,547.29.

For pay of the Army, \$3,469.02.

For pay, and so forth, of the Army, War with Spain, \$12.18.

For increase of compensation, Military Establishment, \$114.26.

For Army transportation, \$785.15.

For clothing and equipage, \$213.89.

For general appropriations, Quartermaster Corps, \$1,448.46.

For replacing clothing and equipage, \$2.14.

For replacing ordnance and ordnance stores, \$14.10.

For arming, equipping, and training the National Guard, \$37.60.

For organized reserves, \$12.32.

For Reserve Officers' Training Corps, \$178.62.

For barracks and quarters, \$313.72.

For terminal storage and shipping buildings, \$3,200.

For regular supplies of the Army, \$40.62.

For horses, draft and pack animals, \$4.26.

For pay of Military Academy, \$30.

For repairs of arsenals, \$20.

**Post Office Department—Postal Service, (out of the postal revenues):** For balances due foreign countries, \$3,653.86. Post Office Department.

For clerks, first- and second-class post offices, \$333.43.

For compensation to postmasters, \$1,183.95.

For freight, express, or motor transportation of equipment, and so forth, \$62.91.

For indemnities, domestic mail, \$146.66.

For indemnities, international mail, \$73.94.

For personal or property-damage claims, \$25.

For railroad transportation and mail messenger service, \$38.79.

For rent, light, and fuel, \$4,887.01.

For Rural Delivery Service, \$215.03.

For vehicle service, \$3,071.04.

Total, audited claims, section 4 (a), \$184,588.87, 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. Total; additional sum, increases in rate of exchange.

(b) 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 1932 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 fully set forth in Senate Document Numbered 85, Seventy-fourth Congress, there is appropriated as follows:

Payment of.

Vol. 18, p. 110.  
U. S. C., p. 1410.

**Independent offices:** For loans to farmers in drought and storm stricken areas, emergency relief, 27 cents. Independent offices.

For salaries and expenses, United States Shipping Board, \$33.

For Army pensions, \$54.26.

For medical and hospital services, Veterans' Bureau, \$180.28.

For salaries and expenses, Veterans' Administration, \$94.45.

**Department of Agriculture:** For salaries and expenses, Bureau of Dairy Industry, \$1.75. Department of Agriculture.

**Department of Commerce:** For promoting commerce, Department of Commerce, \$22.01. Department of Commerce.

For air navigation facilities, \$145.83.

For general expenses, Lighthouse Service, \$157.13.

For salaries and expenses, Patent Office, \$7.73.

For improvement and care of grounds, Bureau of Standards, \$290.

For miscellaneous expenses, Bureau of Fisheries, \$30.91.

**Department of the Interior:** For Fredericksburg and Spotsylvania County battlefields memorial, Virginia, \$50. Department of the Interior.

For administration of Indian forests, \$79.80.

**Department of Justice:** For salaries and expenses, Bureau of Prohibition, \$129.14. Department of Justice.

For salaries, fees, and expenses of marshals, United States courts, \$34.85.

For fees of jurors and witnesses, United States courts, \$9.15.

For miscellaneous expenses, United States courts, \$24.

For support of United States prisoners, \$1,052.70.

**Navy Department:** For organizing the Naval Reserve, \$3.60. Navy Department.

For ordnance and ordnance stores, Bureau of Ordnance, \$797.50.

For pay, subsistence, and transportation, Navy, \$56.24.

For pay of the Navy, \$215.90.

For instruments and supplies, Bureau of Navigation, \$136.01.

For maintenance, Bureau of Supplies and Accounts, \$37.84.

For aviation, Navy, \$12,336.12.

For pay, Marine Corps, \$121.60.

For general expenses, Marine Corps, \$1.

Department of State.

**Department of State:** For transportation of Foreign Service officers, \$350.

For salaries of ambassadors and ministers, \$7.50.

For contingent expenses, foreign missions, \$99.04.

Treasury Department.

**Treasury Department:** For outfits, Coast Guard, \$21.

For pay and allowances, Coast Guard, \$1.80.

For collecting the internal revenue, \$3.70.

For refunding internal revenue collections, \$5.

For enforcement of narcotic and national prohibition acts, internal revenue, \$20.

For mechanical equipment of public buildings, \$12.65.

For operating force for public buildings, \$1,338.10.

For repairs and preservation of public buildings, \$278.72.

For printing and binding, Treasury Department, \$5.

For operating supplies for public buildings, \$8.70.

War Department.

**War Department:** For pay, and so forth, of the Army, \$5,309.27.

For pay of the Army, \$345.97.

For increase of compensation, Military Establishment, \$267.34.

For general appropriations, Quartermaster Corps, \$519.34.

For supplies, services, and transportation, Quartermaster Corps, \$5.

For arms, uniforms, and equipment for field service, National Guard, \$209.12.

For Army transportation, \$130.21.

For pay of National Guard for armory drills, \$64.13.

For pay, and so forth, of the Army, War with Spain, \$12.99.

For registration and selection for military service, \$56.50.

For organized reserves, \$11.66.

For barracks and quarters, \$9.75.

For clothing and equipage, \$16.69.

For regular supplies of the Army, \$35.64.

For ordnance service and supplies, Army, 79 cents.

For Reserve Officers' Training Corps, \$28.20.

Post Office Department.

**Post Office Department—Postal Service (out of the postal revenues):** For city delivery carriers, \$81.39.

For compensation to postmasters, \$1,202.88.

For freight on stamped paper and mail bags, \$3.53.

For indemnities, domestic mail, \$87.21.

For indemnities, international mail, \$13.50.

Total; additional sum, increases in rate of exchange.

Total, audited claims, section 4 (b), \$26,665.39, 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.

Judgments against collectors of customs.

SEC. 5. Judgments against collectors of customs: For the payment of claims allowed by the General Accounting Office covering judgments rendered by United States District Courts against collectors of customs, where certificates of probable cause have been issued as provided for under section 989, Revised Statutes (U. S. C., title 28, sec. 842), and certified to the Seventy-fourth Congress in Senate Document Numbered 84, under the Department of Labor, \$7,711.14.

R. S., sec. 989, p. 185.  
U. S. C., p. 1314.

Title.

SEC. 6. This Act may be cited as the "Second Deficiency Appropriation Act, fiscal year 1935."

Approved, August 12, 1935.

## [CHAPTER 509.]

## AN ACT

To amend the Interstate Commerce Act, as amended.

August 12, 1935.

[S. 1633.]

[Public, No. 261.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of section 3 of the Interstate Commerce Act, as amended, is hereby amended to read as follows:*

Interstate Commerce Act, amendment. Vol. 24, p. 380; U. S. C., p. 2215.

“(1) It shall be unlawful for any common carrier subject to the provisions of this Act to make, give, or cause any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, association, locality, port, port district, gateway, transit point, or any particular description of traffic, in any respect whatsoever or to subject any particular person, company, firm, corporation, association, locality, port, port district, gateway, transit point, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.”

Undue preference or prejudice prohibited.

Ports, port districts, etc.

Approved, August 12, 1935.

## [CHAPTER 510.]

## AN ACT

To safeguard the estates of veterans derived from payments of pension, compensation, emergency officers' retirement pay and insurance, and for other purposes.

August 12, 1935.

[H. R. 3979.]

[Public, No. 262.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 21 of the World War Veterans' Act, 1924, as amended (U. S. C., Supp. VII, title 38, sec. 450), is hereby amended to read as follows:*

World War Veterans' Act, 1924, amendment. Vol. 44, p. 791; U. S. C., p. 1664.

“SEC. 21. (1) Where any payment of compensation, adjusted compensation, pension, emergency officers' retirement pay, or insurance under any Act administered by the Veterans' Administration is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian, curator, or conservator by the laws of the State of residence of claimant, or is otherwise legally vested with the care of the claimant or his estate: *Provided*, That where in the opinion of the Administrator any guardian, curator, conservator, or other person is acting as fiduciary in such a number of cases as to make it impracticable to conserve properly the estates or to supervise the persons of the wards, the Administrator is hereby authorized to refuse to make future payments in such cases as he may deem proper: *Provided further*, That prior to receipt of notice by the Veterans' Administration that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct: *Provided further*, That where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State of residence of the claimant, the Administrator shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

Payments to persons under legal disability. *Post*, p. 1101.

*Provisos.* Authority to refuse to make payments.

Direct payments to claimant.

Determination of person legally vested with care of claimant.

“(2) Whenever it appears that any guardian, curator, conservator, or other person, in the opinion of the Administrator, is not properly executing or has not properly executed the duties of his trust or has collected or paid, or is attempting to collect or pay, fees, commissions, or allowances that are inequitable or in excess of those allowed

Misappropriation of funds by fiduciary. Vol. 45, p. 964.

by law for the duties performed or expenses incurred, or has failed to make such payments as may be necessary for the benefit of the ward or the dependents of the ward, then and in that event the Administrator is hereby empowered by his duly authorized attorney to appear in the court which has appointed such fiduciary, or in any court having original, concurrent, or appellate jurisdiction over said cause, and make proper presentation of such matters: *Provided*, That the Administrator, in his discretion, may suspend payments to any such guardian, curator, conservator, or other person who shall neglect or refuse, after reasonable notice, to render an account to the Administrator from time to time showing the application of such payments for the benefit of such incompetent or minor beneficiary, or who shall neglect or refuse to administer the estate according to law: *Provided further*, That the Administrator is hereby authorized and empowered to appear or intervene by his duly authorized attorney in any court as an interested party in any litigation instituted by himself or otherwise, directly affecting money paid to such fiduciary under this section.

“Authority is hereby granted for the payment of any court or other expenses incident to any investigation or court proceeding for the appointment of any guardian, curator, conservator, or other person legally vested with the care of the claimant or his estate or the removal of such fiduciary and appointment of another, and of expenses in connection with the administration of such estates by such fiduciaries, or in connection with any other court proceeding hereby authorized, when such payment is authorized by the Administrator.

“(3) All or any part of the compensation, pension, emergency officers’ retirement pay, or insurance the payment of which is suspended or withheld under this section may, in the discretion of the Administrator, be paid temporarily to the person having custody and control of the incompetent or minor beneficiary to be used solely for the benefit of such beneficiary, or in the case of an incompetent veteran, may be apportioned to the dependent or dependents, if any, of such veteran. Any part not so paid and any funds of a mentally incompetent or insane veteran not paid to the chief officer of the institution in which such veteran is an inmate nor apportioned to his dependent or dependents may be ordered held in the Treasury to the credit of such beneficiary. All funds so held shall be disbursed under the order and in the discretion of the Administrator for the benefit of such beneficiary or his dependents. Any balance remaining in such fund to the credit of any beneficiary may be paid to him if he recovers and is found competent, or, if a minor, attains majority, or otherwise to his guardian, curator, or conservator, or, in the event of his death, to his personal representative, except as otherwise provided by law: *Provided*, That payment will not be made to his personal representative if, under the law of the State of his last legal residence, his estate would escheat to the State: *Provided further*, That any funds in the hands of a guardian, curator, conservator, or person legally vested with the care of the beneficiary or his estate, derived from compensation, automatic or term insurance, emergency officers’ retirement pay, or pension, payable under said Acts, which under the law of the State wherein the beneficiary had his last legal residence would escheat to the State, shall escheat to the United States and shall be returned by such guardian, curator, conservator, or person legally vested with the care of the beneficiary or his estate, or by the personal representative of

Presentation to appointing court.

*Provisos.*  
Suspension of payments on refusal to render account.

Appearance of Administrator as interested party.

Fiduciaries; appointment; costs of investigating.

Payments to legal custodians.  
Vol. 46, p. 993.

Disbursement of funds.

Balance remaining unpaid.

*Provisos.*  
Payments to personal representatives.

Escheats.



the deceased beneficiary, less legal expenses of any administration necessary to determine that an escheat is in order, to the Veterans' Administration, and shall be deposited to the credit of the current appropriations provided for payment of compensation, insurance, or pension."

SEC. 2. Whoever, being a guardian, curator, conservator, committee, or person legally vested with the responsibility or care of a claimant or his estate, or any other person having charge and custody in a fiduciary capacity of money paid under the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended, the Emergency Officers' Retirement Act, as amended, the World War Adjusted Compensation Act, as amended, the pension laws in effect prior to March 20, 1933, Public Law Numbered 2, Seventy-third Congress, as amended, Public Law Numbered 484, Seventy-third Congress, or under any Act or Acts amendatory of such Acts, for the benefit of any minor, incompetent, or other beneficiary, shall lend, borrow, pledge, hypothecate, use, or exchange for other funds or property, except as authorized by law, or embezzle or in any manner misappropriate any such money or property derived therefrom in whole or in part and coming into his control in any manner whatever in the execution of his trust, or under color of his office or service as such fiduciary, shall be fined not exceeding \$2,000 or imprisoned for a term not exceeding five years, or both. Any willful neglect or refusal to make and file proper accountings or reports concerning such money or property as required by law, shall be taken to be sufficient evidence, prima facie, of such embezzlement or misappropriation. Section 505 of the World War Veterans' Act, 1924, section 16 of Public Law Numbered 2, Seventy-third Congress, and section 4783 of the Revised Statutes are hereby repealed; but any offense committed before the enactment of this Act may be prosecuted and punishment may be inflicted in accordance with the terms of said sections notwithstanding the repeal of said sections.

SEC. 3. Payments of benefits due or to become due shall not be assignable, and such payments made to, or on account of, a beneficiary under any of the laws relating to veterans shall be exempt from taxation, shall be exempt from the claims of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. Such provisions shall not attach to claims of the United States arising under such laws nor shall the exemption herein contained as to taxation extend to any property purchased in part or wholly out of such payments. Section 4747 of the Revised Statutes and section 22 of the World War Veterans' Act, 1924, are hereby repealed, and all other Acts inconsistent herewith are hereby modified accordingly. The provisions of this section shall not be construed to prohibit the assignment by any person, to whom converted insurance shall be payable under title III of the World War Veterans' Act, 1924, of his interest in such insurance to any other member of the permitted class of beneficiaries.

SEC. 4. If any provision, sentence, or clause of this Act or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 5. That this Act shall take effect and be in force from and after its passage, but the provisions hereof shall apply to payments made heretofore under any of the Acts mentioned herein.

Approved, August 12, 1935.

Misappropriation of funds by fiduciary, etc.; penalty.

Refusal to file accountings.

Repeals. Vol. 43, p. 1312; Vol. 48, p. 11.

R. S., sec. 4783, p. 929; U. S. C., p. 1631. Prosecutions.

Assignment of payments prohibited; exemptions.

Repeals. R. S., sec. 4747, p. 924; U. S. C., p. 1627. Vol. 43, p. 613; U. S. C., p. 1665.

Assignment of converted insurance.

Separability of provisions.

Effective date.

## [CHAPTER 511.]

## AN ACT

August 12, 1935.

[H. R. 7022.]

[Public, No. 263.]

To authorize the selection, construction, installation, and modification of permanent stations and depots for the Army Air Corps and frontier air-defense bases generally.

Army Air Corps stations.  
Location of essential stations; enlargement of existing, authorized.

Regions to be considered.

Selection of sites.  
Requirements to be considered.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is hereby authorized and directed to determine in all strategic areas of the United States, including those of Alaska and our overseas possessions and holdings, the location of such additional permanent Air Corps stations and depots as he deems essential, in connection with the existing Air Corps stations and depots and the enlargement of the same when necessary, for the effective peace-time training of the General Headquarters Air Force and the Air Corps components of our overseas garrisons. In determining the locations of new stations and depots, consideration shall be given to the following regions for the respective purposes indicated: (1) The Atlantic Northeast—to provide for training in cold weather and in fog; (2) the Atlantic Southeast and Carribean areas—to permit training in long-range operations, especially those incident to reinforcing the Panama Canal; (3) the Southeastern States—to provide a depot essential to the maintenance of the General Headquarters Air Force; (4) the Pacific Northwest—to establish and maintain air communication with Alaska; (5) Alaska—for training under conditions of extreme cold; (6) the Rocky Mountain area—to provide a depot essential to the maintenance of the General Headquarters Air Force, and to afford, in addition, opportunity for training in operations from fields in high altitudes; and (7) such intermediate stations as will provide for transcontinental movements incident to the concentration of the General Headquarters Air Force for maneuvers.

In the selection of sites for new permanent Air Corps stations and depots and in the determination of the existing stations and depots to be enlarged and/or altered, the Secretary of War shall give consideration to the following requirements:

First. The stations shall be suitably located to form the nucleus of the set-up for concentrations of General Headquarters Air Force units in war and to permit, in peace, training and effective planning, by responsible personnel in each strategic area, for the utilization and expansion, in war, of commercial, municipal, and private flying installations.

Second. In each strategic area deemed necessary, there shall be provided adequate storage facilities for munitions and other essentials to facilitate effective movements, concentrations, maintenance, and operations of the General Headquarters Air Force in peace and in war.

Third. The stations and depots shall be located with a view to affording the maximum warning against surprise attack by enemy aircraft upon our own aviation and its essential installations, consistent with maintaining, in connection with existing or contemplated additional<sup>1</sup> landing fields, the full power of the General Headquarters Air Force for such close and distant operations over land and sea as may be required in the defense of the continental United States and in the defense and the reinforcement of our overseas possessions and holdings.

Fourth. The number of stations and depots shall be limited to those essential to the foregoing purposes.

<sup>1</sup> So in original.

SEC. 2. To accomplish the purposes of this Act, the Secretary of War is authorized to accept, on behalf of the United States, free of encumbrances and without cost to the United States, the title in fee simple to such lands as he may deem necessary or desirable for new permanent Air Corps stations and depots and/or the extension of or addition to existing Air Corps stations or depots; or, with the written approval of the President, to exchange for such lands existing military reservations or portions thereof; or, if it be found impracticable to secure the necessary lands by either of these methods, to purchase the same by agreement or through condemnation proceedings.

Acquisition of sites.

SEC. 3. The Secretary of War is further authorized and directed to construct, install, and equip, or complete the construction, installation, and equipment, inclusive of bomb-proof protection as required, at each of said stations and depots, such buildings and utilities, technical buildings and utilities, landing fields and mats, and all utilities and appurtenances thereto, ammunition storage, fuel and oil storage and distribution systems therefor, roads, walks, aprons, docks, runways, sewer, water, power, station and aerodrome lighting, telephone and signal communications, and other essentials, including the necessary grading and removal or remodeling of existing structures and installations. He is authorized, also, to direct the necessary transportation of personnel, and purchase, renovation, and transportation of materials, as in his judgment may be required to carry out the purposes of this Act. The Secretary of War is further authorized to acquire by gift, purchase, lease, or otherwise, at such locations as may be desirable, such bombing and machine-gun ranges as may be required for the proper practice and training of tactical units.

Construction of buildings and utilities.

Transportation of personnel and materials.

Acquisition of bombing and machine-gun ranges.

SEC. 4. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums of money as may be necessary, to be expended under the direction of the Secretary of War for the purposes of this Act, including the expenses incident to the necessary surveys, which appropriation shall continue available until expended: *Provided*, That the provisions of section 1136, Revised Statutes (U. S. C., title 10, par. 1339), shall not apply to the construction of the aforesaid stations and depots.

Appropriation authorized.  
Post, pp. 1640, 1641.Proviso.  
R. S., sec. 1136, p. 206; U. S. C., p. 203.

Approved, August 12, 1935.

## [CHAPTER 516.]

## AN ACT

To authorize the issuance and sale to the United States of certain bonds of municipal governments in Puerto Rico, and for other purposes.

August 13, 1935.  
[S. 1227.]

[Public, No. 264.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That bonds or other obligations of Puerto Rico or any municipal government therein, payable solely from revenues derived from any public improvement or undertaking (which revenues may include transfers by agreement or otherwise from the regular funds of the issuer in respect of the use by it of the facilities afforded by such improvement or undertaking), and issued and sold to the United States of America or any agency or instrumentality thereof, shall not be considered public indebtedness of the issuer within the meaning of section 3 of an Act approved March 2, 1917, entitled "An Act to provide a civil government for Porto Rico, and for other purposes", as amended.

Puerto Rico.  
Sale of bonds of municipal governments.

Vol. 39, p. 953; U. S. C., p. 2163.

Approved, August 13, 1935.

## [CHAPTER 517.]

## AN ACT

To provide for the construction, extension, and improvement of public-school buildings in Duchesne County, Utah.

August 13, 1935.  
[S. 2193.]  
[Public, No. 265.]

Duchesne County,  
Utah; public school  
buildings.  
Appropriation for.

Requirements.  
Plans for extensions.  
Estimates of cost.  
Approval of plans.  
Payment; conditions.

Expenditure.  
Restriction on pay-  
ment.

*Be it enacted 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, the sum of \$50,000 to be used by the Secretary of the Interior in making payments to the Duchesne County school district in accordance with the provisions of section 2.

SEC. 2. The Duchesne County school district shall submit to the Secretary of the Interior for his approval (1) plans for extensions and improvements of existing public-school buildings within such county, and for the construction of such other school buildings as such district may consider necessary, and (2) estimates as to the cost of carrying out such plans. The Secretary of the Interior is authorized to approve such plans and cost estimates in whole or in part, or to require modifications or revisions thereof. Upon approval by the Secretary of any such plans and cost estimates, and upon agreement by such school district that the public schools maintained by it shall be open to Indian children who reside in such district, the Secretary shall pay to such district, but not in excess of the appropriation made in section 1, an amount equal to the approved cost estimate of carrying out such approved plan. Such amount shall be expended by such district for the purpose of carrying out such approved plan and for no other purpose.

SEC. 3. No payments shall be made to the Duchesne County school district under the provisions of this Act, unless such district maintains books, records, accounts, and memoranda and permits the examination of and produces such books, records, accounts, and memoranda, in accordance with such reasonable regulations as the Secretary of the Interior may prescribe.

Approved, August 13, 1935.

## [CHAPTER 518.]

## AN ACT

To provide funds for acquisition of the property of the Haskell Students Activities Association on behalf of the Indian School known as "Haskell Institute", Lawrence, Kansas.

August 13, 1935.  
[S. 2545.]  
[Public, No. 266.]

Haskell Institute,  
Lawrence, Kansas.  
Appropriation au-  
thorized for.  
Post, p. 1119.

Proviso.  
Use of funds.

Transfer of title.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$30,500 to be expended under the direction of the Secretary of the Interior for the purpose of meeting indebtedness of the Haskell Students Activities Association, and acquiring title to the property of this association for use of the Government Indian school known as "Haskell Institute", located at Lawrence, Kansas: *Provided*, That funds hereby authorized for this purpose may be used to pay off any outstanding mortgages, liens, judgments, or other valid indebtedness against the above-mentioned association: *And provided further*, That upon payment of all outstanding obligations against the Haskell Students Activities Association, not to exceed in all \$30,500, the title to all property belonging to the said association shall be transferred to the United States, and upon such transfer such property shall become a part of the Government Indian School known as "Haskell Institute", Lawrence, Kansas.

Approved, August 13, 1935.

[CHAPTER 519.]

## AN ACT

To authorize the transfer to the jurisdiction of the Secretary of the Treasury of portions of the property within the Fort Knox Military Reservation, Kentucky, for the construction thereon of certain public buildings, and for other purposes.

August 13, 1935.

[S. 3329.]

[Public, No. 267.]

*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 to make transfers to the jurisdiction and control of the Secretary of the Treasury of such portions of the property at present included within the Fort Knox Military Reservation, Kentucky, and upon such conditions, as may be mutually agreed upon by the Secretary of War and the Secretary of the Treasury. The Secretary of the Treasury is hereby authorized to construct within the limits of the property so transferred such building or buildings, appurtenances, and approaches thereto as he may deem adequate and suitable for the use of the Treasury Department as a depository, and for use in carrying out any other functions or duties of the Treasury Department: *Provided*, That upon cessation of such use the premises or any part thereof so transferred shall revert to the jurisdiction of the War Department.

Fort Knox Military  
Reservation, Kentucky.  
Transfer of portion,  
authorized.

Construction.

*Proviso.*  
Reversionary provi-  
sion.

Approved, August 13, 1935.

[CHAPTER 520.]

## AN ACT

To amend sections 1, 2, and 3 of the Act entitled "An Act to provide for the commemoration of the termination of the War between the States at Appomattox Court House, Virginia", approved June 18, 1930, and to establish the Appomattox Court House National Historical Monument, and for other purposes.

August 13, 1935.

[H. R. 4507.]

[Public, No. 268.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections 1, 2, and 3 of the Act entitled "An Act to provide for the commemoration of the termination of the War between the States at Appomattox Court House, Virginia", approved June 18, 1930, are hereby amended to read as follows:

Appomattox Court  
House National His-  
torical Monument.  
Vol. 46, p. 777.

"That when title to all the land, structures, and other property within a distance of one and one-half miles from the Appomattox Court House site, Virginia, as shall be designated by the Secretary of the Interior in the exercise of his discretion as necessary or desirable for national-monument purposes, shall have been vested in the United States in fee simple, such area or areas shall be, and they are hereby, established, dedicated, and set apart as a public monument for the benefit and enjoyment of the people and shall be known as the 'Appomattox Court House National Historical Monument.'

Establishment.

"SEC. 2. That there is hereby authorized to be appropriated the sum of \$100,000, or so much thereof as may be necessary, to carry out the provisions of this Act as amended hereby.

Appropriation au-  
thorized.  
*Post*, p. 1794.

"SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to accept donations of land and/or buildings, structures, and so forth, within the boundaries of said park as determined and fixed hereunder and donations of funds for the purchase and/or maintenance thereof: *Provided*, That he may acquire on behalf of the United States, by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of the Act of August 1, 1888, such tracts of land within the said park as may be necessary for the completion thereof within the limits of the appropriation as authorized in Section 2."

Acquisition of land.

*Proviso.*  
Purchases; condem-  
nation proceedings.  
Vol. 25, p. 357; U. S.  
C., p. 1785.

Vol. 46, p. 777.

SEC. 2. Such Act of June 18, 1930, is amended by adding at the end thereof a new section to read as follows:

Jurisdiction.

“SEC. 4. The administration, protection, and development of the Appomattox Court House National Historical Monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled ‘An Act to establish a National Park Service, and for other purposes’, as amended.”

Vol. 39, p. 535; U. S. C., p. 591.

Approved, August 13, 1935.

[CHAPTER 521.]

AN ACT

Granting pensions to veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, their widows and dependents, and for other purposes.

August 13, 1935.  
[H. R. 6995.]  
[Public, No. 269.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all laws in effect on March 19, 1933, granting pensions to veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, their widows and dependents, are hereby reenacted into law and such laws shall be effective from and after the date of the approval of this Act.

Spanish-American War, Boxer Rebellion and Philippine Insurrection veterans, etc.  
Reenactment of laws granting pensions to.

Repeals.

SEC. 2. That all Acts and parts of Acts in conflict with or inconsistent with the provisions of this Act are hereby repealed.

Approved, August 13, 1935.

[CHAPTER 522.]

JOINT RESOLUTION

Authorizing the appropriation of funds for the maintenance of public order and the protection of life and property during the period August 16, 1935, to August 31, 1935, both inclusive.

August 13, 1935.  
[S. J. Res. 145.]  
[Pub. Res., No. 48.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of \$35,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, payable wholly from the revenues of the District of Columbia, to maintain public order and protect life and property in the District of Columbia from the 16th day of August 1935 to the 31st of August 1935, both inclusive, including the employment of personal service, the payment of allowances, traveling expenses, hire of means of transportation, and other incidental expenses in the discretion of the said Commissioners. There is hereby further authorized to be appropriated the sum of \$4,000, or so much thereof as may be necessary, payable as aforesaid, for the construction, rent, maintenance, and for incidental expenses in connection with the operation of temporary public-convenience stations, first-aid stations, and information booths, including the employment of personal services in connection therewith during such period.

District of Columbia.  
Sum authorized for maintenance of order, August 16-31, 1935.

For construction.

Approved, August 13, 1935.

[CHAPTER 530.]

AN ACT

To amend the air-mail laws and to authorize the extension of the Air Mail Service.

August 14, 1935.  
[H. R. 6511.]  
[Public, No. 270.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (a) of section 3 of the Act entitled “An Act to revise air-mail laws, and to establish a commission to make a report to the Congress

Air Mail Act of 1934, amendments.  
Vol. 48, pp. 933, 1243.  
Post, p. 1175.

recommending an aviation policy", approved June 12, 1934, as amended (48 Stat. 933, 1243), is amended to read as follows:

"SEC. 3. (a) The Postmaster General is authorized to award contracts for the transportation of air mail by airplane between such points as he may designate, and for initial periods of not exceeding three years, to the lowest responsible bidders tendering sufficient guaranty for faithful performance in accordance with the terms of the advertisement at fixed rates per airplane-mile: *Provided*, That where the Postmaster General holds that a low bidder is not responsible or qualified under this Act, such bidder shall have the right to appeal to the Comptroller General, who shall speedily determine the issue, and his decision shall be final: *Provided further*, That the base rate of pay which may be bid and accepted in awarding such contracts shall in no case exceed 33 $\frac{1}{3}$  cents per airplane-mile for transporting a mail load not exceeding three hundred pounds. Payment for transportation shall be at the base rate fixed in the contract for the first three hundred pounds of mail or fraction thereof plus one-tenth of such base rate for each additional one hundred pounds of mail or fraction thereof, computed at the end of each calendar month on the basis of the average mail load carried per mile over the route during such month, except that in no case shall payment exceed 40 cents per airplane-mile."

Contracts for carrying air mail.

Initial contract periods.

*Provisos.*  
Right of low bidder to appeal if refused contract.

Maximum base rate of pay.

Basis of computation.

Vol. 48, p. 934.

SEC. 2. Subsection (c) of section 3 of such Act is amended to read as follows:

"(c) If, in the opinion of the Postmaster General, the public interest requires it, he may grant extensions of any route: *Provided*, That the aggregate mileage of all such extensions on any route in effect at one time shall not exceed two hundred and fifty miles, and that the rate of pay for such extensions shall not be in excess of the rate per mile fixed for the service thus extended."

Route extensions.

*Proviso.*  
Limitation.

SEC. 3. The first sentence of subsection (d) of section 3 of such Act is amended to read as follows:

"The Postmaster General may designate certain routes as primary or as secondary routes. He shall designate as primary routes at least three transcontinental routes, with such termini as he may deem advisable, and, in addition thereto, such other routes as he may consider in the public interest, but no route less than seven hundred and fifty miles in length shall be designated as a primary route: *Provided*, That the present routes from Seattle to San Diego and from Newark (or New York, as the case may be) to Miami, Florida, may be held and regarded as other than primary routes: *Provided further*, That the Southern Transcontinental Route from Boston via New York (or Newark, as the case may be) and Washington to Los Angeles, shall be designated as a primary route."

Classification of routes.

Vol. 48, p. 934.

Primary or secondary may be designated.

*Provisos.*  
Coastal routes.

Designated transcontinental routes included as primary.

Vol. 48, p. 934.

SEC. 4. Subsection (f) of section 3 of such Act is amended to read as follows:

"(f) The Postmaster General shall not award contracts for air-mail routes or extend such routes in excess of an aggregate of thirty-two thousand miles, and shall not pay for air-mail transportation on such routes and extensions in excess of an annual aggregate of forty-five million airplane-miles. Subject to the foregoing, the Postmaster General shall prescribe the number and frequency of schedules, intermediate regular stops, and time of departure of all planes carrying air mail, with due regard for the volume of mail carried over each route and for connecting schedules, and he may, under such regulations as he may prescribe, authorize and, notwithstanding any other provisions of this Act, compensate for a special schedule or an extra or emergency trip in addition to any regular schedule over air-mail routes or portions thereof at the same mileage rate paid for regular

Mileage limitation, etc.

Schedules, etc.

Emergency, etc., trips.

schedules on the contract route or routes, or at a lesser rate if agreed to by the contractor and the Postmaster General, and he may utilize therefor any scheduled passenger or express flight of the contractor between the terminal points or over a portion of any route whenever the needs of the service may so require: *Provided*, That the Postmaster General may, upon application by an air-mail contractor, authorize said contractor for his own convenience to transport air mail on any nonmail schedule or plane, with the understanding that the weights of mail so transported will be credited to regular mail schedules and no mileage compensation will be claimed therefor and the miles flown in such cases will not be computed in the annual aggregate of flown mileage authorized under this section."

*Proviso.*  
Nonmail schedule or plane.

Vol. 48, p. 935.

SEC. 5. Subsection (a) of section 6 of such Act is amended to read as follows:

Interstate Commerce Commission to fix compensation rates.

"SEC. 6 (a) The Interstate Commerce Commission is hereby empowered and directed, after notice and hearing, to fix and determine by order, as soon as practicable and from time to time, the fair and reasonable rates of compensation within the limitations of this Act for the transportation of air mail by airplane and the service connected therewith over each air-mail route, and over each section thereof covered by a separate contract, prescribing the method or methods by weight or space, or both, or otherwise, for ascertaining such rates of compensation, and to publish the same, which shall continue in force until changed by the said Commission after due notice and hearing, and so much of subsection (g) of section 3 of this Act as is in conflict with this section is hereby repealed."

Conflicting clauses repealed.  
Vol. 48, p. 934.  
Vol. 48, p. 936.

SEC. 6. Subsection (e) of section 6 of such Act is amended by adding at the end thereof the following:

Determining fair transportation rates. Losses resulting from maintenance of non-mail schedules.

"In arriving at such determination the Commission shall disregard losses resulting, in the opinion of the Commission, from the unprofitable maintenance of nonmail schedules, in cases where the Commission may find that the gross receipts from such schedules fail to meet the additional operating expense occasioned thereby. In fixing and determining such rates, if it shall be contended or alleged by the holder of an air-mail contract that the rate of compensation in force for the service involved is insufficient, the burden of establishing such insufficiency and the extent thereof shall be assumed by him. In no case shall the rates fixed and determined by the said Commission hereunder exceed the limits prescribed in section 3 (a) of this Act.

Burden of proof when insufficiency of compensation rate alleged.

Rate restriction.

Report to Congress.

"The Commission is hereby authorized and directed, after having made a full and complete examination and audit of the books, and after having examined and carefully scrutinized all expenditures and purported expenditures, of the holders of the contracts hereinafter referred to, for goods, lands, commodities, and services, in order to determine whether or not such expenditures were fair and just, and were not improper, excessive, or collusive, in the cases of the eight air-mail contracts which are allowed, by a previous report of the Commission, the rate of 33 1/3 cents per mile, under the provisions of the Act of June 12, 1934, on routes Numbered 7, 12, 13, 14, 19, 25, 27, and 32, and the Commission shall make a report to the Congress, not later than January 15, 1936, whether or not, in its judgment, a fair and reasonable rate of compensation on each of said eight contracts, under the other provisions and conditions of said Act, as herein amended, is in excess of 33 1/3 cents per mile; together with full facts and reasons in detail why it recommends for or against any claim for increase."



SEC. 7. Subsection (b) of section 6 of such Act is amended to read as follows:

"(b) The Interstate Commerce Commission is hereby directed at least once in each calendar year from the date of the award of any contract to examine the books, accounts, contracts, and entire business records of the holder of each air-mail contract, and to review the rates of compensation being paid to such holder in order to be assured that no unreasonable profit is being derived or accruing therefrom, and in order to fix just rates. In determining what may constitute an unreasonable profit the said Commission shall take into consideration the income derived from the operation of airplanes over the routes affected, and in addition to the requirements of section 3 (f) of this Act, shall take into consideration all forms of expenditures of said companies in order to ascertain whether or not the expenditures have been upon a fair and reasonable basis on the part of said company and whether or not the said company has paid more than a fair and reasonable market value for the purchase or rent of planes, engines, or any other types or kind, or class, or goods, or services, including spare parts of all kinds, and whether or not the air-mail contracting company has purchased or rented any kind of goods, commodities, or services from any individuals who own stock in or are connected with the said contracting companies or has purchased such goods and services from any company or corporations in which any of the individuals employed by or owning stock in the air-mail contracting company have any interest or from which such purchase or rents any of the employees or stockholders of air-mail contracting companies would be directly or indirectly benefited. Within thirty days after a decision has been reached upon such review by the Interstate Commerce Commission touching such profit a full report thereof shall be made to the Postmaster General, to the Secretary of the United States Senate, and to the Clerk of the House of Representatives."

Vol. 48, p. 935.

Examination of contractors' records; purpose.

Unreasonable profit; factors to be considered.

Report to be submitted.

SEC. 8. The first sentence of subsection (c) of section 6 of such Act is amended to read as follows:

"Any contract (1) let, extended, or assigned pursuant to the provisions of this Act, and in full force and effect on March 1, 1935, or (2) which may be let subsequent to such date pursuant to the provisions of this Act and shall have been satisfactorily performed by the contractor during its full initial period, shall, from and after such date, or from and after the termination of its initial period, as the case may be, be continued in effect for an indefinite period, and compensation therefor, on and after March 1, 1935, during such period of indefinite continuance, shall be paid at the rate fixed by order of the Commission under this Act, subject to such additional conditions and terms as the Commission may prescribe, upon recommendation of the Postmaster General, which shall be consistent with the requirements and limitations contained in section 1 of this Act; but any contract so continued in effect may be terminated by the Commission upon sixty days' notice, upon such hearing and notice thereof to interested parties as the Commission may determine to be reasonable; and may also be terminated, in whole or in part, by mutual agreement of the Postmaster General and the contractor, or for cause by the contractor upon sixty days' notice."

Vol. 48, p. 935.

Extensions of contracts if satisfactorily performed.

Rates and conditions.

Termination, upon 60 days' notice. Notice and hearing.

SEC. 9. Subsection (d) of section 7 of such Act is amended to read as follows:

"(d) No person shall be qualified to enter upon the performance of, or thereafter to hold an air-mail contract (1) if, at or after the time specified for the commencement of mail transportation under such

Vol. 48, p. 935.

Air mail contractors. Qualifications and salaries of officers, etc., of.

contract, such person is (or, if a partnership, association, or corporation, has a member, officer, or director, or an employee performing general managerial duties, that is) an individual who has theretofore entered into any unlawful combination to prevent the making of any bids for carrying the mails: *Provided*, That whenever required by the Postmaster General or Interstate Commerce Commission the bidder shall submit an affidavit executed by the bidder, or by such of its officers, directors, or general managerial employees as the Postmaster General or Interstate Commerce Commission may designate, sworn to before an officer authorized and empowered to administer oaths, stating in such affidavit that the affiant has not entered nor proposed to enter into any combination to prevent the making of any bid for carrying the mails, nor made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person to bid or not to bid for any mail contract, or (2) if it pays any officer, director, or regular employee compensation in any form, whether as salary, bonus, commission, or otherwise, at a rate exceeding \$17,500 per year for full time: *Provided further*, That it shall be unlawful for any officer or regular employee to draw a salary of more than \$17,500 per year from any air-mail contractor, or a salary from any other company if such salary from any company makes his total compensation more than \$17,500 per year."

*Provisos.*  
Affidavits respecting activities in regard to bidding, etc.

Salary, etc., provision.

Limitation on amount.

Vol. 48, p. 937.  
Records and accounts; requirement.

Examination by Post Office Department.

By Interstate Commerce Commission.

Auditing expenses.

Vol. 48, p. 937.  
Compensation rates, labor conditions, etc.

Collective bargaining.

Vol. 48, pp. 938, 1243.

Number of contracts to contractor limited.

SEC. 10. Section 10 of such Act is amended to read as follows:

"SEC. 10. All persons holding air-mail contracts shall be required to keep their books, records, and accounts under such regulations as may be promulgated by the Postmaster General, and he is hereby authorized, if and when he deems it advisable to do so, to examine and audit the books, records, and accounts of such contractors, and to require such contractors to submit full financial reports in such form and under such regulations as he may prescribe.

"Whenever an audit of the books, records, or accounts of any air-mail contractor is made by the auditors of the Interstate Commerce Commission, a full and complete report thereof shall be made to the Post Office Department within thirty days, and that report shall contain all instances in which the contractor has failed to comply with any of the provisions of the uniform system of accounts prescribed by the Post Office Department; and the Postmaster General shall, upon request, have at all times access to the records and reports of the Commission concerning air mail and air-mail contracts. There is authorized to be used from the appropriations for Contract Air Mail Service for the fiscal year ending June 30, 1936, a sum not in excess of \$25,000 for the purpose of auditing the books and records of air-mail contractors by the Post Office Department."

SEC. 11. Section 13 of such Act is amended to read as follows:

"SEC. 13. It shall be a condition upon the holding of any air-mail contract that the rate of compensation and the working conditions and relations for all pilots and other employees of the holder of such contract shall conform to decisions heretofore or hereafter made by the National Labor Board, or its successor in authority, notwithstanding any limitation as to the period of its effectiveness included in any such decision heretofore rendered. This section shall not be construed as restricting the right of any such employees by collective bargaining to obtain higher rates of compensation or more favorable working conditions and relations."

SEC. 12. Section 15, as amended, of such Act is amended to read as follows:

"SEC. 15. After June 30, 1935, no person holding a contract or contracts for carrying air mail on a primary route shall be awarded or

hold any contract for carrying air mail on any other primary route, nor on more than three additional routes other than primary routes. In case one person holds several contracts covering different sections of one air-mail route as designated by the Postmaster General, such several contracts shall be counted as one contract for the purpose of the preceding sentence. It shall be unlawful for air-mail contractors, competing in parallel routes, to merge or to enter into any agreement, express or implied, which may result in common control or ownership. After June 30, 1935, no air-mail contractor shall be allowed to maintain passenger or express service off the line of his air-mail route which in any way competes with passenger or express service available upon another air-mail route, except that off-line competitive service which has been regularly maintained on and prior to July 1, 1935, and such seasonal schedules as may have been regularly maintained during the year prior to July 1, 1935, may be continued if restricted to the number of schedules and to the stops scheduled and in effect during such period or season.

Unlawful practices.

“Upon application of the Postmaster General or of any interested air-mail contractor, setting forth that the general transport business or earnings upon an air-mail route are being adversely affected by any alleged unfair practice of another air-mail contractor, or by any competitive air-transport service supplied by an air-mail contractor other than that supplied by him on the line of his prescribed air-mail route, or by any service inaugurated by him after July 1, 1935, through the scheduling of competitive nonmail flights over an air-mail route, the Interstate Commerce Commission shall, after giving reasonable notice to the air-mail contractor complained of, inquire fully into the subject matter of the allegations; and if the Commission shall find such practice or competition or any part thereof to be unfair, or that such competitive service in whole or in part is not reasonably required in the interest of public convenience and necessity, and if the Commission shall further find that in either case the receipts or expenses of an air-mail contractor are so affected thereby as to tend to increase the cost of air-mail transportation, then it shall order such practice or competitive service, or both, as the case may be, discontinued or restricted in accordance with such findings, and the respondent air-mail contractor named in the order shall comply therewith within a reasonable time to be fixed in such order. If the Commission shall find after like application, notice, and hearing that the public convenience and necessity requires additional service or schedules and such service or schedules do not tend to increase the cost of air-mail transportation, it may permit the institution and maintenance of such schedules and prescribe the frequency thereof. The compensation of any air-mail contractor shall be withheld during any period that it continues to violate any order of the Commission or any provision of this Act.

Inquiries as to alleged unfair practices authorized.

Powers of Commission.

Additional service ordered if necessary.

Withholding pay for violation.

Vol. 48, p. 936.

Rebates and passes.

SEC. 13. Section 6 of such Act is hereby amended by adding at the end thereof a new subsection to read as follows:

“(f) Each holder of an air-mail contract shall file with the Interstate Commerce Commission, in such form as the Commission shall require, on July 1st and January 1st of each year, a full statement of all free transportation hereafter furnished during the preceding semiannual period to any persons, including in each case the regular tariff value thereof, the name and address of the donee, and a statement of the reason for furnishing such free transportation.”

Approved, August 14, 1935.

## [CHAPTER 531.]

## AN ACT

August 14, 1935.

[H. R. 7260.]

[Public, No. 271.]

To provide for the general welfare by establishing a system of Federal old-age benefits, and by enabling the several States to make more adequate provision for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a Social Security Board; to raise revenue; and for other purposes.

Social Security Act.

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

Title I—Grants to States for old-age assistance.

## TITLE I—GRANTS TO STATES FOR OLD-AGE ASSISTANCE

Appropriation.

### APPROPRIATION

Amount for fiscal year 1936.  
Post, p. 1113.

Subsequent fiscal years.  
Post, p. 1605.  
Availability to States.

Post, p. 635.

State old-age assistance plans.

### STATE OLD-AGE ASSISTANCE PLANS

Requirements.

SECTION 1. For the purpose of enabling each State to furnish financial assistance, as far as practicable under the conditions in such State, to aged needy individuals, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$49,750,000, and there is hereby authorized to be appropriated for each fiscal year thereafter a sum sufficient to carry out the purposes of this title. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Social Security Board established by Title VII (hereinafter referred to as the "Board"), State plans for old-age assistance.

SEC. 2. (a) A State plan for old-age assistance must (1) provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them; (2) provide for financial participation by the State; (3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan; (4) provide for granting to any individual, whose claim for old-age assistance is denied, an opportunity for a fair hearing before such State agency; (5) provide such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are found by the Board to be necessary for the efficient operation of the plan; (6) provide that the State agency will make such reports, in such form and containing such information, as the Board may from time to time require, and comply with such provisions as the Board may from time to time find necessary to assure the correctness and verification of such reports; and (7) provide that, if the State or any of its political subdivisions collects from the estate of any recipient of old-age assistance any amount with respect to old-age assistance furnished him under the plan, one-half of the net amount so collected shall be promptly paid to the United States. Any payment so made shall be deposited in the Treasury to the credit of the appropriation for the purposes of this title.

Approval of plan by Board.

(b) The Board shall approve any plan which fulfills the conditions specified in subsection (a), except that it shall not approve any plan which imposes, as a condition of eligibility for old-age assistance under the plan—

(1) An age requirement of more than sixty-five years, except that the plan may impose, effective until January 1, 1940, an age requirement of as much as seventy years; or

(2) Any residence requirement which excludes any resident of the State who has resided therein five years during the nine years immediately preceding the application for old-age assistance and has resided therein continuously for one year immediately preceding the application; or

(3) Any citizenship requirement which excludes any citizen of the United States.

## PAYMENT TO STATES

Payment to States.

SEC. 3. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter, beginning with the quarter commencing July 1, 1935, (1) an amount, which shall be used exclusively as old-age assistance, equal to one-half of the total of the sums expended during such quarter as old-age assistance under the State plan with respect to each individual who at the time of such expenditure is sixty-five years of age or older and is not an inmate of a public institution, not counting so much of such expenditure with respect to any individual for any month as exceeds \$30, and (2) 5 per centum of such amount, which shall be used for paying the costs of administering the State plan or for old-age assistance, or both, and for no other purpose: *Provided*, That the State plan, in order to be approved by the Board, need not provide for financial participation before July 1, 1937 by the State, in the case of any State which the Board, upon application by the State and after reasonable notice and opportunity for hearing to the State, finds is prevented by its constitution from providing such financial participation.

Amount to be paid quarterly.

Matching funds by States.

Administrative costs.

*Provido.*  
Time of financial participation.

(b) The method of computing and paying such amounts shall be as follows:

Method of computing and paying amounts.

(1) The Board shall, prior to the beginning of each quarter, estimate the amount to be paid to the State for such quarter under the provisions of clause (1) of subsection (a), such estimate to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such clause, and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than one-half of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, (B) records showing the number of aged individuals in the State, and (C) such other investigation as the Board may find necessary.

Estimate to be submitted prior to beginning of quarter.  
Basis of estimates.

(2) The Board shall then certify to the Secretary of the Treasury the amount so estimated by the Board, reduced or increased, as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the State under clause (1) of subsection (a) for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Board for such prior quarter.

Certification of amount by Board; adjustments.

(3) The Secretary of the Treasury shall thereupon, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Board, the amount so certified, increased by 5 per centum.

Payments; prior audit by General Accounting Office waived.

Operation of State plans.

OPERATION OF STATE PLANS

Payments withheld when State not complying with approved plan; notice and hearing.

SEC. 4. In the case of any State plan for old-age assistance which has been approved by the Board, if the Board, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such plan, finds—

*Ante*, p. 620.

(1) that the plan has been so changed as to impose any age, residence, or citizenship requirement prohibited by section 2 (b), or that in the administration of the plan any such prohibited requirement is imposed, with the knowledge of such State agency, in a substantial number of cases; or

(2) that in the administration of the plan there is a failure to comply substantially with any provision required by section 2 (a) to be included in the plan;

the Board shall notify such State agency that further payments will not be made to the State until the Board is satisfied that such prohibited requirement is no longer so imposed, and that there is no longer any such failure to comply. Until it is so satisfied it shall make no further certification to the Secretary of the Treasury with respect to such State.

Administration.

ADMINISTRATION

Appropriation authorized for Board expenses.  
*Post*, p. 1118.

SEC. 5. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$250,000, for all necessary expenses of the Board in administering the provisions of this title.

Definition.

DEFINITION

"Old-age assistance."

SEC. 6. When used in this title the term "old-age assistance" means money payments to aged individuals.

Title II—Federal old-age benefits.

TITLE II—FEDERAL OLD-AGE BENEFITS

OLD-AGE RESERVE ACCOUNT

"Old-Age Reserve Account", created.

SECTION 201. (a) There is hereby created an account in the Treasury of the United States to be known as the "Old-Age Reserve Account" hereinafter in this title called the "Account". There is hereby authorized to be appropriated to the Account for each fiscal year, beginning with the fiscal year ending June 30, 1937, an amount sufficient as an annual premium to provide for the payments required under this title, such amount to be determined on a reserve basis in accordance with accepted actuarial principles, and based upon such tables of mortality as the Secretary of the Treasury shall from time to time adopt, and upon an interest rate of 3 per centum per annum compounded annually. The Secretary of the Treasury shall submit annually to the Bureau of the Budget an estimate of the appropriations to be made to the Account.

Annual appropriation.

*Post*, p. 1635.

Determination of amount.

Annual estimate of appropriation.

Investment of amounts credited to Account.

(b) It shall be the duty of the Secretary of the Treasury to invest such portion of the amounts credited to the Account as is not, in his judgment, required to meet current withdrawals. Such investment may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at par, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Account. Such special obligations shall bear interest at the rate of 3 per centum per

Acquisition of United States obligations.

Second Liberty Bond Act.

Vol. 40, p. 503; *Ante*, p. 20; *Post*, p. 699; U. S. C., p. 1419.

Special obligations; interest rate.

annum. Obligations other than such special obligations may be acquired for the Account only on such terms as to provide an investment yield of not less than 3 per centum per annum.

Other obligations; acquisition of.

(c) Any obligations acquired by the Account (except special obligations issued exclusively to the Account) may be sold at the market price, and such special obligations may be redeemed at par plus accrued interest.

Sale of.

(d) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Account shall be credited to and form a part of the Account.

Interest and proceeds of sale credited to Account.

(e) All amounts credited to the Account shall be available for making payments required under this title.

Availability.

(f) The Secretary of the Treasury shall include in his annual report the actuarial status of the Account.

Annual report of actuarial status.

OLD-AGE BENEFIT PAYMENTS

Old-age benefit payments.

SEC. 202. (a) Every qualified individual (as defined in section 210) shall be entitled to receive, with respect to the period beginning on the date he attains the age of sixty-five, or on January 1, 1942, whichever is the later, and ending on the date of his death, an old-age benefit (payable as nearly as practicable in equal monthly installments) as follows:

Persons entitled to receive.  
Post, p. 625.

(1) If the total wages (as defined in section 210) determined by the Board to have been paid to him, with respect to employment (as defined in section 210) after December 31, 1936, and before he attained the age of sixty-five, were not more than \$3,000, the old-age benefit shall be at a monthly rate of one-half of 1 per centum of such total wages;

Amounts to be paid.  
Post, p. 625.

(2) If such total wages were more than \$3,000, the old-age benefit shall be at a monthly rate equal to the sum of the following:

(A) One-half of 1 per centum of \$3,000; plus

(B) One-twelfth of 1 per centum of the amount by which such total wages exceeded \$3,000 and did not exceed \$45,000; plus

(C) One-twenty-fourth of 1 per centum of the amount by which such total wages exceeded \$45,000.

(b) In no case shall the monthly rate computed under subsection (a) exceed \$85.

Restriction on total monthly rate.

(c) If the Board finds at any time that more or less than the correct amount has theretofore been paid to any individual under this section, then, under regulations made by the Board, proper adjustments shall be made in connection with subsequent payments under this section to the same individual.

Adjustments.

(d) Whenever the Board finds that any qualified individual has received wages with respect to regular employment after he attained the age of sixty-five, the old-age benefit payable to such individual shall be reduced, for each calendar month in any part of which such regular employment occurred, by an amount equal to one month's benefit. Such reduction shall be made, under regulations prescribed by the Board, by deductions from one or more payments of old-age benefit to such individual.

Reductions.

PAYMENTS UPON DEATH

Payments upon death.

SEC. 203. (a) If any individual dies before attaining the age of sixty-five, there shall be paid to his estate an amount equal to 3½ per centum of the total wages determined by the Board to have been paid to him, with respect to employment after December 31, 1936.

When individual dies before receiving any benefit payment.

When recipient dies before receiving total payable benefits.

(b) If the Board finds that the correct amount of the old-age benefit payable to a qualified individual during his life under section 202 was less than  $3\frac{1}{2}$  per centum of the total wages by which such old-age benefit was measurable, then there shall be paid to his estate a sum equal to the amount, if any, by which such  $3\frac{1}{2}$  per centum exceeds the amount (whether more or less than the correct amount) paid to him during his life as old-age benefit.

Adjustments when underpaid recipient dies.

(c) If the Board finds that the total amount paid to a qualified individual under an old-age benefit during his life was less than the correct amount to which he was entitled under section 202, and that the correct amount of such old-age benefit was  $3\frac{1}{2}$  per centum or more of the total wages by which such old-age benefit was measurable, then there shall be paid to his estate a sum equal to the amount, if any, by which the correct amount of the old-age benefit exceeds the amount which was so paid to him during his life.

Payments to aged individuals not qualified for benefits.  
Amount.

#### PAYMENTS TO AGED INDIVIDUALS NOT QUALIFIED FOR BENEFITS

SEC. 204. (a) There shall be paid in a lump sum to any individual who, upon attaining the age of sixty-five, is not a qualified individual, an amount equal to  $3\frac{1}{2}$  per centum of the total wages determined by the Board to have been paid to him, with respect to employment after December 31, 1936, and before he attained the age of sixty-five.

Restriction on other payments.

(b) After any individual becomes entitled to any payment under subsection (a), no other payment shall be made under this title in any manner measured by wages paid to him, except that any part of any payment under subsection (a) which is not paid to him before his death shall be paid to his estate.

Amounts of \$500 or less payable to estates.

#### AMOUNTS OF \$500 OR LESS PAYABLE TO ESTATES

Regulations.

SEC. 205. If any amount payable to an estate under section 203 or 204 is \$500 or less, such amount may, under regulations prescribed by the Board, be paid to the persons found by the Board to be entitled thereto under the law of the State in which the deceased was domiciled, without the necessity of compliance with the requirements of law with respect to the administration of such estate.

Overpayments during life.

#### OVERPAYMENTS DURING LIFE

Repayment from estate of recipient.

SEC. 206. If the Board finds that the total amount paid to a qualified individual under an old-age benefit during his life was more than the correct amount to which he was entitled under section 202, and was  $3\frac{1}{2}$  per centum or more of the total wages by which such old-age benefit was measurable, then upon his death there shall be repaid to the United States by his estate the amount, if any, by which such total amount paid to him during his life exceeds whichever of the following is the greater: (1) Such  $3\frac{1}{2}$  per centum, or (2) the correct amount to which he was entitled under section 202.

Method of making payments.

#### METHOD OF MAKING PAYMENTS

Payment on certification of Board.

SEC. 207. The Board shall from time to time certify to the Secretary of the Treasury the name and address of each person entitled to receive a payment under this title, the amount of such payment, and the time at which it should be made, and the Secretary of the Treasury through the Division of Disbursement of the Treasury Department, and prior to audit or settlement by the General Account-



ing Office, shall make payment in accordance with the certification by the Board.

#### ASSIGNMENT

Assignment.

SEC. 208. The right of any person to any future payment under this title shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this title shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

Right to receive payment not assignable; exemption from legal process.

#### PENALTIES

Penalties.

SEC. 209. Whoever in any application for any payment under this title makes any false statement as to any material fact, knowing such statement to be false, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

False statements.

#### DEFINITIONS

Definitions.

SEC. 210. When used in this title—

(a) The term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include that part of the remuneration which, after remuneration equal to \$3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid to such individual by such employer with respect to employment during such calendar year.

"Wages."

(b) The term "employment" means any service, of whatever nature, performed within the United States by an employee for his employer, except—

"Employment."

(1) Agricultural labor;

(2) Domestic service in a private home;

(3) Casual labor not in the course of the employer's trade or business;

(4) Service performed as an officer or member of the crew of a vessel documented under the laws of the United States or of any foreign country;

(5) Service performed in the employ of the United States Government or of an instrumentality of the United States;

(6) Service performed in the employ of a State, a political subdivision thereof, or an instrumentality of one or more States or political subdivisions;

(7) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(c) The term "qualified individual" means any individual with respect to whom it appears to the satisfaction of the Board that—

"Qualified individual."

(1) He is at least sixty-five years of age; and

(2) The total amount of wages paid to him, with respect to employment after December 31, 1936, and before he attained the age of sixty-five, was not less than \$2,000; and

(3) Wages were paid to him, with respect to employment on some five days after December 31, 1936, and before he attained the age of sixty-five, each day being in a different calendar year.

Title III—Grants to States for unemployment compensation administration.

## TITLE III—GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION ADMINISTRATION

Appropriation.

### APPROPRIATION

Administration expenses.  
*Post*, pp. 1113, 1605.

SECTION 301. For the purpose of assisting the States in the administration of their unemployment compensation laws, there is hereby authorized to be appropriated, for the fiscal year ending June 30, 1936, the sum of \$4,000,000, and for each fiscal year thereafter the sum of \$49,000,000, to be used as hereinafter provided.

Payments to States.

### PAYMENTS TO STATES

Certification of amount determined by Board.

SEC. 302. (a) The Board shall from time to time certify to the Secretary of the Treasury for payment to each State which has an unemployment compensation law approved by the Board under Title IX, such amounts as the Board determines to be necessary for the proper administration of such law during the fiscal year in which such payment is to be made. The Board's determination shall be based on (1) the population of the State; (2) an estimate of the number of persons covered by the State law and of the cost of proper administration of such law; and (3) such other factors as the Board finds relevant. The Board shall not certify for payment under this section in any fiscal year a total amount in excess of the amount appropriated therefor for such fiscal year.

Basis of Board's determination.

Restriction on total amount.

Payment of certified amount; prior audit waived.

(b) Out of the sums appropriated therefor, the Secretary of the Treasury shall, upon receiving a certification under subsection (a), pay, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, to the State agency charged with the administration of such law the amount so certified.

Provisions of State laws.

### PROVISIONS OF STATE LAWS

Requirements to be incorporated.

SEC. 303. (a) The Board shall make no certification for payment to any State unless it finds that the law of such State, approved by the Board under Title IX, includes provisions for—

Approved methods of administration.

(1) Such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are found by the Board to be reasonably calculated to insure full payment of unemployment compensation when due; and

Payment of compensation through public employment offices.

(2) Payment of unemployment compensation solely through public employment offices in the State or such other agencies as the Board may approve; and

Hearing when compensation claim denied.

(3) Opportunity for a fair hearing, before an impartial tribunal, for all individuals whose claims for unemployment compensation are denied; and

Payment to credit of Unemployment Trust Fund.

(4) The payment of all money received in the unemployment fund of such State, immediately upon such receipt, to the Secretary of the Treasury to the credit of the Unemployment Trust Fund established by section 904; and

Expenditure of requisitioned money for unemployment compensation payments.

(5) Expenditure of all money requisitioned by the State agency from the Unemployment Trust Fund, in the payment of unemployment compensation, exclusive of expenses of administration; and

Reports to Board.

(6) The making of such reports, in such form and containing such information, as the Board may from time to time require, and compliance with such provisions as the Board may from time to time find necessary to assure the correctness and verification of such reports; and

(7) Making available upon request to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation and employment status of each recipient of unemployment compensation, and a statement of such recipient's rights to further compensation under such law.

Information respecting recipients.

(b) Whenever the Board, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that in the administration of the law there is—

Notification to State agency of suspension of payments; when.

(1) a denial, in a substantial number of cases, of unemployment compensation to individuals entitled thereto under such law; or

(2) a failure to comply substantially with any provision specified in subsection (a);

the Board shall notify such State agency that further payments will not be made to the State until the Board is satisfied that there is no longer any such denial or failure to comply. Until it is so satisfied it shall make no further certification to the Secretary of the Treasury with respect to such State.

**TITLE IV—GRANTS TO STATES FOR AID TO DEPENDENT CHILDREN**

Title IV—Grants to States for aid to dependent children.

**APPROPRIATION**

Appropriation.

**SECTION 401.** For the purpose of enabling each State to furnish financial assistance, as far as practicable under the conditions in such State, to needy dependent children, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$24,750,000, and there is hereby authorized to be appropriated for each fiscal year thereafter a sum sufficient to carry out the purposes of this title. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Board, State plans for aid to dependent children.

Amount authorized. Post, pp. 1113, 1605.

Availability.

**STATE PLANS FOR AID TO DEPENDENT CHILDREN**

State plans for aid to dependent children.

Requirements.

**SEC. 402.** (a) A State plan for aid to dependent children must (1) provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them; (2) provide for financial participation by the State; (3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan; (4) provide for granting to any individual, whose claim with respect to aid to a dependent child is denied, an opportunity for a fair hearing before such State agency; (5) provide such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are found by the Board to be necessary for the efficient operation of the plan; and (6) provide that the State agency will make such reports, in such form and containing such information, as the Board may from time to time require, and comply with such provisions as the Board may from time to time find necessary to assure the correctness and verification of such reports.

(b) The Board shall approve any plan which fulfills the conditions specified in subsection (a), except that it shall not approve any plan which imposes as a condition of eligibility for aid to dependent children, a residence requirement which denies aid with respect to any child residing in the State (1) who has resided in the State for one year immediately preceding the application

Approval of plan by Board.

for such aid, or (2) who was born within the State within one year immediately preceding the application, if its mother has resided in the State for one year immediately preceding the birth.

Payment to States.

PAYMENT TO STATES

Amount to be paid quarterly.

SEC. 403. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to dependent children, for each quarter, beginning with the quarter commencing July 1, 1935, an amount, which shall be used exclusively for carrying out the State plan, equal to one-third of the total of the sums expended during such quarter under such plan, not counting so much of such expenditure with respect to any dependent child for any month as exceeds \$18, or if there is more than one dependent child in the same home, as exceeds \$18 for any month with respect to one such dependent child and \$12 for such month with respect to each of the other dependent children.

To be one-third of amount expended under State plan.

When more than one dependent child.

Method of computing and paying amounts.

(b) The method of computing and paying such amounts shall be as follows:

Estimates to be submitted prior to beginning of quarter.

(1) The Board shall, prior to the beginning of each quarter, estimate the amount to be paid to the State for such quarter under the provisions of subsection (a), such estimate to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such subsection and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than two-thirds of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, (B) records showing the number of dependent children in the State, and (C) such other investigation as the Board may find necessary.

Basis of estimates.

(2) The Board shall then certify to the Secretary of the Treasury the amount so estimated by the Board, reduced or increased, as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the State for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Board for such prior quarter.

Certification of amount by Board; adjustments.

(3) The Secretary of the Treasury shall thereupon, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Board, the amount so certified.

Payments; prior audit waived.

Operation of State plans.

OPERATION OF STATE PLANS

Payments withheld when State not complying with approved plan; notice and hearing.

SEC. 404. In the case of any State plan for aid to dependent children which has been approved by the Board, if the Board, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such plan, finds—

(1) that the plan has been so changed as to impose any residence requirement prohibited by section 402 (b), or that in the administration of the plan any such prohibited requirement is imposed, with the knowledge of such State agency, in a substantial number of cases; or

(2) that in the administration of the plan there is a failure to comply substantially with any provision required by section 402 (a) to be included in the plan;

the Board shall notify such State agency that further payments will not be made to the State until the Board is satisfied that such prohibited requirement is no longer so imposed, and that there is no longer any such failure to comply. Until it is so satisfied it shall make no further certification to the Secretary of the Treasury with respect to such State.

ADMINISTRATION

Administration.

SEC. 405. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$250,000 for all necessary expenses of the Board in administering the provisions of this title.

Appropriation authorized for Board expenses.

DEFINITIONS

Definitions.

SEC. 406. When used in this title—

(a) The term "dependent child" means a child under the age of sixteen who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, or aunt, in a place of residence maintained by one or more of such relatives as his or their own home;

"Dependent child."

(b) The term "aid to dependent children" means money payments with respect to a dependent child or dependent children.

"Aid to dependent children."

TITLE V—GRANTS TO STATES FOR MATERNAL AND CHILD WELFARE

Title V—Grants to States for maternal and child welfare.

PART 1—MATERNAL AND CHILD HEALTH SERVICES

Part 1—Maternal and child health services.

APPROPRIATION

Appropriation.

SECTION 501. For the purpose of enabling each State to extend and improve, as far as practicable under the conditions in such State, services for promoting the health of mothers and children, especially in rural areas and in areas suffering from severe economic distress, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1936, the sum of \$3,800,000. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Chief of the Children's Bureau, State plans for such services.

Amount authorized. *Post*, pp. 1121, 1350.

Availability to States.

ALLOTMENTS TO STATES

Allotments to States.

SEC. 502. (a) Out of the sums appropriated pursuant to section 501 for each fiscal year the Secretary of Labor shall allot to each State \$20,000, and such part of \$1,800,000 as he finds that the number of live births in such State bore to the total number of live births in the United States, in the latest calendar year for which the Bureau of the Census has available statistics.

Amount to each State; division of balance. *Post*, p. 1121.

(b) Out of the sums appropriated pursuant to section 501 for each fiscal year the Secretary of Labor shall allot to the States \$980,000 (in addition to the allotments made under subsection (a)), according to the financial need of each State for assistance in carrying out its State plan, as determined by him after taking into consideration the number of live births in such State.

Additional to assist in carrying out State plan.

(c) The amount of any allotment to a State under subsection (a) for any fiscal year remaining unpaid to such State at the end of such fiscal year shall be available for payment to such State under section 504 until the end of the second succeeding fiscal year. No payment

Amount of allotment remaining unpaid.

to a State under section 504 shall be made out of its allotment for any fiscal year until its allotment for the preceding fiscal year has been exhausted or has ceased to be available.

Approval of State plans.

APPROVAL OF STATE PLANS

Requirements.

SEC. 503. (a) A State plan for maternal and child-health services must (1) provide for financial participation by the State; (2) provide for the administration of the plan by the State health agency or the supervision of the administration of the plan by the State health agency; (3) provide such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are necessary for the efficient operation of the plan; (4) provide that the State health agency will make such reports, in such form and containing such information, as the Secretary of Labor may from time to time require, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports; (5) provide for the extension and improvement of local maternal and child-health services administered by local child-health units; (6) provide for cooperation with medical, nursing, and welfare groups and organizations; and (7) provide for the development of demonstration services in needy areas and among groups in special need.

Approval by Chief of Children's Bureau; notification.

(b) The Chief of the Children's Bureau shall approve any plan which fulfills the conditions specified in subsection (a) and shall thereupon notify the Secretary of Labor and the State health agency of his approval.

Payment to States.

PAYMENT TO STATES

Amount to be paid quarterly.

*Post*, p. 1121.

SEC. 504. (a) From the sums appropriated therefor and the allotments available under section 502 (a), the Secretary of the Treasury shall pay to each State which has an approved plan for maternal and child-health services, for each quarter, beginning with the quarter commencing July 1, 1935, an amount, which shall be used exclusively for carrying out the State plan, equal to one-half of the total sum expended during such quarter for carrying out such plan.

To be one-half of amount expended under State plan.

Method of computing and paying amounts.

Estimates to be submitted prior to beginning of quarter.

(b) The method of computing and paying such amounts shall be as follows:

Basis of estimates.

(1) The Secretary of Labor shall, prior to the beginning of each quarter, estimate the amount to be paid to the State for such quarter under the provisions of subsection (a), such estimate to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such subsection and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than one-half of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, and (B) such investigation as he may find necessary.

Certification of amount by Secretary of Labor; adjustments.

(2) The Secretary of Labor shall then certify the amount so estimated by him to the Secretary of the Treasury, reduced or increased, as the case may be, by any sum by which the Secretary of Labor finds that his estimate for any prior quarter was greater or less than the amount which should have been paid to the State for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Secretary of Labor for such prior quarter.

(3) The Secretary of the Treasury shall thereupon, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Secretary of Labor, the amount so certified.

(c) The Secretary of Labor shall from time to time certify to the Secretary of the Treasury the amounts to be paid to the States from the allotments available under section 502 (b), and the Secretary of the Treasury shall, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, make payments of such amounts from such allotments at the time or times specified by the Secretary of Labor.

Payments; prior audit waived.

#### OPERATION OF STATE PLANS

Operation of State plans.

SEC. 505. In the case of any State plan for maternal and child-health services which has been approved by the Chief of the Children's Bureau, if the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such plan, finds that in the administration of the plan there is a failure to comply substantially with any provision required by section 503 to be included in the plan, he shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied he shall make no further certification to the Secretary of the Treasury with respect to such State.

Payments withheld when State not complying with approved plan; notice and hearing.

#### PART 2—SERVICES FOR CRIPPLED CHILDREN

Part 2—Services for crippled children.

##### APPROPRIATION

Appropriation.

SEC. 511. For the purpose of enabling each State to extend and improve (especially in rural areas and in areas suffering from severe economic distress), as far as practicable under the conditions in such State, services for locating crippled children, and for providing medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and aftercare, for children who are crippled or who are suffering from conditions which lead to crippling, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1936, the sum of \$2,850,000. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Chief of the Children's Bureau, State plans for such services.

Amount authorized. Post, pp. 1121, 1350.

Availability to States.

##### ALLOTMENTS TO STATES

Allotments to States.

SEC. 512. (a) Out of the sums appropriated pursuant to section 511 for each fiscal year the Secretary of Labor shall allot to each State \$20,000, and the remainder to the States according to the need of each State as determined by him after taking into consideration the number of crippled children in such State in need of the services referred to in section 511 and the cost of furnishing such services to them.

Amount to each State; division of balance. Post, p. 1121.

(b) The amount of any allotment to a State under subsection (a) for any fiscal year remaining unpaid to such State at the end of such fiscal year shall be available for payment to such State under section 514 until the end of the second succeeding fiscal year. No payment to a State under section 514 shall be made out of its allotment for any fiscal year until its allotment for the preceding fiscal year has been exhausted or has ceased to be available.

Amount of allotment remaining unpaid.

Approval of State plans.

APPROVAL OF STATE PLANS

Requirements.

SEC. 513. (a) A State plan for services for crippled children must (1) provide for financial participation by the State; (2) provide for the administration of the plan by a State agency or the supervision of the administration of the plan by a State agency; (3) provide such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are necessary for the efficient operation of the plan; (4) provide that the State agency will make such reports, in such form and containing such information, as the Secretary of Labor may from time to time require, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports; (5) provide for carrying out the purposes specified in section 511; and (6) provide for cooperation with medical, health, nursing, and welfare groups and organizations and with any agency in such State charged with administering State laws providing for vocational rehabilitation of physically handicapped children.

Approval by Chief of Children's Bureau; notification.

(b) The Chief of the Children's Bureau shall approve any plan which fulfills the conditions specified in subsection (a) and shall thereupon notify the Secretary of Labor and the State agency of his approval.

Payment to States.

PAYMENT TO STATES

Amount to be paid quarterly.

SEC. 514. (a) From the sums appropriated therefor and the allotments available under section 512, the Secretary of the Treasury shall pay to each State which has an approved plan for services for crippled children, for each quarter, beginning with the quarter commencing July 1, 1935, an amount, which shall be used exclusively for carrying out the State plan, equal to one-half of the total sum expended during such quarter for carrying out such plan.

To be one-half of amount expended under State plan.

Method of computing and paying amounts.

(b) The method of computing and paying such amounts shall be as follows:

Estimates to be submitted prior to beginning of quarter.

(1) The Secretary of Labor shall, prior to the beginning of each quarter, estimate the amount to be paid to the State for such quarter under the provisions of subsection (a), such estimate to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such subsection and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than one-half of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, and (B) such investigation as he may find necessary.

Basis of estimates.

(2) The Secretary of Labor shall then certify the amount so estimated by him to the Secretary of the Treasury, reduced or increased, as the case may be, by any sum by which the Secretary of Labor finds that his estimate for any prior quarter was greater or less than the amount which should have been paid to the State for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Secretary of Labor for such prior quarter.

Certification of amount by Secretary of Labor; adjustments.

(3) The Secretary of the Treasury shall thereupon, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Secretary of Labor, the amount so certified.

Payments; prior audit waived.



## OPERATION OF STATE PLANS

SEC. 515. In the case of any State plan for services for crippled children which has been approved by the Chief of the Children's Bureau, if the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such plan, finds that in the administration of the plan there is a failure to comply substantially with any provision required by section 513 to be included in the plan, he shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied he shall make no further certification to the Secretary of the Treasury with respect to such State.

Operation of State plans.

Payments withheld when State not complying with approved plan; notice and hearing.

## PART 3—CHILD-WELFARE SERVICES

SEC. 521. (a) For the purpose of enabling the United States, through the Children's Bureau, to cooperate with State public-welfare agencies in establishing, extending, and strengthening, especially in predominantly rural areas, public-welfare services (hereinafter in this section referred to as "child-welfare services") for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1936, the sum of \$1,500,000. Such amount shall be allotted by the Secretary of Labor for use by cooperating State public-welfare agencies on the basis of plans developed jointly by the State agency and the Children's Bureau, to each State, \$10,000, and the remainder to each State on the basis of such plans, not to exceed such part of the remainder as the rural population of such State bears to the total rural population of the United States. The amount so allotted shall be expended for payment of part of the cost of district, county or other local child-welfare services in areas predominantly rural, and for developing State services for the encouragement and assistance of adequate methods of community child-welfare organization in areas predominantly rural and other areas of special need. The amount of any allotment to a State under this section for any fiscal year remaining unpaid to such State at the end of such fiscal year shall be available for payment to such State under this section until the end of the second succeeding fiscal year. No payment to a State under this section shall be made out of its allotment for any fiscal year until its allotment for the preceding fiscal year has been exhausted or has ceased to be available.

Part 3—Child-welfare services.

Appropriation authorized.  
Post, pp. 1121, 1350.

Amount.  
Allotments to States.

Amount to each State; division of remainder.

Expenditure.

Amount of allotment remaining unpaid.

(b) From the sums appropriated therefor and the allotments available under subsection (a) the Secretary of Labor shall from time to time certify to the Secretary of the Treasury the amounts to be paid to the States, and the Secretary of the Treasury shall, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, make payments of such amounts from such allotments at the time or times specified by the Secretary of Labor.

Certification of amounts to be paid.

Prior audit waived.

## PART 4—VOCATIONAL REHABILITATION

SEC. 531. (a) In order to enable the United States to cooperate with the States and Hawaii in extending and strengthening their programs of vocational rehabilitation of the physically disabled, and to continue to carry out the provisions and purposes of the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return

Part 4—Vocational rehabilitation.

Appropriation authorized.  
Post, pp. 1119, 1798.

to civil employment", approved June 2, 1920, as amended (U. S. C., title 29, ch. 4; U. S. C., Supp. VII, title 29, secs. 31, 32, 34, 35, 37, 39, and 40), there is hereby authorized to be appropriated for the fiscal years ending June 30, 1936, and June 30, 1937, the sum of \$841,000 for each such fiscal year in addition to the amount of the existing authorization, and for each fiscal year thereafter the sum of \$1,938,000. Of the sums appropriated pursuant to such authorization for each fiscal year, \$5,000 shall be apportioned to the Territory of Hawaii and the remainder shall be apportioned among the several States in the manner provided in such Act of June 2, 1920, as amended.

Apportionment to Hawaii.

Appropriation authorized for administration. Post, pp. 1119, 1798.

(b) For the administration of such Act of June 2, 1920, as amended, by the Federal agency authorized to administer it, there is hereby authorized to be appropriated for the fiscal years ending June 30, 1936, and June 30, 1937, the sum of \$22,000 for each such fiscal year in addition to the amount of the existing authorization, and for each fiscal year thereafter the sum of \$102,000.

Part 5—Administration.

PART 5—ADMINISTRATION

Appropriation authorized. Post, pp. 1122, 1349.

SEC. 541. (a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$425,000, for all necessary expenses of the Children's Bureau in administering the provisions of this title, except section 531.

Studies and investigations by Children's Bureau.

(b) The Children's Bureau shall make such studies and investigations as will promote the efficient administration of this title, except section 531.

Annual report.

(c) The Secretary of Labor shall include in his annual report to Congress a full account of the administration of this title, except section 531.

Title VI—Public Health Work.

TITLE VI—PUBLIC HEALTH WORK

Appropriation.

APPROPRIATION

Sum authorized. Post, pp. 1126, 1841.

SECTION 601. For the purpose of assisting States, counties, health districts, and other political subdivisions of the States in establishing and maintaining adequate public-health services, including the training of personnel for State and local health work, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1936, the sum of \$8,000,000 to be used as hereinafter provided.

State and local public health services.

STATE AND LOCAL PUBLIC HEALTH SERVICES

Allotments to States by Surgeon General.

SEC. 602. (a) The Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, shall, at the beginning of each fiscal year, allot to the States the total of (1) the amount appropriated for such year pursuant to section 601; and (2) the amounts of the allotments under this section for the preceding fiscal year remaining unpaid to the States at the end of such fiscal year. The amounts of such allotments shall be determined on the basis of (1) the population; (2) the special health problems; and (3) the financial needs; of the respective States. Upon making such allotments the Surgeon General of the Public Health Service shall certify the amounts thereof to the Secretary of the Treasury.

Amounts.

Determination of.

Certification to Secretary of the Treasury.

Availability of allotment remaining unpaid.

(b) The amount of an allotment to any State under subsection (a) for any fiscal year, remaining unpaid at the end of such fiscal year, shall be available for allotment to States under subsection (a) for the succeeding fiscal year, in addition to the amount appropriated for such year.

(c) Prior to the beginning of each quarter of the fiscal year, the Surgeon General of the Public Health Service shall, with the approval of the Secretary of the Treasury, determine in accordance with rules and regulations previously prescribed by such Surgeon General after consultation with a conference of the State and Territorial health authorities, the amount to be paid to each State for such quarter from the allotment to such State, and shall certify the amount so determined to the Secretary of the Treasury. Upon receipt of such certification, the Secretary of the Treasury shall, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay in accordance with such certification.

Determination of quarterly amounts.

Certification thereof.  
Payments; prior audit waived.

(d) The moneys so paid to any State shall be expended solely in carrying out the purposes specified in section 601, and in accordance with plans presented by the health authority of such State and approved by the Surgeon General of the Public Health Service.

Expenditure.

#### INVESTIGATIONS

SEC. 603. (a) There is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1936, the sum of \$2,000,000 for expenditure by the Public Health Service for investigation of disease and problems of sanitation (including the printing and binding of the findings of such investigations), and for the pay and allowances and traveling expenses of personnel of the Public Health Service, including commissioned officers, engaged in such investigations or detailed to cooperate with the health authorities of any State in carrying out the purposes specified in section 601: *Provided*, That no personnel of the Public Health Service shall be detailed to cooperate with the health authorities of any State except at the request of the proper authorities of such State.

Investigations.

Sum authorized for disease and sanitation investigations.  
*Post*, pp. 1126, 1841.

(b) The personnel of the Public Health Service paid from any appropriation not made pursuant to subsection (a) may be detailed to assist in carrying out the purposes of this title. The appropriation from which they are paid shall be reimbursed from the appropriation made pursuant to subsection (a) to the extent of their salaries and allowances for services performed while so detailed.

*Proviso*.  
Detail of Public Health Service personnel.

Reimbursement for salaries and allowances.

(c) The Secretary of the Treasury shall include in his annual report to Congress a full account of the administration of this title.

Annual report.

### TITLE VII—SOCIAL SECURITY BOARD

#### ESTABLISHMENT

SECTION 701. There is hereby established a Social Security Board (in this Act referred to as the "Board") to be composed of three members to be appointed by the President, by and with the advice and consent of the Senate. During his term of membership on the Board, no member shall engage in any other business, vocation, or employment. Not more than two of the members of the Board shall be members of the same political party. Each member shall receive a salary at the rate of \$10,000 a year and shall hold office for a term of six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the date of the enactment of this Act shall expire, as designated by the President at the time of appointment, one at the end of two years, one at the end of four years, and one at the end

Title VII—Social Security Board.

Establishment.

Composition.  
*Post*, pp. 1114, 1604.

Restriction on other employment.

Political affiliation.  
Salary; terms of office.

Vacancies.

Chairman.

of six years, after the date of the enactment of this Act. The President shall designate one of the members as the chairman of the Board.

Duties.

## DUTIES OF SOCIAL SECURITY BOARD

SEC. 702. The Board shall perform the duties imposed upon it by this Act and shall also have the duty of studying and making recommendations as to the most effective methods of providing economic security through social insurance, and as to legislation and matters of administrative policy concerning old-age pensions, unemployment compensation, accident compensation, and related subjects.

Expenses.

## EXPENSES OF THE BOARD

Appointment and compensation of personnel.

SEC. 703. The Board is authorized to appoint and fix the compensation of such officers and employees, and to make such expenditures, as may be necessary for carrying out its functions under this Act. Appointments of attorneys and experts may be made without regard to the civil-service laws.

Reports.

## REPORTS

SEC. 704. The Board shall make a full report to Congress, at the beginning of each regular session, of the administration of the functions with which it is charged.

Title VIII—Taxes with respect to employment.

## TITLE VIII—TAXES WITH RESPECT TO EMPLOYMENT

Income tax on employees.

## INCOME TAX ON EMPLOYEES

Rates.

SECTION 801. In addition to other taxes, there shall be levied, collected, and paid upon the income of every individual a tax equal to the following percentages of the wages (as defined in section 811) received by him after December 31, 1936, with respect to employment (as defined in section 811) after such date:

(1) With respect to employment during the calendar years 1937, 1938, and 1939, the rate shall be 1 per centum.

(2) With respect to employment during the calendar years 1940, 1941, and 1942, the rate shall be 1½ per centum.

(3) With respect to employment during the calendar years 1943, 1944, and 1945, the rate shall be 2 per centum.

(4) With respect to employment during the calendar years 1946, 1947, and 1948, the rate shall be 2½ per centum.

(5) With respect to employment after December 31, 1948, the rate shall be 3 per centum.

Deduction of tax from wages.

## DEDUCTION OF TAX FROM WAGES

Collection by employer.

SEC. 802. (a) The tax imposed by section 801 shall be collected by the employer of the taxpayer, by deducting the amount of the tax from the wages as and when paid. Every employer required so to deduct the tax is hereby made liable for the payment of such tax, and is hereby indemnified against the claims and demands of any person for the amount of any such payment made by such employer.

Liability for.

Adjustments.

(b) If more or less than the correct amount of tax imposed by section 801 is paid with respect to any wage payment, then, under regulations made under this title, proper adjustments, with respect both to the tax and the amount to be deducted, shall be made, without interest, in connection with subsequent wage payments to the same individual by the same employer.

DEDUCTIBILITY FROM INCOME TAX

Deductibility from income tax.

SEC. 803. For the purposes of the income tax imposed by Title I of the Revenue Act of 1934 or by any Act of Congress in substitution therefor, the tax imposed by section 801 shall not be allowed as a deduction to the taxpayer in computing his net income for the year in which such tax is deducted from his wages.

Vol. 48, p. 688; *Post*, p. 1014.

EXCISE TAX ON EMPLOYERS

Excise tax on employers.

SEC. 804. In addition to other taxes, every employer shall pay an excise tax, with respect to having individuals in his employ, equal to the following percentages of the wages (as defined in section 811) paid by him after December 31, 1936, with respect to employment (as defined in section 811) after such date:

Payment by. Vol. 48, pp. 688-691.

*Post*, p. 639.

(1) With respect to employment during the calendar years 1937, 1938, and 1939, the rate shall be 1 per centum.

Rates.

(2) With respect to employment during the calendar years 1940, 1941, and 1942, the rate shall be 1½ per centum.

(3) With respect to employment during the calendar years 1943, 1944, and 1945, the rate shall be 2 per centum.

(4) With respect to employment during the calendar years 1946, 1947, and 1948, the rate shall be 2½ per centum.

(5) With respect to employment after December 31, 1948, the rate shall be 3 per centum.

ADJUSTMENT OF EMPLOYER'S TAX

Adjustment of employers' tax.

SEC. 805. If more or less than the correct amount of tax imposed by section 804 is paid with respect to any wage payment, then, under regulations made under this title, proper adjustments with respect to the tax shall be made, without interest, in connection with subsequent wage payments to the same individual by the same employer.

Regulations.

REFUNDS AND DEFICIENCIES

Refunds and deficiencies.

SEC. 806. If more or less than the correct amount of tax imposed by section 801 or 804 is paid or deducted with respect to any wage payment and the overpayment or underpayment of tax cannot be adjusted under section 802 (b) or 805 the amount of the overpayment shall be refunded and the amount of the underpayment shall be collected, in such manner and at such times (subject to the statutes of limitations properly applicable thereto) as may be prescribed by regulations made under this title.

COLLECTION AND PAYMENT OF TAXES

Collection and payment of taxes.

SEC. 807. (a) The taxes imposed by this title shall be collected by the Bureau of Internal Revenue under the direction of the Secretary of the Treasury and shall be paid into the Treasury of the United States as internal-revenue collections. If the tax is not paid when due, there shall be added as part of the tax interest (except in the case of adjustments made in accordance with the provisions of sections 802 (b) and 805) at the rate of one-half of 1 per centum per month from the date the tax became due until paid.

Collection.

Tax interest on payment in default.

Rate.

(b) Such taxes shall be collected and paid in such manner, at such times, and under such conditions, not inconsistent with this title (either by making and filing returns, or by stamps, coupons, tickets, books, or other reasonable devices or methods necessary or helpful in securing a complete and proper collection and payment of the tax or in securing proper identification of the taxpayer), as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

Regulations governing payment.

Provisions of law applicable. Vol. 44, pp. 93, 99; U. S. C., pp. 1107, 1133. Vol. 48, p. 768.

(c) All provisions of law, including penalties, applicable with respect to any tax imposed by section 600 or section 800 of the Revenue Act of 1926, and the provisions of section 607 of the Revenue Act of 1934, shall, insofar as applicable and not inconsistent with the provisions of this title, be applicable with respect to the taxes imposed by this title.

Fractional part of cent.

(d) In the payment of any tax under this title a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

Rules and regulations.

RULES AND REGULATIONS

Authority to prescribe.

SEC. 808. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make and publish rules and regulations for the enforcement of this title.

Sale of stamps by postmasters.

SALE OF STAMPS BY POSTMASTERS

SEC. 809. The Commissioner of Internal Revenue shall furnish to the Postmaster General without prepayment a suitable quantity of stamps, coupons, tickets, books, or other devices prescribed by the Commissioner under section 807 for the collection or payment of any tax imposed by this title, to be distributed to, and kept on sale by, all post offices of the first and second classes, and such post offices of the third and fourth classes as (1) are located in county seats, or (2) are certified by the Secretary of the Treasury to the Postmaster General as necessary to the proper administration of this title. The Postmaster General may require each such postmaster to furnish bond in such increased amount as he may from time to time determine, and each such postmaster shall deposit the receipts from the sale of such stamps, coupons, tickets, books, or other devices, to the credit of, and render accounts to, the Postmaster General at such times and in such form as the Postmaster General may by regulations prescribe. The Postmaster General shall at least once a month transfer to the Treasury as internal-revenue collections all receipts so deposited together with a statement of the additional expenditures in the District of Columbia and elsewhere incurred by the Post Office Department in performing the duties imposed upon said Department by this Act, and the Secretary of the Treasury is hereby authorized and directed to advance from time to time to the credit of the Post Office Department from appropriations made for the collection of the taxes imposed by this title, such sums as may be required for such additional expenditures incurred by the Post Office Department.

Bond.

Transfer of receipts.

Penalties.

PENALTIES

Unlawful use of stamps.

SEC. 810. (a) Whoever buys, sells, offers for sale, uses, transfers, takes or gives in exchange, or pledges or gives in pledge, except as authorized in this title or in regulations made pursuant thereto, any stamp, coupon, ticket, book, or other device, prescribed by the Commissioner of Internal Revenue under section 807 for the collection or payment of any tax imposed by this title, shall be fined not more than \$1,000 or imprisoned for not more than six months, or both.

Counterfeiting.

(b) Whoever, with intent to defraud, alters, forges, makes, or counterfeits any stamp, coupon, ticket, book, or other device prescribed by the Commissioner of Internal Revenue under section 807 for the collection or payment of any tax imposed by this title, or uses, sells, lends, or has in his possession any such altered, forged, or counterfeited stamp, coupon, ticket, book, or other device, or makes, uses, sells, or has in his possession any material in imitation of the

material used in the manufacture of such stamp, coupon, ticket, book, or other device, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

## DEFINITIONS

Definitions.

SEC. 811. When used in this title—

(a) The term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include that part of the remuneration which, after remuneration equal to \$3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid to such individual by such employer with respect to employment during such calendar year.

"Wages."

(b) The term "employment" means any service, of whatever nature, performed within the United States by an employee for his employer, except—

"Employment."

(1) Agricultural labor;

(2) Domestic service in a private home;

(3) Casual labor not in the course of the employer's trade or business;

(4) Service performed by an individual who has attained the age of sixty-five;

(5) Service performed as an officer or member of the crew of a vessel documented under the laws of the United States or of any foreign country;

(6) Service performed in the employ of the United States Government or of an instrumentality of the United States;

(7) Service performed in the employ of a State, a political subdivision thereof, or an instrumentality of one or more States or political subdivisions;

(8) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

## TITLE IX—TAX ON EMPLOYERS OF EIGHT OR MORE

Title IX—Tax on employers of eight or more.

## IMPOSITION OF TAX

Imposition of tax.

SECTION 901. On and after January 1, 1936, every employer (as defined in section 907) shall pay for each calendar year an excise tax, with respect to having individuals in his employ, equal to the following percentages of the total wages (as defined in section 907) payable by him (regardless of the time of payment) with respect to employment (as defined in section 907) during such calendar year:

Percentages.

(1) With respect to employment during the calendar year 1936 the rate shall be 1 per centum;

(2) With respect to employment during the calendar year 1937 the rate shall be 2 per centum;

Post, p. 642.

(3) With respect to employment after December 31, 1937, the rate shall be 3 per centum.

## CREDIT AGAINST TAX

Credit against tax.

SEC. 902. The taxpayer may credit against the tax imposed by section 901 the amount of contributions, with respect to employment during the taxable year, paid by him (before the date of filing his return for the taxable year) into an unemployment fund under a

Contributions into unemployment funds.

Total credit.

State law. The total credit allowed to a taxpayer under this section for all contributions paid into unemployment funds with respect to employment during such taxable year shall not exceed 90 per centum of the tax against which it is credited, and credit shall be allowed only for contributions made under the laws of States certified for the taxable year as provided in section 903.

Certification of State laws.

#### CERTIFICATION OF STATE LAWS

Approval; conditions.

SEC. 903. (a) The Social Security Board shall approve any State law submitted to it, within thirty days of such submission, which it finds provides that—

Payment of compensation through public employment offices.

(1) All compensation is to be paid through public employment offices in the State or such other agencies as the Board may approve;

(2) No compensation shall be payable with respect to any day of unemployment occurring within two years after the first day of the first period with respect to which contributions are required;

Payment to credit of Unemployment Trust Fund.

(3) All money received in the unemployment fund shall immediately upon such receipt be paid over to the Secretary of the Treasury to the credit of the Unemployment Trust Fund established by section 904;

Expenditure of requisitioned funds.

(4) All money withdrawn from the Unemployment Trust Fund by the State agency shall be used solely in the payment of compensation, exclusive of expenses of administration;

Refusal of employment to accept work under certain conditions.

(5) Compensation shall not be denied in such State to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (A) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (B) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (C) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

Amendment of State laws.

(6) All the rights, privileges, or immunities conferred by such law or by acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal such law at any time.

Notification to Governor of State.

The Board shall, upon approving such law, notify the Governor of the State of its approval.

Annual certification by Board of approved State laws.

(b) On December 31 in each taxable year the Board shall certify to the Secretary of the Treasury each State whose law it has previously approved, except that it shall not certify any State which, after reasonable notice and opportunity for hearing to the State agency, the Board finds has changed its law so that it no longer contains the provisions specified in subsection (a) or has with respect to such taxable year failed to comply substantially with any such provision.

Restriction on approval.

Notification to Governor; when.

(c) If, at any time during the taxable year, the Board has reason to believe that a State whose law it has previously approved, may not be certified under subsection (b), it shall promptly so notify the Governor of such State.

Unemployment Trust Fund.

#### UNEMPLOYMENT TRUST FUND

Establishment.

SEC. 904. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the "Unemployment Trust Fund", hereinafter in this title called the "Fund". The Secretary of the Treasury is authorized and directed to receive and hold in the Fund all moneys deposited therein by a State agency

Receipt of deposited funds.



from a State unemployment fund. Such deposit may be made directly with the Secretary of the Treasury or with any Federal reserve bank or member bank of the Federal Reserve System designated by him for such purpose.

(b) It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in his judgment, required to meet current withdrawals. Such investment may be made only in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at par, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as of the end of the calendar month next preceding the date of such issue, borne by all interest-bearing obligations of the United States then forming part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Obligations other than such special obligations may be acquired for the Fund only on such terms as to provide an investment yield not less than the yield which would be required in the case of special obligations if issued to the Fund upon the date of such acquisition.

(c) Any obligations acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(e) The Fund shall be invested as a single fund, but the Secretary of the Treasury shall maintain a separate book account for each State agency and shall credit quarterly on March 31, June 30, September 30, and December 31, of each year, to each account, on the basis of the average daily balance of such account, a proportionate part of the earnings of the Fund for the quarter ending on such date.

(f) The Secretary of the Treasury is authorized and directed to pay out of the Fund to any State agency such amount as it may duly requisition, not exceeding the amount standing to the account of such State agency at the time of such payment.

#### ADMINISTRATION, REFUNDS, AND PENALTIES

SEC. 905. (a) The tax imposed by this title shall be collected by the Bureau of Internal Revenue under the direction of the Secretary of the Treasury and shall be paid into the Treasury of the United States as internal-revenue collections. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of one-half of 1 per centum per month from the date the tax became due until paid.

(b) Not later than January 31, next following the close of the taxable year, each employer shall make a return of the tax under this title for such taxable year. Each such return shall be made under oath, shall be filed with the collector of internal revenue for the district in which is located the principal place of business of the

Investments; duty to make.

Nature of.

Acquisition of obligations of United States.

Second Liberty Bond Act.

Vol. 40, p. 288; U. S. C., p. 1419.

Ante, pp. 20, 622; Post, p. 699.

Special obligations; interest rate.

Other obligations; acquisition of.

Sale of.

Interest and proceeds of sale credited to Fund.

Investment accounts.

Requisitions on Fund by States; payments.

Administration, refunds, and penalties.

Taxes; collection of.

Interest on tax payment in default.

Returns by employers; when to be made.

Form; filing.

- Provisions of law applicable. Vol. 44, p. 93.
- Extension of time for filing. Vol. 44, p. 51.
- Publicity of returns. Vol. 44, p. 51.
- Installment payment of tax.
- Extensions authorized.
- Fractional part of cent.
- Interstate commerce.
- Persons engaged in; payments.
- Definitions.
- “Employer.”
- “Wages.”

employer, or, if he has no principal place of business in the United States, then with the collector at Baltimore, Maryland, and shall contain such information and be made in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulations prescribe. All provisions of law (including penalties) applicable in respect of the taxes imposed by section 600 of the Revenue Act of 1926, shall, insofar as not inconsistent with this title, be applicable in respect of the tax imposed by this title. The Commissioner may extend the time for filing the return of the tax imposed by this title, under such rules and regulations as he may prescribe with the approval of the Secretary of the Treasury, but no such extension shall be for more than sixty days.

(c) Returns filed under this title 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.

(d) The taxpayer may elect to pay the tax in four equal installments instead of in a single payment, in which case the first installment shall be paid not later than the last day prescribed for the filing of returns, the second installment shall be paid on or before the last day of the third month, the third installment on or before the last day of the sixth month, and the fourth installment on or before the last day of the ninth month, after such last day. If the tax or any installment thereof is not paid on or before the last day of the period fixed for its payment, the whole amount of the tax unpaid shall be paid upon notice and demand from the collector.

(e) At the request of the taxpayer the time for payment of the tax or any installment thereof may be extended under regulations prescribed by the Commissioner with the approval of the Secretary of the Treasury, for a period not to exceed six months from the last day of the period prescribed for the payment of the tax or any installment thereof. The amount of the tax in respect of which any extension is granted shall be paid (with interest at the rate of one-half of 1 per centum per month) on or before the date of the expiration of the period of the extension.

(f) In the payment of any tax under this title a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

#### INTERSTATE COMMERCE

SEC. 906. No person required under a State law to make payments to an unemployment fund shall be relieved from compliance therewith on the ground that he is engaged in interstate commerce, or that the State law does not distinguish between employees engaged in interstate commerce and those engaged in intrastate commerce.

#### DEFINITIONS

SEC. 907. When used in this title—

(a) The term “employer” does not include any person unless on each of some twenty days during the taxable year, each day being in a different calendar week, the total number of individuals who were in his employ for some portion of the day (whether or not at the same moment of time) was eight or more.

(b) The term “wages” means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash.

(c) The term "employment" means any service, of whatever nature, performed within the United States by an employee for his employer, except—

"Employment."

(1) Agricultural labor;

(2) Domestic service in a private home;

(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(5) Service performed in the employ of the United States Government or of an instrumentality of the United States;

(6) Service performed in the employ of a State, a political subdivision thereof, or an instrumentality of one or more States or political subdivisions;

(7) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(d) The term "State agency" means any State officer, board, or other authority, designated under a State law to administer the unemployment fund in such State.

"State agency."

(e) The term "unemployment fund" means a special fund, established under a State law and administered by a State agency, for the payment of compensation.

"Unemployment fund."

(f) The term "contributions" means payments required by a State law to be made by an employer into an unemployment fund, to the extent that such payments are made by him without any part thereof being deducted or deductible from the wages of individuals in his employ.

"Contributions."

(g) The term "compensation" means cash benefits payable to individuals with respect to their unemployment.

"Compensation."

**RULES AND REGULATIONS**

Rules and regulations.

SEC. 908. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make and publish rules and regulations for the enforcement of this title, except sections 903, 904, and 910.

Authority to prescribe.

**ALLOWANCE OF ADDITIONAL CREDIT**

Allowance of additional credit.

SEC. 909. (a) In addition to the credit allowed under section 902, a taxpayer may, subject to the conditions imposed by section 910, credit against the tax imposed by section 901 for any taxable year after the taxable year 1937, an amount, with respect to each State law, equal to the amount, if any, by which the contributions, with respect to employment in such taxable year, actually paid by the taxpayer under such law before the date of filing his return for such taxable year, is exceeded by whichever of the following is the lesser—

Deduction of contributions from tax.

(1) The amount of contributions which he would have been required to pay under such law for such taxable year if he had been subject to the highest rate applicable from time to time throughout such year to any employer under such law; or

Amounts.

(2) Two and seven-tenths per centum of the wages payable by him with respect to employment with respect to which contributions for such year were required under such law.

(b) If the amount of the contributions actually so paid by the taxpayer is less than the amount which he should have paid under the State law, the additional credit under subsection (a) shall be reduced proportionately.

Total credits allowed.

(c) The total credits allowed to a taxpayer under this title shall not exceed 90 per centum of the tax against which such credits are taken.

Conditions of additional credit allowance.

#### CONDITIONS OF ADDITIONAL CREDIT ALLOWANCE

When credit allowance to be granted.

SEC. 910. (a) A taxpayer shall be allowed the additional credit under section 909, with respect to his contribution rate under a State law being lower, for any taxable year, than that of another employer subject to such law, only if the Board finds that under such law—

(1) Such lower rate, with respect to contributions to a pooled fund, is permitted on the basis of not less than three years of compensation experience;

(2) Such lower rate, with respect to contributions to a guaranteed employment account, is permitted only when his guaranty of employment was fulfilled in the preceding calendar year, and such guaranteed employment account amounts to not less than  $7\frac{1}{2}$  per centum of the total wages payable by him, in accordance with such guaranty, with respect to employment in such State in the preceding calendar year;

(3) Such lower rate, with respect to contributions to a separate reserve account, is permitted only when (A) compensation has been payable from such account throughout the preceding calendar year, and (B) such account amounts to not less than five times the largest amount of compensation paid from such account within any one of the three preceding calendar years, and (C) such account amounts to not less than  $7\frac{1}{2}$  per centum of the total wages payable by him (plus the total wages payable by any other employers who may be contributing to such account) with respect to employment in such State in the preceding calendar year.

Reductions.

(b) Such additional credit shall be reduced, if any contributions under such law are made by such taxpayer at a lower rate under conditions not fulfilling the requirements of subsection (a), by the amount bearing the same ratio to such additional credit as the amount of contributions made at such lower rate bears to the total of his contributions paid for such year under such law.

Definitions.

"Reserve account."

(c) As used in this section—

(1) The term "reserve account" means a separate account in an unemployment fund, with respect to an employer or group of employers, from which compensation is payable only with respect to the unemployment of individuals who were in the employ of such employer, or of one of the employers comprising the group.

"Pooled fund."

(2) The term "pooled fund" means an unemployment fund or any part thereof in which all contributions are mingled and undivided, and from which compensation is payable to all eligible individuals, except that to individuals last employed by employers with respect to whom reserve accounts are maintained by the State agency, it is payable only when such accounts are exhausted.

"Guaranteed employment account."

(3) The term "guaranteed employment account" means a separate account, in an unemployment fund, of contributions paid by an employer (or group of employers) who

(A) guarantees in advance thirty hours of wages for each of forty calendar weeks (or more, with one weekly hour deducted for each added week guaranteed) in twelve months, to all the individuals in his employ in one or more distinct establishments, except that any such individual's guaranty may commence after

a probationary period (included within twelve or less consecutive calendar weeks), and

(B) gives security or assurance, satisfactory to the State agency, for the fulfillment of such guaranties, from which account compensation shall be payable with respect to the unemployment of any such individual whose guaranty is not fulfilled or renewed and who is otherwise eligible for compensation under the State law.

(4) The term "year of compensation experience", as applied to an employer, means any calendar year throughout which compensation was payable with respect to any individual in his employ who became unemployed and was eligible for compensation.

"Year of compensation experience."

## TITLE X—GRANTS TO STATES FOR AID TO THE BLIND

Grants to States for aid to blind.

### APPROPRIATION

Appropriation.

SECTION 1001. For the purpose of enabling each State to furnish financial assistance, as far as practicable under the conditions in such State, to needy individuals who are blind, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$3,000,000, and there is hereby authorized to be appropriated for each fiscal year thereafter a sum sufficient to carry out the purposes of this title. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Social Security Board, State plans for aid to the blind.

Sum authorized.  
*Post*, pp. 1113, 1606.

Availability to States.

### STATE PLANS FOR AID TO THE BLIND

State plans for aid to blind.

SEC. 1002. (a) A State plan for aid to the blind must (1) provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them; (2) provide for financial participation by the State; (3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan; (4) provide for granting to any individual, whose claim for aid is denied, an opportunity for a fair hearing before such State agency; (5) provide such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are found by the Board to be necessary for the efficient operation of the plan; (6) provide that the State agency will make such reports, in such form and containing such information, as the Board may from time to time require, and comply with such provisions as the Board may from time to time find necessary to assure the correctness and verification of such reports; and (7) provide that no aid will be furnished any individual under the plan with respect to any period with respect to which he is receiving old-age assistance under the State plan approved under section 2 of this Act.

Requirements.

(b) The Board shall approve any plan which fulfills the conditions specified in subsection (a), except that it shall not approve any plan which imposes, as a condition of eligibility for aid to the blind under the plan—

Approval by Board.

(1) Any residence requirement which excludes any resident of the State who has resided therein five years during the nine years immediately preceding the application for aid and has resided therein continuously for one year immediately preceding the application; or

(2) Any citizenship requirement which excludes any citizen of the United States.

Payment to States.

PAYMENT TO STATES

Amount to be paid quarterly.

Matching funds by States.

Administration costs.

Method of computing and paying amounts.

Estimates to be submitted.

Basis of.

Certification of amount by Board; adjustments.

Payments; prior audit waived.

Operation of State plans.

Payments withheld when State not complying with approved plan; notice and hearing.

SEC. 1003. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the blind, for each quarter, beginning with the quarter commencing July 1, 1935, (1) an amount, which shall be used exclusively as aid to the blind, equal to one-half of the total of the sums expended during such quarter as aid to the blind under the State plan with respect to each individual who is blind and is not an inmate of a public institution, not counting so much of such expenditure with respect to any individual for any month as exceeds \$30, and (2) 5 per centum of such amount, which shall be used for paying the costs of administering the State plan or for aid to the blind, or both, and for no other purpose.

(b) The method of computing and paying such amounts shall be as follows:

(1) The Board shall, prior to the beginning of each quarter, estimate the amount to be paid to the State for such quarter under the provisions of clause (1) of subsection (a), such estimate to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such clause, and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than one-half of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, (B) records showing the number of blind individuals in the State, and (C) such other investigation as the Board may find necessary.

(2) The Board shall then certify to the Secretary of the Treasury the amount so estimated by the Board, reduced or increased, as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the State under clause (1) of subsection (a) for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Board for such prior quarter.

(3) The Secretary of the Treasury shall thereupon, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Board, the amount so certified, increased by 5 per centum.

OPERATION OF STATE PLANS

SEC. 1004. In the case of any State plan for aid to the blind which has been approved by the Board, if the Board, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such plan, finds—

(1) that the plan has been so changed as to impose any residence or citizenship requirement prohibited by section 1002 (b), or that in the administration of the plan any such prohibited requirement is imposed, with the knowledge of such State agency, in a substantial number of cases; or

(2) that in the administration of the plan there is a failure to comply substantially with any provision required by section 1002

(a) to be included in the plan; the Board shall notify such State agency that further payments will not be made to the State until the Board is satisfied that such prohibited requirement is no longer so imposed, and that there is no longer any such failure to comply. Until it is so satisfied it shall make no further certification to the Secretary of the Treasury with respect to such State.

## ADMINISTRATION

Administration.

SEC. 1005. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$30,000, for all necessary expenses of the Board in administering the provisions of this title.

Appropriation authorized for Board expenses.

## DEFINITION

Definition.

SEC. 1006. When used in this title the term "aid to the blind" means money payments to blind individuals.

"Aid to the blind."

## TITLE XI—GENERAL PROVISIONS

General provisions.

## DEFINITIONS

Definitions.

SECTION 1101. (a) When used in this Act—

(1) The term "State" (except when used in section 531) includes Alaska, Hawaii, and the District of Columbia.

"State."

(2) The term "United States" when used in a geographical sense means the States, Alaska, Hawaii, and the District of Columbia.

"United States."

(3) The term "person" means an individual, a trust or estate, a partnership, or a corporation.

"Person."

(4) The term "corporation" includes associations, joint-stock companies, and insurance companies.

"Corporation."

(5) The term "shareholder" includes a member in an association, joint-stock company, or insurance company.

"Shareholder."

(6) The term "employee" includes an officer of a corporation.

"Employee."

(b) The terms "includes" and "including" when used in a definition contained in this Act shall not be deemed to exclude other things otherwise within the meaning of the term defined.

"Includes"; "including."

(c) Whenever under this Act or any Act of Congress, or under the law of any State, an employer is required or permitted to deduct any amount from the remuneration of an employee and to pay the amount deducted to the United States, a State, or any political subdivision thereof, then for the purposes of this Act the amount so deducted shall be considered to have been paid to the employee at the time of such deduction.

Amounts deducted from remuneration of employee.

(d) Nothing in this Act shall be construed as authorizing any Federal official, agent, or representative, in carrying out any of the provisions of this Act, to take charge of any child over the objection of either of the parents of such child, or of the person standing in loco parentis to such child.

Children; care and custody.

## RULES AND REGULATIONS

Rules and regulations.

SEC. 1102. The Secretary of the Treasury, the Secretary of Labor, and the Social Security Board, respectively, shall make and publish such rules and regulations, not inconsistent with this Act, as may be necessary to the efficient administration of the functions with which each is charged under this Act.

Separability of provisions.

SEPARABILITY

SEC. 1103. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

Reservation of power.

RESERVATION OF POWER

SEC. 1104. The right to alter, amend, or repeal any provision of this Act is hereby reserved to the Congress.

Short title.

SHORT TITLE

SEC. 1105. This Act may be cited as the "Social Security Act". Approved, August 14, 1935.

[CHAPTER 532.]

AN ACT

To amend the Packers and Stockyards Act.

August 14, 1935.

[S. 12.]

[Public, No. 272.]

Packers and Stockyards Act, amendments.

Vol. 42, p. 159. U. S. C., p. 125.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes, approved August 15, 1921 (U. S. C., title 7, secs. 181-229), is hereby amended by the addition of the following title:

Title V—Live poultry dealers and handlers.

Necessity for regulation. Post, p. 1432.

"TITLE V—LIVE POULTRY DEALERS AND HANDLERS

"SECTION 501. The handling of the great volume of live poultry required as an article of food for the inhabitants of large centers of population is attendant with various unfair, deceptive, and fraudulent practices and devices, resulting in the producers sustaining sundry losses and receiving prices far below the reasonable value of their live poultry in comparison with prices of other commodities and in unduly and arbitrarily enhancing the cost to the consumers. Such practices and devices are an undue restraint and unjust burden upon interstate commerce and are a matter of such grave concern to the industry and to the public as to make it imperative that steps be taken to free such commerce from such burden and restraint and to protect producers and consumers against such practices and devices.

Licenses; designation of areas where required.

"SEC. 502. (a) The Secretary of Agriculture is authorized and directed to ascertain from time to time and to designate the cities where such practices and devices exist to the extent stated in the preceding section and the markets and places in or near such cities where live poultry is received, sold, and handled in sufficient quantity to constitute an important influence on the supply and price of live poultry and poultry products. On and after the effective date of such designation, which shall be publicly announced by the Secretary by publication in one or more trade journals or in the daily press or in such other manner as he may determine to be adequate for the purpose approximately thirty days prior to such date, no person other than packers as defined in title II of said Act and railroads shall engage in, furnish, or conduct any service or facility in any such designated city, place, or market in connection with the receiving, buying, or selling, on a commission basis or otherwise, marketing, feeding, watering, holding, delivering, shipping, weighing, unloading, loading on trucks, trucking, or handling in commerce of

Publication of effective date of designations.

Requirement of license thereafter. Vol. 42, p. 160.



live poultry without a license from the Secretary of Agriculture as herein authorized valid and effective at such time. Any person who violates any provision of this subsection shall be subject to a fine of not more than \$500 or imprisonment of not more than six months, or both.

Penalty for violation.

“(b) Any person desiring a license shall make application to the Secretary, who may by regulation prescribe the information to be contained in such application. The Secretary shall issue a license to any applicant furnishing the required information unless he finds after opportunity for a hearing that such applicant is unfit to engage in the activity for which he has made application by reason of his having at any time within two years prior to his application engaged in any practice of the character prohibited by this Act or because he is financially unable to fulfill the obligations that he would incur as a licensee.

Licenses; application.

Issue.

Denial.

“SEC. 503. Sections 202, 401, 402, 403, and 404 of said Act are amended by the addition of the words ‘or any live poultry dealer or handler’ after the word ‘packer’ wherever it occurs in said sections. The term ‘live poultry dealer’ means any person engaged in the business of buying or selling live poultry in commerce for purposes of slaughter either on his own account or as the employee or agent of the vendor or purchaser.

Amendments to designated sections.  
Vol. 42, pp. 161, 168.  
“Live poultry dealer”, defined.

“SEC. 504. The provisions of sections 305 to 316, both inclusive, 401, 402, 403, and 404 of said Act shall be applicable to licensees with respect to services and facilities covered by this title and the rates, charges, and rentals therefor except that the schedules of rates, charges, and rentals shall be posted in the place of business of the licensee as prescribed in regulations made by the Secretary.

Licenses.  
Provisions applicable to.  
Vol. 42, pp. 164-168.

“SEC. 505. Whenever the Secretary determines, after opportunity for a hearing, that any licensee has violated or is violating any of the provisions of this title, he may publish the facts and circumstances of such violation and by order suspend the license of such offender for a period not to exceed ninety days and if the violation is flagrant or repeated he may by order revoke the license of the offender.”

Penalties.

Approved, August 14, 1935.

[CHAPTER 533.]

AN ACT

To increase the limit of cost for the Department of Agriculture Extensible Building.

August 14, 1935.

[S. 3192.]

[Public, No. 273.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is hereby authorized to modify the contract numbered T1 SA-3167 for the construction of the Department of Agriculture Extensible Building in the District of Columbia, to reimburse the contractor for increased costs incurred as a result of the failure of the Government to deliver the site to the contractor in its entirety within the time specified, the amount of the adjustment determined upon to be subject to prior review by the Comptroller General of the United States.

Department of Agriculture Extensible Building.  
Modifying contract for, etc., authorized.

SEC. 2. The limit of cost for the site and construction of such building as authorized in the Second Deficiency Act, fiscal year 1931 (46 Stat. 1604), is increased to \$13,150,000 in lieu of \$12,800,000, and there is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Limit of cost increased.  
Vol. 44, p. 874; Vol. 46, p. 1604.

Approved, August 14, 1935.

## [CHAPTER 534.]

## AN ACT

August 14, 1935.

[S. 3289.]

[Public, No. 274.]

To authorize the attendance of the Marine Band at the United Confederate Veterans' 1935 reunion at Amarillo, Texas.

United Confederate Veterans' Reunion, Amarillo, Tex. Attendance of Marine Band authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized to permit the band of the United States Marine Corps to attend and give concerts at the United Confederate Veterans' reunion to be held at Amarillo, Texas, on September 3, 4, 5, and 6, 1935.

Appropriation authorized. Post, p. 1122.

SEC. 2. For the purpose of defraying the expenses of such band in attending and giving concerts at such reunion there is authorized to be appropriated the sum of \$10,000, or so much thereof as may be necessary, to carry out the provisions of this Act: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed \$5 per day each for actual living expenses while on this duty, and that the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station.

Proviso. Allowances.

Approved, August 14, 1935.

## [CHAPTER 535.]

## AN ACT

August 14, 1935.

[H. R. 6990.]

[Public, No. 275.]

To fix the hours of duty of postal employees, and for other purposes.

Postal employees. Compensatory time for service performed on Saturdays. Post, p. 1266.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That when the needs of the service require supervisory employees, special clerks, clerks, and laborers in first- and second-class post offices, and employees of the motor-vehicle service, and carriers in the City Delivery Service and in the village delivery service, and employees of the Railway Mail Service, clerks at Division Headquarters of Postoffice Inspectors, employees of the Stamped Envelope Agency and employees of the mail equipment shops; cleaners, janitors, telephone operators, and elevator conductors, paid from appropriations of the First Assistant Postmaster General; and all employees of the Custodial Service except charwomen and charmen and those working part time, to perform service on Saturday they shall be allowed compensatory time for such service on one day within five working days next succeeding the Saturday on which the excess service was performed: *Provided*, That employees who are granted compensatory time on Saturday for work performed the preceding Sunday or the preceding holiday shall be given the benefits of this Act on one day within five working days following the Saturday when such compensatory time was granted: *Provided further*, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime for service on the last three Saturdays in the calendar year in lieu of compensatory time, except cleaners, janitors, telephone operators, and elevator conductors paid from the appropriation of the First Assistant Postmaster General, and custodial employees who shall be given compensatory time in lieu of overtime pay within thirty days next succeeding: *And provided further*, That for the purpose of extending the benefits of this Act to railway postal clerks the service of said railway postal clerks assigned to road duty shall be based on an average not exceeding 6 hours and 40 minutes per day for three hundred and six days per annum, including a proper allowance for all service required

Provisos. Sunday and holiday employment.

Overtime in lieu of compensatory time; exception.

Railway clerks assigned to road duty.

on lay-off periods as provided in Post Office Department circular letter numbered 1348, dated May 12, 1921; and railway postal clerks required to perform service in excess of six hours and forty minutes daily, as herein provided, shall be paid in cash at the annual rate of pay or granted compensatory time, at their option, for such overtime.

Cash payment or compensatory time optional.

SEC. 2. The ratio of substitute post-office clerks, substitute city letter carriers, substitute laborers, substitutes in the motor vehicle service, and substitutes in the Railway Mail Service shall be not more than one substitute for eight regular employees: *Provided*, That at post offices with receipts of more than \$500,000 per annum, and less than \$10,000,000 per annum, the ratio of substitutes shall not be more than one substitute for ten regular employees: *Provided further*, That at post offices with receipts of less than \$500,000 the ratio shall be not more than one substitute for twelve regular employees, and at offices having less than twelve employees one substitute shall be provided: *Provided further*, That where the ratio of substitutes on the date of the enactment of this Act is in excess of the ratio provided for herein no additional substitutes shall be appointed until these ratios are established: *And provided further*, That the provisions of this Act shall not operate to furlough or dismiss any regular substitute.

Ratio of substitutes limited.

Provisos. Proportion in larger offices.

Offices with receipts less than \$500,000.

Establishment of ratios.

No regular substitute to be furloughed, etc.

SEC. 3. This Act shall take effect October 1, 1935.

Effective date.

Approved, August 14, 1935.

[CHAPTER 546.]

AN ACT

For the suppression of prostitution in the District of Columbia.

August 15, 1935.  
[S. 405.]

[Public, No. 276.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall not be lawful for any person to invite, entice, persuade, or to address for the purpose of inviting, enticing, or persuading any person or persons, in or upon any avenue, street, road, highway, open space, alley, public square, or inclosure in the District of Columbia, to accompany, go with, or follow him or her to his or her residence, or to any other house or building, inclosure, or other place, for the purpose of prostitution, or any other immoral or lewd purpose, under a penalty of not more than \$100 or imprisonment for not more than ninety days, or both. And it shall not be lawful for any person to invite, entice, or persuade, or address for the purpose of inviting, enticing, or persuading any person or persons from any door, window, porch, or portico of any house or building to enter any house, or go with, accompany, or follow him or her to any place whatever, for the purpose of prostitution, or any other immoral or lewd purpose, under the like penalties herein provided for the same conduct in the streets, avenues, roads, highways, or alleys, public squares, open spaces, or inclosures.

District of Columbia. Prostitution; penalty for inviting, etc., for purposes of. Vol. 27, p. 323; Vol. 36, p. 833, amended.

SEC. 2. Any person who frequents or lives in houses or other establishments of ill fame, or who (whether married or single) engages in or commits acts of fornication for hire, shall be considered a vagrant, and subject to the penalties provided in section 8 of an Act entitled "An Act for the preservation of the public peace and the protection of property within the District of Columbia, approved July 29, 1892", and as amended by Act of Congress approved March 3, 1909.

Residents, etc., of houses of ill fame considered vagrants. Vol. 27, p. 323; Vol. 30, p. 723; Vol. 35, p. 711.

SEC. 3. The court may impose conditions upon any person found guilty under the aforesaid sections and so long as such person shall comply therewith to the satisfaction of the court the imposition or

Discretionary power of court to impose certain conditions, etc.

execution of sentence may be suspended for such period as the court may direct; and the court may at or before the expiration of such period remand such sentence or cause it to be executed. Conditions thus imposed by the court may include submission to medical and mental examination, diagnosis and treatment by proper public health and welfare authorities, and such other terms and conditions as the court may deem best for the protection of the community and the punishment, control, and rehabilitation of the defendant. The health officer of the District of Columbia, the Women's Bureau of the Police Department, the Board of Public Welfare, and the probation officers of the court are authorized and directed to perform such duties as may be directed by the court in effectuating compliance with the conditions so imposed upon any defendant.

Assistance authorized.

Designated section repealed.  
Vol. 27, p. 323.

SEC. 4. Section 7 of the Act of Congress entitled "An Act for the preservation of the public peace and the protection of property within the District of Columbia", approved July 29, 1892, is hereby repealed.

Approved, August 15, 1935.

[CHAPTER 547.]

AN ACT

August 15, 1935.  
[S. 997.]  
[Public, No. 277.]

To provide for the establishment of a national monument on the site of Red Hill estate of Patrick Henry.

Patrick Henry National Monument, Va.; establishment.  
Location.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That when title to the estate known as Red Hill, the estate of Patrick Henry, located in Charlotte County, Virginia, together with such buildings and other property located thereon as may be designated by the Secretary of the Interior as necessary or desirable for national monument purposes shall have been vested in the United States, said area and improvements shall be designated and set apart by proclamation of the President for the preservation as a national monument for the benefit and inspiration of the people, and shall be called the "Patrick Henry National Monument."

Proclamation.

Acceptance of donations of land and other property.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to accept donations of land, interests in land and/or buildings, structures, and other property within the boundaries of said national monument as determined and fixed hereunder, and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of the Act of August 1, 1888, such tracts of land within said national monument as may be necessary for the completion thereof.

Proviso.  
Acquisition by condemnation.  
Vol. 25, p. 357.  
U. S. C., p. 1785.

Administration, etc.  
Vol. 39, p. 535.  
U. S. C., p. 691.

SEC. 3. That the administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes", as amended.

Rehabilitation of Patrick Henry's law office.

SEC. 4. The Secretary of the Interior is authorized and directed to make such alterations and repairs to the cottage used as a law office by Patrick Henry and to install therein such furniture and furnishings as may be necessary to (1) restore such cottage to the approximate condition and appearance possessed by it at the time of Patrick Henry's death, and (2) permit the use of such cottage as a museum for relics and records pertaining to Patrick Henry, and for other

Use of, as a museum permitted.

articles of national and patriotic interest. The Secretary of the Interior is authorized, in his discretion, to accept on behalf of the United States, for installation in such cottage, articles which may be offered as additions to the museum.

Acceptance of articles for.

SEC. 5. The Secretary of the Interior is authorized, in his discretion, to mark with monuments, tablets, or otherwise, historical points of interest within the boundaries of the Patrick Henry National Monument.

Marking historic points.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Appropriation authorized.

Approved, August 15, 1935.

[CHAPTER 548.]

AN ACT

Providing for the publication of statistics relating to spirits of turpentine and rosin.

August 15, 1935.  
[S. 1811.]  
[Public, No. 278.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture is authorized and directed to collect and/or compile and publish annually, and at such other times, and in such form and on such date or dates as he shall prescribe, statistics and essential information relating to spirits of turpentine and rosin produced, held, and used in the domestic and foreign commerce of the United States.

Spirits of turpentine and rosin.  
Statistics concerning, to be published.  
*Post*, p. 1441.

Approved, August 15, 1935.

[CHAPTER 549.]

AN ACT

To prevent the fouling of the atmosphere in the District of Columbia by smoke and other foreign substances, and for other purposes.

August 15, 1935.  
[S. 2034.]  
[Public, No. 279.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no person shall cause, suffer, or allow dense smoke to be discharged from any building, stationary or locomotive engine, or motor vehicle, place, or premises within the District of Columbia. All persons participating in any violation of this provision, either as proprietors, owners, tenants, managers, superintendents, captains, engineers, firemen, or motor-vehicle operators, or otherwise, shall be severally liable therefor. The owners, lessees, tenants, occupants, and managers of every building, or place in or upon which a locomotive or stationary engine, furnace, or boiler is used shall cause all ashes, cinders, rubbish, dirt, and refuse to be removed to some proper place, so that the same shall not accumulate, nor shall any persons cause, suffer, or allow cinders, dust, gas, steam, or offensive or noisome odors to escape or to be discharged from any such building, or place, to the detriment or annoyance of any person or persons not being therein or thereupon engaged.

District of Columbia.  
Fouling of atmosphere by smoke, etc., substances forbidden.

Liability of participants.

Removal of ashes, etc.

SEC. 2. The Commissioners of the District of Columbia are hereby authorized and directed to make and promulgate reasonable classifications and regulations for the installation and operation of combustion and all other devices susceptible for use in such manner as to violate the purposes of this Act, and the said Commissioners may from time to time alter, amend, or rescind such regulations and promulgate such amended or additional regulations as they may in their discretion deem necessary.

Regulations.

- Enforcement provisions.** SEC. 3. Enforcement of this Act shall be upon information by the corporation counsel in the police court of the District of Columbia. Any person convicted of violating this Act or any regulation of the Commissioners made hereunder shall be punished by a fine not to exceed \$500 for each and every such offense.
- Responsibility of Commissioners for enforcement.** SEC. 4. The Commissioners of the District of Columbia shall be responsible for the enforcement of this Act and may direct the Police Department, the Health Department, or any officer or employee of the government of the District of Columbia to perform such service as necessary in connection with such enforcement. Appropriations are hereby authorized to be made to carry out the purposes of this Act, and the Commissioners of the District of Columbia are authorized to include in their annual estimates provision for the expenses incident to such purposes and for personnel subject to the limitations of the Personnel Classification Act of 1923.
- Appropriations authorized.** SEC. 5. All provisions of the Act approved February 2, 1899 (30 Stat. 812, ch. 79, sec. 5), which are inconsistent with this Act are hereby repealed.
- Post*, pp. 1114, 1855.
- U. S. C., p. 85.
- Repeal provision.** Approved, August 15, 1935.
- Vol. 30, p. 812.

## [CHAPTER 550.]

## AN ACT

August 15, 1935.

[S. 2865.]

[Public, No. 280.]

To amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928.

George Rogers Clark  
Sesquicentennial Com-  
mission.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 8 of the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, as amended, is hereby amended to read as follows:

Functions of, contin-  
ued.

Vol. 45, p. 724; Vol.  
46, p. 1459.

Additional appropri-  
ation.

*Post*, p. 1112.

“SEC. 8. The Commission is continued from June 30, 1935, and shall cease and terminate June 30, 1937.”

SEC. 2. There is hereby authorized to be appropriated, in addition to the sums heretofore appropriated for carrying out the purposes of such joint resolution, as amended, a sum not to exceed \$50,000 for carrying out such purposes.

Funds available.  
Vol. 48, pp. 276, 292,  
364.

SEC. 3. The unexpended balances of the appropriations heretofore made for carrying out the purposes of such joint resolution, as amended, shall be available until expended.

Approved, August 15, 1935.

## [CHAPTER 551.]

## AN ACT

August 15, 1935.

[H. R. 6228.]

[Public, No. 281.]

Authorizing a capital fund for the Chippewa Indian Cooperative Marketing Association.

Chippewa Indian  
Marketing Association.  
Loan to, authorized.

*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 hereby authorized to withdraw from the Treasury of the United States the sum of \$100,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Chippewa Indians in Minnesota, and to loan such sum to the Chippewa Indian Cooperative Marketing Association. The amount so loaned to said association shall be available for all purposes, including compensation and reasonable expenses of attorneys, purchase of land and erection of suitable buildings, necessary to the businesslike operation of a cooperative marketing system to be conducted in accordance with articles of incorporation and bylaws approved by the Secretary of

Purposes.

the Interior. All funds loaned the association under this authorization shall bear interest at 4 per centum per annum and shall be repaid to the Chippewa tribal fund within a period of ten years from date of such loans.

SEC. 2. The use of funds hereby authorized shall not disbar the association from receiving loans from any amounts appropriated pursuant to section 10 of the Act of June 18, 1934 (48 Stat. 986), authorizing the creation of an Indian credit revolving fund.

SEC. 3. The Secretary of the Interior shall formulate rules and regulations for carrying out the purposes of this Act.

Approved, August 15, 1935.

Interest rate.

Use of revolving fund not debarred.  
Vol. 48, p. 986.

Regulations.

[CHAPTER 552.]

AN ACT

Granting the consent of Congress to the State of Connecticut and Middlesex County to construct, maintain, and operate a free highway bridge across the Connecticut River at or near Middletown, Connecticut.

August 15, 1935.

[H. R. 8963.]

[Public, No. 282.]

*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 Connecticut and the county of Middlesex, to construct, maintain, and operate a free highway bridge and approaches thereto across the Connecticut River, at a point suitable to the interests of navigation, at or near Middletown, Connecticut, 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.

Connecticut River, Connecticut, etc., may bridge at Middletown.

Construction.  
Vol. 34, p. 84; U. S. C., p. 1474.

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

Amendment.

Approved, August 15, 1935.

[CHAPTER 553.]

JOINT RESOLUTION

To carry out the intention of Congress with reference to the claims of the Crow Tribe of Indians of Montana and any band thereof against the United States.

August 15, 1935.

[S. J. Res. 96.]

[Pub. Res., No. 49.]

Whereas by the Special Jurisdictional Act approved July 3, 1926 (44 Stat. L. 807), the claims of the Crow Tribe of Indians of Montana and any band thereof against the United States were referred to the Court of Claims "with right of appeal to the Supreme Court of the United States", it being the intention that both parties should have a right of appeal to the Supreme Court; and

Crow Indians, Mont. Claims of.  
Vol. 44, p. 807.

Whereas the Supreme Court has since decided that notwithstanding such a provision there is no right of appeal, in view of the Judicial Code, as amended, unless the Jurisdictional Act specifically provides that the Supreme Court shall review a cause on appeal, anything in the Judicial Code to the contrary notwithstanding: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the claims of the Crow Tribe of Indians and any band thereof under the said Jurisdictional Act approved July 3, 1926, shall be reviewed on the whole record by the Supreme Court of the United States on appeal from the Court of Claims, anything in the Judicial Code or amendments thereto notwithstanding: *Provided,* That said appeal shall be perfected by either party to the controversy within one year from the passage of this Act.

Review by Supreme Court on appeal.  
Vol. 36, p. 1087; U. S. C., p. 1268.

Proviso.  
Limitation.

Approved, August 15, 1935.

## [CHAPTER 557.]

## JOINT RESOLUTION

August 17, 1935.  
[H. J. Res. 351.]  
[Pub. Res., No. 50.]

Authorizing the use of public parks, reservations, and other public spaces in the District of Columbia; and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by Washington (District of Columbia) 1935 Improved, Benevolent, and Protective Order of Elks of the World, and for other purposes.

Washington, D. C.,  
Elks convention.  
Permits granted for  
use of certain buildings,  
parks, etc.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior, the Secretary of the Treasury, the Commissioners of the District of Columbia, the Board of Education of the District of Columbia, and the Architect of the Capitol are hereby severally authorized to grant permits to the Washington (District of Columbia) 1935 General Entertainment Committee of the Improved, Benevolent, and Protective Order of Elks of the World, hereinafter referred to as the "I. B. P. O. E. of W. Committee", for the use of any buildings, parks, rivers, waterways, reservations, sidewalks, or other public spaces in the District of Columbia, under his, their, or its control, respectively, on the occasion of the annual session of the Improved, Benevolent, and Protective Order of Elks of the World in the month of August 1935: *Provided*, That such use will inflict no serious or permanent injury upon any such buildings, parks, rivers, waterways, reservations, sidewalks, or other public spaces, or any portion or the contents thereof, in the opinion of the person granting any such permit, in accordance with this authority: *Provided further*, That all stands, arches, or platforms that may be erected on the public spaces aforesaid, including such as may be erected in connection with any display of fireworks, shall be under the supervision of the said Washington (District of Columbia) Improved, Benevolent, and Protective Order of Elks of the World and in accordance with plans and designs to be approved by the Architect of the Capitol, the Engineer Commissioner of the District of Columbia, and the Superintendent of National Capital Parks, and that no person or corporation shall be authorized to erect or use any such stands, arches, or platforms without permission of said committee: *And provided further*, That any such buildings, parks, reservations, or other public spaces which shall be used or occupied, by the erection of stands or other structures, or otherwise, shall be promptly restored to their condition before such occupancy, and the said committee shall indemnify the United States or the District of Columbia, as the case may be, for all damage of any kind whatsoever sustained by reason of any such use or occupation, and the said Improved, Benevolent, and Protective Order of Elks of the World Committee shall execute and deliver to the Commissioners of the District of Columbia a satisfactory bond with penalty of \$10,000 to secure such prompt restoration and such indemnification.

*Prorisos.*  
Condition.

Supervision, plans,  
etc., of stands, etc.

Restoration after use.

Indemnity bond.

Special traffic regulations.

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized to designate, set aside, and regulate the use of such streets, avenues, and sidewalks in the District of Columbia, under their control, as they may deem proper and necessary, for the purpose of said session, and to make such special regulations regarding standing, movement, and operation of vehicles of whatever kind or character, and all reasonable regulations necessary to secure the preservation of public order and the protection of life and property, from the 16th day of August 1935 to the 2d day of September 1935, both inclusive.



SEC. 3. That the Public Utilities Commission of the District of Columbia is hereby granted authority to make such special regulations as in the opinion of said Commission may be necessary or desirable, regulating the standing, movement, and operation of taxicabs, street cars, busses, and other vehicles of conveyance under the regulation or control of said Commission, for the period commencing the 16th day of August 1935 and ending on the 2d day of September 1935, both inclusive.

Vehicles of conveyance.  
Regulations governing.

SEC. 4. That the Secretary of War and the Secretary of the Navy are hereby authorized to loan to said committee such tents, camp appliances, trucks, motor equipment, benches, chairs, hospital furniture and utensils of all description, ambulances, horses, drivers, stretchers, Red Cross flags and poles, and other property and equipment, belonging to the United States, as in their judgment may be spared at the time of said session, consistent with the interests of the United States: *Provided*, That the said committee shall indemnify the United States for any loss or damage to any and all such property not necessarily incidental to such use: *And provided further*, That the said committee shall give approved bond to do the same.

Loan of tents, camp appliances, etc.

*Proviso.*  
Indemnity for loss.

Bond.

SEC. 5. That the Secretary of War and the Secretary of the Navy are authorized to loan to the said committee such ensigns, flags, decorations, lighting equipment, and so forth, belonging to the United States (battle flags excepted) as are not then in use, and may be suitable and proper for decorations and other purposes, which may be spared without detriment to the public service, such ensigns, flags, decorations, lighting equipment, and so forth, to be used by the committee under such regulations and restrictions as may be prescribed by the said Secretary, or either of them: *Provided*, That the said committee shall, within five days after the close of said session, return to the said Secretaries all such ensigns, flags, decorations, lighting equipment, and so forth, thus loaned; and said Committee shall indemnify the United States for any loss or damage not necessarily incident to such use.

Loan of Government flags, etc.

*Proviso.*  
Return after session.

SEC. 6. That the Superintendent of National Capital Parks, subject to the approval of the Director of National Parks<sup>1</sup> Service, is hereby authorized to permit the use of any or all public parks, reservations, or other public spaces in the District of Columbia, including the Monument Grounds and the Ellipse, for use by said committee for the erection of grand stands, reviewing stands, platforms, and other structures for reviewing parade or other purposes; and said committee is hereby authorized to charge reasonable fees for the use of the same provided such fees are used to aid in meeting the necessary expenses incident to the said session.

Use of public spaces for stands, etc.

SEC. 7. That the Superintendent of National Capital Parks, subject to the approval of the Director of National Parks<sup>1</sup> Service, is hereby authorized to permit the use of such public parks, reservations, or other public spaces in the District of Columbia, under the control of the said Superintendent of National Capital Parks, as in the opinion of said Superintendent of National Capital Parks may be necessary, for the use by said committee for the parking of automobiles, the temporary erection of tents for entertainment, hospitals, and other purposes; and the said committee is hereby authorized to charge reasonable fees for the use of the same provided such fees are used to aid in meeting the expenses incident to the said session.

Reservations for automobiles.

Charge allowed; condition.

SEC. 8. That the Commissioners of the District of Columbia are hereby authorized to permit said committee to stretch suitable overhead conductors, with sufficient supports, wherever necessary and in

Overhead conductors for special illumination.

<sup>1</sup> So in original.

the nearest practicable connection with the present supply of light, for the purpose of effecting special illumination: *Provided*, That the said conductors shall not be used for the conveying of electrical currents after September 2, 1935, and shall, with their supports, be fully and entirely removed from the public spaces, streets, and avenues of the said city of Washington on or before September 25, 1935: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public; and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia, and that if it shall be necessary to erect wires for illuminating or other purposes over any park or reservation in the District of Columbia the work of erection and removal of said wires shall be under the supervision of the officer in charge of said park or reservation.

*Provisos.*  
Time limit for use.

Placing and removing wires.

No Government liability.

Wires over parks, etc.

Licenses to peddlers, etc.

Overhead wires.

Use of unoccupied public buildings.

*Provisos.*  
Surrender of, after session closes.  
Bond.

Boy Scout jamboree.  
Authority herein granted not to affect permits to.

*Ante*, pp. 105, 443.

Shrine Convention.  
Provisions of Act applicable to.

SEC. 9. That the Commissioners of the District of Columbia are hereby authorized to grant, subject to approval of said committee and under such conditions as they may impose, special licenses to peddlers, merchants, and vendors to sell goods, wares, and merchandise on the streets, avenues, and sidewalks in the District of Columbia during said session, and to charge for such privileges such fees as they may deem proper.

SEC. 10. That the Commissioners of the District of Columbia are hereby authorized to permit the telegraph and telephone companies to extend overhead wires to such points as shall be deemed necessary by the said committee, the said wires to be taken down within ten days after the conclusion of the session.

SEC. 11. That the Secretary of the Interior and the Secretary of the Treasury are hereby authorized to assign to said committee for use and occupancy during said session such unoccupied public buildings or portions thereof in the District of Columbia as, in its discretion, may appear advisable: *Provided*, That any and all buildings so assigned shall be surrendered within ten days after the close of the said session: *Provided further*, That the said committee shall furnish a bond or other satisfactory assurance of indemnity against damage to said property while in its possession, incidental wear and tear excepted.

SEC. 12. None of the authority herein granted shall be exercised by any of the officials herein mentioned, in such manner as to conflict with permits granted or arrangements heretofore made with the Boy Scouts of America under the terms of Public Act Numbered 23, Seventy-fourth Congress, approved April 1, 1935, or any amendments thereto, or with any other permits heretofore regularly granted for the use of such public space, reservations, parks, streets, or buildings.

SEC. 13. All provisions of this Act shall apply to the Thirty-fifth Annual Session of the Imperial Council Ancient Egyptian Arabic Order Nobles of the Mystic Shrine, to be held in the District of Columbia from August 16 to August 23, 1935, and to the general committee of arrangements of such session.

Approved, August 17, 1935.

[CHAPTER 558.]

## AN ACT

Authorizing the filling of vacancies in certain judgeships.

August 19, 1935.  
[H. R. 4665.]  
[Public, No. 283.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any existing vacancy and any vacancy which may occur at any time hereafter in any of the following United States district judgeships created by the Act of September 14, 1922 (42 Stat. ch. 306, sec. 1, p. 837; U. S. C., title 28, sec. 3), and the Act of March 2, 1925 (43 Stat. ch. 397, secs. 1-3, p. 1098; U. S. C., title 28, sec. 4), are hereby authorized to be filled: Two in the District of Massachusetts; two in the Southern District of New York; one in the Eastern District of New York; one in the Western District of Pennsylvania; one in the Eastern District of Michigan; one in the Eastern District of Missouri; one in the Western District of Missouri; one in the Northern District of Ohio; one in the Southern District of California; one in the District of Minnesota; one in the Northern District of Texas; and one in the District of Arizona.*

United States courts.  
Vacancies in designated district judgeships to be filled.  
Vol. 42, p. 837; Vol. 43, p. 1098.  
U. S. C., p. 1226.

SEC. 2. That section 2 of the Act of February 26, 1919 (ch. 50, 40 Stat. 1183), be, and the same is hereby, repealed.

Vol. 40, p. 1183.  
U. S. C., p. 1226.

Approved, August 19, 1935.

[CHAPTER 559.]

## AN ACT

Directing the conveyance of certain lands to the regents of the University of New Mexico.

August 19, 1935.  
[S. 2247.]  
[Public, No. 284.]

*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 convey by patent, to the regents of the University of New Mexico, for archaeological purposes, that part of the unappropriated lands belonging to the United States located in fractional section 30, township 13 north, range 4 east, New Mexico principal meridian; but if such university fails to use such lands for the purposes herein provided, or attempts to alienate such lands, title thereto shall revert to the United States.*

University of New Mexico.  
Land patent to, authorized.

Reversionary clause.

Approved, August 19, 1935.

[CHAPTER 560.]

## AN ACT

To eliminate the requirement of cultivation in connection with certain homestead entries.

August 19, 1935.  
[S. 2577.]  
[Public, No. 285.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, exclusive of Alaska, the provisions of the homestead laws requiring cultivation of the land entered shall not be applicable to existing homestead entries made prior to February 5, 1935, or thereafter if based upon valid settlement prior to said date, and no patent shall be withheld for failure to cultivate such lands: *Provided*, That this Act shall not be construed to affect any provision of law requiring the cultivation of lands subject to the reclamation laws, nor to apply to entries made under the Forest Homestead Act of June 11, 1906 (34 Stat. 233).*

Homestead entries, public lands.  
Cultivation requirements not applicable to certain existing entries.

*Proviso.*  
Designated conservation laws not affected.  
Vol. 34, p. 233; U. S. C., p. 664.

Approved, August 19, 1935.

## [CHAPTER 561.]

## AN ACT

August 19, 1935.  
[H. R. 6453.]  
[Public, No. 286.]

To amend the Act of May 13, 1924, entitled "An Act providing for a study regarding the equitable use of the waters of the Rio Grande", and so forth, as amended by the public resolution of March 3, 1927.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of May 13, 1924, entitled "An Act providing for a study regarding the equitable use of the waters of the Rio Grande below Fort Quitman, Texas, in cooperation with the United States of Mexico", as amended by the public resolution of March 3, 1927, is hereby amended to read as follows:

Rio Grande, etc.,  
Rivers.  
Vol. 43, p. 118; Vol.  
44, p. 1403, amended.  
*Post*, p. 1317.

Study of equitable  
use of waters of.

"The President is hereby authorized to designate the American Commissioner on the International Boundary Commission, United States and Mexico, or other Federal agency, to cooperate with a representative or representatives of the Government of Mexico in a study regarding the equitable use of the waters of the lower Rio Grande and the lower Colorado and Tia Juana Rivers, for the purpose of obtaining information which may be used as a basis for the negotiation of a treaty with the Government of Mexico relative to the use of the waters of these rivers and to matters closely related thereto. On completion of such study the results shall be reported to the Secretary of State.

Purpose.

Report to Secretary  
of State.

Investigations au-  
thorized.

"SEC. 2. The Secretary of State, acting through the American Commissioner, International Boundary Commission, United States and Mexico, is further authorized to conduct technical and other investigations relating to the defining, demarcation, fencing, or monumentation of the land and water boundary between the United States and Mexico, to flood control, water resources, conservation, and utilization of water, sanitation and prevention of pollution, channel rectification, and stabilization and other related matters upon the international boundary between the United States and Mexico; and to construct and maintain fences, monuments and other demarcations of the boundary line between the United States and Mexico, and sewer systems, water systems, and electric light, power and gas systems crossing the international border, and to continue such work and operations through the American Commissioner as are now in progress and are authorized by law.

Projects below Fort  
Quitman, Tex.; con-  
struction, etc.

"The President is authorized and empowered to construct, operate, and maintain on the Rio Grande River below Fort Quitman, Texas, any and all works or projects which are recommended to the President as the result of such investigations and by the President are deemed necessary and proper.

Construction, etc.,  
under treaty.

Maintenance of ex-  
isting works.

"SEC. 3. (a) The President is further authorized to construct any project or works which may be provided for in a treaty entered into with Mexico and to repair, protect, maintain, or complete works now existing or now under construction or those that may be constructed under the treaty provisions aforesaid; and to construct any project or works designed to facilitate compliance with the provisions of treaties between the United States and Mexico; and (b) to operate and maintain any project or works so constructed or, subject to such rules and regulations for continuing supervision by the said American Commissioner or any Federal agency as the President may cause to be promulgated, to turn over the operation and maintenance of such project or works to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such project or works may be in whole or in part situated, upon such terms, conditions, and requirements as the President may deem appropriate.

Operation, supervi-  
sion, etc.

"SEC. 4. In order to carry out the provisions of this Act, the President, or any Federal agency he may designate is authorized, (a) in his discretion, to enter into agreements with any one or more of said political subdivisions, in connection with the construction of any project or works provided for in section 3 hereof, under the terms of which agreements there shall be furnished to the United States, gratuitously, except for the examination and approval of titles, the lands or easements in lands necessary for the construction, operation, and maintenance in whole or in part of any such project or works, or for the assumption by one or more of any such political subdivisions making such agreement, of the operation and maintenance of such project or works in whole or in part upon the completion thereof: *Provided, however,* That when an agreement is reached that necessary lands or easements shall be provided by any such political subdivision and for the future operation and maintenance by it of a project or works or a part thereof, in the discretion of the President the title to such lands and easements for such projects or works need not be required to be conveyed to the United States but may be required only to be vested in and remain in such political subdivision; (b) to acquire by purchase, exercise of the power of eminent domain, or by donation, any real or personal property which may be necessary; (c) to withdraw from sale, public entry or disposal of such public lands of the United States as he may find to be necessary and thereupon the Secretary of the Interior shall cause the lands so designated to be withdrawn from any public entry whatsoever, and from sale, disposal, location or settlement under the mining laws or any other law relating to the public domain and shall cause such withdrawal to appear upon the records in the appropriate land office having jurisdiction over such lands, and such lands may be used for carrying out the purposes of this Act: *Provided,* That any such withdrawal may subsequently be revoked by the President; and (d) to make or approve all necessary rules and regulations.

"SEC. 5. Any moneys contributed by or received from the United Mexican States for the purpose of cooperating or assisting in carrying out the provisions of this Act shall be available for expenditure in connection with any appropriation which may be made for the purposes of this Act."

Approved, August 19, 1935.

[CHAPTER 575.]

AN ACT

To provide for the creation of a memorial park at Tampa, in the State of Florida, to be known as "The Spanish War Memorial Park", and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That when title to such lands located on Davis Island in the city of Tampa, Florida, as shall be designated by the Secretary of the Interior, in the exercise of his judgment and discretion as necessary and suitable for the purpose, shall have been vested in the United States, said area shall be set apart as The Spanish War Memorial Park, for the benefit and inspiration of the people: *Provided,* That said lands shall be donated without cost to the United States by the city of Tampa, Florida, and the Secretary of the Interior is authorized to accept such conveyance of lands.

SEC. 2. That there is hereby authorized to be located and constructed within said memorial park a suitable monument or memorial to commemorate the patriotic services of the American forces in the War with Spain. The cost of establishing such monument or memorial, of constructing suitable side walks and approaches, and

Agreements with political subdivisions authorized.

*Post*, p. 1370.

Terms.

Lands necessary for construction, maintenance, etc., of projects.

*Proviso.*

Easements, etc.

Acquisition of real or personal property.

Withdrawal of necessary public lands from entry, etc.

Revocation of withdrawals.

Rules and regulations.

Use of receipts.

August 20, 1935.

[S. 2426.]

[Public, No. 287.]

The Spanish War Memorial Park, Tampa, Fla.; establishment.

*Proviso.*

No Federal cost.

Erection of monument.

Cost.

Location; design. of landscaping such site, may be paid from any fund or moneys available for such purpose, except from the general fund of the Treasury; and the Secretary is for that purpose further authorized and empowered to determine upon a suitable location, plan, and design for said monument or memorial, by and with the advice of the National Commission of Fine Arts.

Expert services. SEC. 3. In the discharge of his duties hereunder, the Secretary of the Interior, through the National Park Service, is authorized to employ, in his discretion, by contract or otherwise, landscape architects, architects, artists, engineers, and/or other expert consultants in accordance with the usual customs of the several professions without reference to civil-service requirements or to the Classification Act of 1923, as amended, and that expenditures for such employment shall be construed to be included in any appropriations hereafter authorized for any work under the objectives of this Act.

U. S. C., p. 85. SEC. 4. The Secretary of the Interior is further authorized, by and with the advice of the National Commission of Fine Arts, to authorize and permit the erection in said memorial park of suitable memorials in harmony with the monument and/or memorial herein authorized that may be desired to be constructed by Spanish War organizations, States, and/or foreign governments: *Provided*, That the design and location of such memorials must be approved by the Secretary of the Interior, by and with the advice of the National Commission of Fine Arts, before construction is undertaken.

Other memorials permitted.

*Proviso.*  
Approval required.

Supervision, etc.

SEC. 5. The administration, protection, and development of the aforesaid Spanish War Memorial Park, including any and all memorials that may hereafter be erected thereon, shall be exercised under the direction of the Secretary of the Interior by the National Park Service.

Approved, August 20, 1935.

[CHAPTER 576.]

AN ACT

To add certain lands to the Medicine Bow National Forest, Wyoming.

August 20, 1935.  
[S. 2695.]  
[Public, No. 288.]

Medicine Bow National Forest, Wyo.  
Lands added to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following-described lands are hereby added to the Medicine Bow National Forest, Wyoming, and made subject to all laws and regulations applicable to such forest, and subject to all valid existing rights:

Description.

Sections 4 to 9, inclusive; sections 17 to 19, inclusive, township 24 north, range 70 west, sixth principal meridian.

Sections 4 to 9, inclusive; section 18, township 25 north, range 70 west, sixth principal meridian.

Sections 6 and 7; sections 19 to 21, inclusive; sections 28 to 33, inclusive, township 26 north, range 70 west, sixth principal meridian.

South half section 7; south half section 8; south half section 9; sections 16 to 19, inclusive; sections 30 and 31, township 27 north, range 70 west, sixth principal meridian.

Sections 6, 7, 18, 19, and 30, township 28 north, range 70 west, sixth principal meridian.

Sections 1 to 4, inclusive; sections 8 to 17, inclusive; sections 20 to 28, inclusive; sections 33 to 36, inclusive, township 24 north, range 71 west, sixth principal meridian.

Sections 1 to 5, inclusive; east half section 6; east half section 7; sections 8 to 16; inclusive; sections 21 to 28, inclusive; sections 33 to 36, inclusive, township 25 north, range 71 west, sixth principal meridian.

Sections 1 to 30, inclusive; east half and east half west half section 31; sections 32 to 36, inclusive, township 26 north, range 71 west, sixth principal meridian.

Sections 3 to 10, inclusive; sections 13 to 36, inclusive, township 27 north, range 71 west, sixth principal meridian.

Sections 1 to 5, inclusive; sections 8 to 15, inclusive; sections 21 to 34, inclusive, township 28 north, range 71 west, sixth principal meridian.

Sections 35 and 36, township 29 north, range 71 west, sixth principal meridian.

Sections 1 to 31, inclusive, township 26 north, range 72 west, sixth principal meridian.

Entire township, township 27 north, range 72 west, sixth principal meridian.

Sections 7 to 10, inclusive; sections 15 to 23, inclusive; sections 25 to 36, inclusive, township 28 north, range 72 west, sixth principal meridian.

Sections 2 and 3, township 25 north, range 73 west, sixth principal meridian.

Entire township, township 26 north, range 73 west, sixth principal meridian.

Entire township, township 27 north, range 73 west, sixth principal meridian.

Entire township, township 28 north, range 73 west, sixth principal meridian.

Sections 5 to 10, inclusive; sections 15 to 22, inclusive; sections 26 to 36, inclusive, township 29 north, range 73 west, sixth principal meridian.

Section 31, township 30 north, range 73 west, sixth principal meridian.

Sections 1, 12, 13, 24, 25, and 36, township 26 north, range 74 west, sixth principal meridian.

Section 1; east half section 11; sections 12 to 14, inclusive; sections 23 to 26, inclusive; north half section 35; section 36, township 27 north, range 74 west, sixth principal meridian.

Section 1; sections 5 to 8, inclusive; sections 12 to 25, inclusive; sections 27 to 31, inclusive; section 36, township 28 north, range 74 west, sixth principal meridian.

Section 1; east half section 2; sections 11 to 14, inclusive; sections 18 and 19; east half section 23; sections 24 and 25; sections 29 to 32, inclusive; section 36, township 29 north, range 74 west, sixth principal meridian.

Section 36, township 30 north, range 74 west, sixth principal meridian.

Sections 1 to 18, inclusive; sections 20 to 28, inclusive; sections 34 to 36, inclusive, township 28 north, range 75 west, sixth principal meridian.

Sections 2 to 36, inclusive, township 29 north, range 75 west, sixth principal meridian.

Sections 3 to 5, inclusive; sections 8 to 11, inclusive; sections 13 to 24, inclusive; sections 26 to 35, inclusive, township 30 north, range 75 west, sixth principal meridian.

Sections 1 to 28, inclusive; sections 35 and 36, township 29 north, range 76 west, sixth principal meridian.

Sections 2 to 10, inclusive; sections 15 to 36, inclusive, township 30 north, range 76 west, sixth principal meridian.

Sections 20 to 22, inclusive; sections 27 to 35, inclusive, township 31 north, range 76 west, sixth principal meridian.

Sections 1 to 3, inclusive; section 12; east half section 13, township 29 north, range 77 west, sixth principal meridian.

Description—Con.

Sections 1 to 3, inclusive; east half section 4; east half section 9; sections 10 to 36, inclusive, township 30 north, range 77 west, sixth principal meridian.

East half section 16; east half section 21; east half section 28; east half section 33; sections 15, 22, 26, 27, 34, 35, 36, township 31 north, range 77 west, sixth principal meridian.

Sections 13, 14, 23, and 24, township 30 north, range 78 west, sixth principal meridian.

Approved, August 20, 1935.

[CHAPTER 577.]

## AN ACT

August 20, 1935.

[S. 3058.]

[Public, No. 289.]

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, and for other purposes.

Bankruptcy Act of 1898, amendment. Vol. 30, p. 544; Vol. 48, p. 922. U. S. C., p. 319.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (n) of section 77B of chapter VIII of the Act of July 1, 1898, entitled "An Act to establish a uniform system of bankruptcy throughout the United States", as amended by the Acts of February 5, 1903, June 15, 1906, June 25, 1910, March 2, 1917, January 7, 1922, May 27, 1926, February 11, 1932, March 3, 1933, and June 7, 1934, be, and it is hereby, amended to read as follows:

Corporate reorganization. Rights, etc., of creditors on mortgage insured under National Housing Act. Vol. 48, p. 1246.

"(n) Nothing contained in this section shall be construed or be deemed to affect or apply to the creditors of any corporation under a mortgage insured pursuant to the National Housing Act and Acts amendatory thereof and supplementary thereto or to the stockholders, creditors, or officers of any corporation operating or owning a railroad or railroads, railway or railways, owned in whole or in part by any municipality and/or owned or operated by a municipality, or under any contract to any municipality by or on its behalf or in conjunction with such municipality under any contract, lease, agreement, certificate, or in any other manner provided by law for such operation: *Provided, however,* That this paragraph shall not apply to or affect any corporation or the stockholders, creditors, or officers thereof, if not more than 20 per centum of its operating revenue is derived from such operations."

Municipally-owned railroads.

*Proviso.* Inoperative if revenue derived is not more than 20 per cent.

Approved, August 20, 1935.

[CHAPTER 578.]

## JOINT RESOLUTION

August 20, 1935.

[H. J. Res. 290.]

[Pub. Res., No. 51.]

To amend an act entitled "An Act providing for the ratification of Joint Resolution Numbered 59 of the Legislature of Puerto Rico, approved by the Governor May 5, 1930, imposing an import duty on coffee imported into Puerto Rico", approved June 18, 1934.

Puerto Rico. Preamble.

Whereas in enacting the Act approved June 18, 1934, ratifying the taxes and duties imposed by Joint Resolution Numbered 59 enacted by the Legislature of Puerto Rico, and approved by the Governor of Puerto Rico May 5, 1930, the Congress understood and intended in ratifying such Joint Resolution Numbered 59 of the Legislature of Puerto Rico that the "import duty" thereby and by subsequent acts of the Legislature of Puerto Rico "levied on all coffee imported into Puerto Rico" included and was intended to be levied upon all coffee brought into Puerto Rico whether from a foreign country or from any State, Territory, district, or possession of the United States, or other place subject to its jurisdiction: Therefore be it



*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress entitled "An Act providing for the ratification of Joint Resolution Numbered 59 of the Legislature of Puerto Rico, approved by the Governor May 5, 1930, imposing an import duty on coffee imported into Puerto Rico", approved June 18, 1934, be, and it is hereby, amended so as to read as follows:*

Legislative resolution imposing import duty on coffee.  
Vol. 46, p. 696; U. S. C., p. 873.  
Vol. 48, p. 1017.

"That the taxes and duties imposed by the Legislature of Puerto Rico by Joint Resolution Numbered 59 approved by the Governor of Puerto Rico May 5, 1930, and by Act Numbered 77 approved by the Governor of Puerto Rico May 5, 1931, as amended by Act Numbered 7 approved by the Governor April 9, 1934, including therein such taxes and duties on coffee heretofore or hereafter brought into Puerto Rico from any State or Territory or district or possession of the United States, or other place subject to the jurisdiction of the United States, are legalized and ratified, and the collection of all such taxes and duties made under or by authority of either of said acts of the Puerto Rican Legislature, including such taxes and duties on coffee heretofore or hereafter brought into Puerto Rico from any State, Territory, district, or possession of the United States, or other place subject to the jurisdiction of the United States, is legalized, ratified, and confirmed as fully to all intents and purposes as if the same had, by prior Act of Congress, been specifically authorized and directed."

Taxes and duties imposed under, legalized and ratified.

Approved, August 20, 1935.

[CHAPTER 591.]

AN ACT

Authorizing the Secretary of the Interior to permit citizens of Bear Lake County, Idaho, to obtain timber from Lincoln County, Wyoming, for domestic purposes.

August 21, 1935.  
[S. 578.]

[Public, No. 290.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act to repeal the timber-culture laws, and for other purposes", approved March 3, 1891, as amended, is amended by adding the following paragraph:*

Public lands.  
Vol. 26, p. 1099; U. S. C., p. 676.

"The Secretary of the Interior is authorized to grant permits subject to the provisions of this section, to citizens of Bear Lake County, Idaho, to cut and remove timber on the unappropriated public domain in Lincoln County, Wyoming, for domestic use in Bear Lake County, Idaho: *Provided*, That no live standing timber shall be taken without compensation."

Bear Lake County, Wyo.  
Timber rights of citizens of.

*Proviso.*  
Restriction.

Approved, August 21, 1935.

[CHAPTER 592.]

AN ACT

To provide for the establishment of a national monument on the site of Fort Stanwix in the State of New York.

August 21, 1935.  
[S. 739.]

[Public, No. 291.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when title to the site or portion thereof at Fort Stanwix, in the State of New York, together with such buildings and other property located thereon as may be designated by the Secretary of the Interior as necessary or desirable for national monument purposes, shall have been vested in the United States, said area and improvements, if any, shall be designated and set apart by proclamation of the President for preservation as a national monument for the benefit and inspiration of the people and shall be called the "Fort Stanwix*

Fort Stanwix National Monument; establishment.

Proclamation.

*Proviso.*  
Area to include State reservation.

Acceptance of donations, etc.

*Proviso.*  
Acquisition of land.  
Vol. 25, p. 357;  
U. S. C., p. 1785.

Administration, etc.  
Vol. 39, p. 535; U. S. C., p. 591.

National Monument": *Provided*, That such area shall include at least that part of Fort Stanwix now belonging to the State of New York.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to accept donations of land, interests in land and/or buildings, structures, and other property within the boundaries of said national monument as determined and fixed hereunder, and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of the Act of August 1, 1888, such tracts of land within the said national monument as may be necessary for the completion thereof.

SEC. 3. That the administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes", as amended.

Approved, August 21, 1935.

[CHAPTER 593.]

AN ACT

August 21, 1935.

[S. 2073.]

[Public, No. 292.]

To provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes.

Preservation of historic American sites, buildings, and objects.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it is hereby declared that it is a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States.

Powers and duties of Secretary of the Interior.

SEC. 2. The Secretary of the Interior (hereinafter referred to as the Secretary), through the National Park Service, for the purpose of effectuating the policy expressed in section 1 hereof, shall have the following powers and perform the following duties and functions:

Collating data, etc.

(a) Secure, collate, and preserve drawings, plans, photographs, and other data of historic and archaeological sites, buildings, and objects.

Surveys, etc., illustrating United States history.

(b) Make a survey of historic and archaeological sites, buildings, and objects for the purpose of determining which possess exceptional value as commemorating or illustrating the history of the United States.

Investigations and researches.

(c) Make necessary investigations and researches in the United States relating to particular sites, buildings, or objects to obtain true and accurate historical and archaeological facts and information concerning the same.

Acquisition of property, etc.

(d) For the purpose of this Act, acquire in the name of the United States by gift, purchase, or otherwise any property, personal or real, or any interest or estate therein, title to any real property to be satisfactory to the Secretary: *Provided*, That no such property which is owned by any religious or educational institution, or which is owned or administered for the benefit of the public shall be so acquired without the consent of the owner: *Provided further*, That no such property shall be acquired or contract or agreement for the acquisition thereof made which will obligate the general fund of the Treasury for the payment of such property, unless or until Congress has appropriated money which is available for that purpose.

*Proviso.*  
Property owned by religious, etc., institutions.

No Federal expense unless appropriation available.

(e) Contract and make cooperative agreements with States, municipal subdivisions, corporations, associations, or individuals, with proper bond where deemed advisable, to protect, preserve, maintain, or operate any historic or archaeologic building, site, object, or property used in connection therewith for public use, regardless as to whether the title thereto is in the United States: *Provided*, That no contract or cooperative agreement shall be made or entered into which will obligate the general fund of the Treasury unless or until Congress has appropriated money for such purpose.

Cooperative protection, etc., agreements.

*Proviso.*  
Federal obligation restriction.

(f) Restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archaeological significance and where deemed desirable establish and maintain museums in connection therewith.

Preserving antiquities and establishing museums.

(g) Erect and maintain tablets to mark or commemorate historic or prehistoric places and events of national historical or archaeological significance.

Tablets marking historic places.

(h) Operate and manage historic and archaeologic sites, buildings, and properties acquired under the provisions of this Act together with lands and subordinate buildings for the benefit of the public, such authority to include the power to charge reasonable visitation fees and grant concessions, leases, or permits for the use of land, building space, roads, or trails when necessary or desirable either to accommodate the public or to facilitate administration: *Provided*, That such concessions, leases, or permits, shall be let at competitive bidding, to the person making the highest and best bid.

Operating buildings, etc.

*Proviso.*  
Concessions, etc.

(i) When the Secretary determines that it would be administratively burdensome to restore, reconstruct, operate, or maintain any particular historic or archaeologic site, building, or property donated to the United States through the National Park Service, he may cause the same to be done by organizing a corporation for that purpose under the laws of the District of Columbia or any State.

Corporations to assist, may be organized.

(j) Develop an educational program and service for the purpose of making available to the public facts and information pertaining to American historic and archaeologic sites, buildings, and properties of national significance. Reasonable charges may be made for the dissemination of any such facts or information.

Educational program and service.

(k) Perform any and all acts, and make such rules and regulations not inconsistent with this Act as may be necessary and proper to carry out the provisions thereof. Any person violating any of the rules and regulations authorized by this Act shall be punished by a fine of not more than \$500 and be adjudged to pay all cost of the proceedings.

Rules to be prescribed.

Penalty for violation.

SEC. 3. A general advisory board to be known as the "Advisory Board on National Parks, Historic Sites, Buildings, and Monuments" is hereby established, to be composed of not to exceed eleven persons, citizens of the United States, to include representatives competent in the fields of history, archaeology, architecture, and human geography, who shall be appointed by the Secretary and serve at his pleasure. The members of such board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as such members.

General advisory board established.

Composition.

Expenses.

Duties.

It shall be the duty of such board to advise on any matters relating to national parks and to the administration of this Act submitted to it for consideration by the Secretary. It may also recommend policies to the Secretary from time to time pertaining to national parks and to the restoration, reconstruction, conservation, and general administration of historic and archaeologic sites, buildings, and properties.

Cooperation of Government agencies.

SEC. 4. The Secretary, in administering this Act, is authorized to cooperate with and may seek and accept the assistance of any Federal, State, or municipal department or agency, or any educational or scientific institution, or any patriotic association, or any individual.

Technical advisory committees.

(b) When deemed necessary, technical advisory committees may be established to act in an advisory capacity in connection with the restoration or reconstruction of any historic or prehistoric building or structure.

Professional, etc., services.

(c) Such professional and technical assistance may be employed without regard to the civil-service laws, and such service may be established as may be required to accomplish the purposes of this Act and for which money may be appropriated by Congress or made available by gifts for such purpose.

Jurisdiction.

SEC. 5. Nothing in this Act shall be held to deprive any State, or political subdivision thereof, of its civil and criminal jurisdiction in and over lands acquired by the United States under this Act.

Appropriation authorized.

Post, p. 1795.

SEC. 6. There is authorized to be appropriated for carrying out the purposes of this Act such sums as the Congress may from time to time determine.

Conflicting laws repealed.

SEC. 7. The provisions of this Act shall control if any of them are in conflict with any other Act or Acts relating to the same subject matter.

Approved, August 21, 1935.

[CHAPTER 594.]

AN ACT

August 21, 1935.

[S. 2156.]

[Public, No. 293.]

To extend the times for commencing and completing the construction of a bridge across the Chesapeake Bay between Baltimore and Kent Counties, Maryland.

Chesapeake Bay. Time extended for bridging, between Baltimore and Kent Counties, Md. Vol. 47, p. 1560; Vol. 48, p. 939.

*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 Chesapeake Bay between Baltimore and Kent Counties, Maryland, authorized to be built by the Chesapeake Bay Bridge Company by section 11 of the Act of Congress approved March 4, 1933, and extended by Act of Congress approved June 12, 1934, are hereby further 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, August 21, 1935.

[CHAPTER 595.]

AN ACT

August 21, 1935.

[S. 2556.]

[Public, No. 294.]

To amend and supplement the steering rules respecting orders to helmsmen on all vessels navigating waters of the United States, and on all vessels of the United States navigating any waters or seas, in section 1 of the Act of August 19, 1890, section 1 of the Act of June 7, 1897, section 1 of the Act of February 8, 1895, and section 1 of the Act of February 19, 1895.

Navigation of vessels; steering rules. Vol. 26, p. 320. U. S. C., p. 1449.

*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 of August 19, 1890 (ch. 802, 26 Stat. 320; U. S. C., title 33, secs. 61 to 141, arts. 1 to 31), is amended and supplemented by adding at the end thereof as section 142, title 33, of the United States Code the following:

“ART. 32. All orders to helmsmen shall be given as follows:  
 “ ‘Right Rudder’ to mean ‘Direct the vessel’s head to starboard.’  
 “ ‘Left Rudder’ to mean ‘Direct the vessel’s head to port.’”

SEC. 2. Section 1 of the Act of June 7, 1897 (ch. 4, 30 Stat. 96; U. S. C., title 33, secs. 154 to 231, arts. 1 to 31), is amended and supplemented by adding at the end thereof as section 232, title 33, of the United States Code the following:

Vol. 30, p. 96.  
U. S. C., p. 1454.

“ART. 32. All orders to helmsmen shall be given as follows:

“ ‘Right Rudder’ to mean ‘Direct the vessel’s head to starboard.’

“ ‘Left Rudder’ to mean ‘Direct the vessel’s head to port.’ ”

Article 18, rule VIII, of said section 1 is amended to read as follows:

“RULE VIII. When steam vessels are running in the same direction, and the vessel which is astern shall desire to pass on the right or starboard hand of the vessel ahead, she shall give one short blast of the steam whistle, as a signal of such desire, and if the vessel ahead answers with one blast, she shall direct her course to starboard, or if she shall desire to pass on the left or port side of the vessel ahead, she shall give two short blasts of the steam whistle as a signal of such desire, and if the vessel ahead answers with two blasts, shall direct her course to port; or if the vessel ahead does not think it safe for the vessel astern to attempt to pass at that point, she shall immediately signify the same by giving several short and rapid blasts of the steam whistle, not less than four, and under no circumstances shall the vessel astern attempt to pass the vessel ahead until such time as they have reached a point where it can be safely done, when said vessel ahead shall signify her willingness by blowing the proper signals.

Passing signals.

“The vessel ahead shall in no case attempt to cross the bow or crowd upon the course of the passing vessel.”

SEC. 3. Section 1 of the Act of February 8, 1895 (ch. 64, 28 Stat. 645; U. S. C., title 33, secs. 241 to 293, rules 1 to 28), is amended and supplemented by adding at the end thereof as section 294, title 33, of the United States Code the following:

Rules governing Great Lakes, etc.  
Vol. 23, p. 645.  
U. S. C., p. 1458.

“RULE 29. All orders to helmsmen shall be given as follows:

“ ‘Right Rudder’ to mean ‘Direct the vessel’s head to starboard.’

“ ‘Left Rudder’ to mean ‘Direct the vessel’s head to port.’ ”

SEC. 4. Section 1 of the Act of February 19, 1895 (ch. 102, 28 Stat. 672; U. S. C., title 33, secs. 301 to 351, rules 1 to 26), is amended and supplemented by adding at the end thereof as section 352, title 33, of the United States Code, the following:

Rules for certain inland waters.  
Vol. 23, p. 672.  
U. S. C., p. 1461.

“RULE 27. All orders to helmsmen shall be given as follows:

“ ‘Right Rudder’ to mean ‘Direct the vessel’s head to starboard.’

“ ‘Left Rudder’ to mean ‘Direct the vessel’s head to port.’ ”

R. S., sec. 4233, p. 815.

SEC. 5. The provisions of this Act shall become fully effective for all ocean and coastwise vessels on January 1, 1936, and for all vessels on the Great Lakes, bays, sounds, harbors, rivers, and lakes other than the Great Lakes, of the United States on January 1, 1937.

Effective dates.

Approved, August 21, 1935.

[CHAPTER 596.]

AN ACT

To amend the Act entitled “An Act to authorize the construction and operation of certain bridges across the Monongahela, Allegheny, and Youghiogheny Rivers in the county of Allegheny, Pennsylvania”, approved June 4, 1934.

August 21, 1935.  
[H. R. 7438.]  
[Public, No. 295.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 1 of the Act entitled “An Act to authorize the construction and operation of certain bridges across the Monongahela, Allegheny, and Youghiogheny Rivers in the county of Allegheny, Pennsylvania”,*

Bridge construction in Allegheny County, Pa.  
Vol. 48, p. 837.  
Post, p. 1197.

approved June 4, 1934, be, and the same is hereby, amended as follows:

Monongahela River,  
at Pittsburgh.  
Location.

“(c) Across the Monongahela River, at a point suitable to the interests of navigation, in the city of Pittsburgh, Pennsylvania, between the Smithfield Street and Point Bridges.”

Toll charges.  
Vol. 48, p. 838.

SEC. 2. Section 2 of said Act is amended to read as follows:

Cost of maintenance,  
etc.

“SEC. 2. If tolls are charged for the use of said bridges, or any of them, the rates of toll may be so adjusted as to provide a fund sufficient to pay such part or all of any one or more of the following items as shall not be from time to time otherwise provided for, namely: (a) The reasonable cost of maintenance, repair, and operation of said bridges, approaches, and such other public works and improvements as may be associated with said bridges and approaches or any of them in any loan agreement heretofore entered into, or hereafter to be entered into between the United States of America and said Allegheny County Authority or said county of Allegheny; and (b) the amortization, within a reasonable time and under reasonable conditions of any loan or loans, including reasonable interest, taxes, and financing charges, made or to be made in connection with the construction of said bridges, approaches, and other such associated public works and improvements.”

Amortization of  
loans, etc.

SEC. 3. Section 3 of said Act is amended to read as follows:

Record of expendi-  
tures and receipts.  
Vol. 48, p. 838.

“SEC. 3. An accurate record of the cost of said bridges, approaches, and associated public works and improvements and of all expenditures for maintaining, repairing, and operating the same and of tolls collected from time to time shall be kept and shall at all reasonable times be available for the information of all persons interested in the construction, operation, and maintenance thereof.”

SEC. 4. Said Act is further amended by adding a new section, to be known as “section 4”, reading as follows:

Time for bridging  
extended.

“SEC. 4. The times for commencing and completing said bridges and each of them and the approaches of each of them is hereby extended for periods of one and three years, respectively, from June 4, 1935.”

Sections renumbered.

SEC. 5. Said Act is further amended by renumbering section 4 thereof as section 5 and section 5 thereof as section 6.

Amendment.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, August 21, 1935.

[CHAPTER 597.]

AN ACT

To provide that tolls on certain bridges over navigable waters of the United States shall be just and reasonable, and for other purposes.

August 21, 1935.  
[H. R. 7659.]  
[Public, No. 296.]

Bridges over navi-  
gable waters.  
Regulation of tolls on  
certain.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter tolls for passage or transit over any bridge over any of the navigable waters of the United States, if such bridge is used for purposes of travel or transportation in interstate or foreign commerce, shall be just and reasonable; but the provisions of this Act shall not apply to any bridge subject to the provisions of the Act entitled “An Act to regulate the construction of bridges over navigable waters”, approved March 23, 1906, as amended, nor to any bridge built under the authority of the legislature of the State across rivers or other waterways the navigable portions of which lie wholly within the limits of a single State, nor to any bridge on which the tolls are prescribed by a contract entered into by or with any State or political subdivision thereof, or any municipality.

Not applicable to  
bridges subject to Act  
of 1906.  
Vol. 34, p. 84; U. S.  
C., p. 1474.  
Built by State author-  
ity on intrastate  
streams.

Tolls prescribed by  
contract.

SEC. 2. The Secretary of War is authorized, either upon complaint or upon his own initiative, to conduct an inquiry at any time for the purpose of determining whether any toll charged for passage or transit over any bridge to which this Act applies is in violation of the provisions of section 1, and if he finds, after full opportunity for hearing, that such toll is in violation of such provisions he is authorized and empowered to determine and by order to prescribe what will be the just and reasonable toll to be thereafter charged, and after such order takes effect it shall be unlawful to collect a toll for such passage or transit in excess of that so prescribed. Any such order shall take effect upon the expiration of thirty days after its issuance.

Secretary of War to investigate complaints.

Authority to prescribe reasonable toll.

Effective date of order.

Appeals; review of order.

Petition.

Judgment final; review by Supreme Court.

Vol. 36, p. 1157; Vol. 43, p. 938.

U. S. C., p. 1272.

Jurisdiction of courts.

SEC. 3. Any order issued under section 2 may be reviewed by the Court of Appeals of the District of Columbia, or the circuit court of appeals for any judicial circuit in which the bridge in question is wholly or partly located, if a petition for such review is filed within three months after the date such order was issued. The judgment of any such court shall be final, except that it shall be subject to review by the Supreme Court of the United States upon certiorari, in the manner provided in section 240 of the Judicial Code, as amended. The review by such courts shall be limited to questions of law, and the findings of fact by the Secretary of War, if supported by substantial evidence, shall be conclusive. Upon such review, such courts shall have power to affirm or, if the order is<sup>1</sup> not in accordance with law, to modify or to reverse the order, with or without remanding the case for a rehearing as justice may require.

Hearings.

Attendance of witnesses, etc.

SEC. 4. In the execution of his functions under this Act the Secretary of War, or any officer or employee designated by him, is authorized to hold hearings, examine witnesses, and receive evidence at any place designated by him, and to administer oaths and affirmations, and require by subpoena the attendance and testimony of witnesses and the production of books, papers, and documents from any place in the United States. In any case<sup>1</sup> disobedience to any such subpoena the Secretary of War may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents. No person shall be excused from attending and testifying or from producing books, papers, and documents in any inquiry under this Act, or in obedience to any such subpoena, or in any cause or proceeding, criminal or otherwise, based upon or arising under this Act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate 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 any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, or documents, if in his power to do so, in obedience to a subpoena or lawful requirement under this Act, shall, upon conviction thereof, be punished by a fine of not to exceed \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Evidence.

Witness refusing to testify.

<sup>1</sup> So in original.

Penalty for collecting excessive tolls.

SEC. 5. In any case where there is in effect a toll prescribed by an order issued under section 2, for passage or transit over any bridge to which this Act applies, any person who demands or collects a toll for such passage or transit in excess of that so prescribed shall, upon conviction thereof, be punished by a fine of not to exceed \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Approved, August 21, 1935.

[CHAPTER 598.]

AN ACT

August 21, 1935.  
[H. R. 8845.]  
[Public, No. 297.]

To authorize the incorporated town of Cordova, Alaska, to construct, reconstruct, enlarge, extend, improve, renew, and repair certain municipal public structures, utilities, works, and improvements, and for such purposes to issue bonds in any amount not exceeding \$50,000, and for other purposes.

Cordova, Alaska.  
May construct, etc., certain municipal public structures.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the incorporated town of Cordova, in the Territory of Alaska, is hereby authorized and empowered to construct, reconstruct, enlarge, extend, improve, and repair all or any part of the municipal public structures, utilities, works, and improvements in said town hereinafter mentioned, to wit: (a) School buildings; (b) wharf; (c) sewers; (d) city hall, offices, and fire-department house; and (e) such other municipal public structures, utilities, works, and improvements as may be selected and approved by the common council of said town of Cordova; and for such purposes to issue bonds in any amount not exceeding \$50,000.

Bond issue.

Special election to authorize issue.

SEC. 2. Before said bonds shall be issued a special election shall be ordered by the common council of the said town of Cordova, Alaska, at which election the question of whether such bonds shall be issued in the amount above specified for the purpose hereinbefore set forth shall be submitted to the qualified electors of said town of Cordova, Alaska, whose names appear on the last assessment roll of said town for purposes of municipal taxation. The form of the ballot shall be such that the electors may vote for or against the issuance of bonds for the purposes herein specified up to the amount herein authorized. Not less than twenty days' notice of such election shall be given to the public by posting notices of same in three conspicuous places within the corporate limits of the town of Cordova, Alaska, one of which shall be at the front door of the United States post office at Cordova, Alaska. The election notice shall specifically state the amount of bonds proposed to be issued for the purposes herein specified. The registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality; and such bonds shall be issued for the purposes herein authorized only upon condition that not less than a majority of the votes cast at such election in said municipality shall be in favor of the issuance of said bonds for such purpose.

Form of ballot.

Notice to be posted.

Conduct of election.

Form, etc., of bonds.

Denominations; maturity dates.

SEC. 3. The bonds herein authorized shall be coupon in form and shall mature in not to exceed thirty years from the date thereof. Such bonds may bear such date or dates, may be in such denomination or denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable in such medium of payment and at such place or places, may



be sold at either public or private sale, may be nonredeemable or redeemable (either with or without premium), and may carry such registration privileges as to either principal and interest, or principal only, as shall be prescribed by the common council of said town of Cordova. The bonds shall bear the signatures of the mayor and of the clerk of the town of Cordova, and shall have impressed thereon the official seal of said municipality. The coupons to be annexed to such bonds shall bear the facsimile signatures of the mayor and of the clerk of said municipality. In case any of the officers whose signatures or countersignatures appear on the bonds shall cease to be such officers before delivery of such bonds, said signatures or countersignatures, whether manual or facsimile, shall nevertheless be valid and sufficient for all purposes, the same as if said officers had remained in office until such delivery. Said bonds shall bear interest at a rate to be fixed by the common council of the town of Cordova, not to exceed, however, 6 per centum per annum, payable semiannually, and said bonds shall be sold at not less than the principal amount plus accrued interest.

Signatures.

Interest rate.

SEC. 4. The bonds herein authorized to be issued shall be general obligations of the town of Cordova, Territory of Alaska, payable as to both interest and principal from ad valorem taxes which shall be levied upon all of the taxable property within the corporate limits of such municipality in an amount sufficient to pay the interest on and the principal of such bonds as and when the same become due and payable.

Bonds deemed municipal obligations.

SEC. 5. No part of the funds arising from the sale of said bonds shall be used for any purpose or purposes other than those specified in this Act. Said bonds shall be sold only when and in such amounts as the common council of the town of Cordova shall direct; and the proceeds thereof shall be distributed only for the purposes hereinbefore mentioned and under the orders and direction of said common council from time to time as such proceeds may be required for said purposes.

Use of funds restricted.

Sale limitation.

SEC. 6. The town of Cordova is hereby authorized to enter into contracts with the United States of America or any agency or instrumentality thereof under the provisions of the National Industrial Recovery Act and Acts amendatory thereof and Acts supplemental thereto, and revisions thereof, and the regulations made in pursuance thereof, and under any further Acts of the Congress of the United States to encourage public works, for the relief of unemployment, or for any other public purpose, including the Emergency Relief Appropriation Act of 1935, for the sale of bonds issued in accordance with the provisions of this Act, or for the acceptance of a grant of money to aid said municipality in financing any public works; or to enter into contracts with any persons or corporations, public or private, for the sale of such bonds; and such contracts may contain such terms and conditions as may be agreed upon by and between the common council of said town of Cordova and the United States of America or any agency or instrumentality thereof, or any such purchaser.

Contracts authorized with United States, for bond sale.  
Vol. 48, pp. 200, 381.

Ante, p. 115.

SEC. 7. The Act approved April 12, 1930, to authorize the incorporated town of Cordova, Alaska, to issue bonds for the construction of a trunk-sewer system and a bulkhead or retaining wall, and for other purposes (Public, Numbered 18<sup>1</sup>, Seventy-first Congress, second session, 46 Stat. 161), is hereby repealed.

Vol. 46, p. 161, repealed.

Approved, August 21, 1935.

<sup>1</sup> So in original.

## [CHAPTER 599.]

## AN ACT

August 21, 1935.

[S. 3311.]

[Public, No. 297½.]

To amend an Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 185, 221, 223, 226), as amended.

General Leasing Act, amendments.

Vol. 41, pp. 441-442, 443, 449; Vol. 46, pp. 1007, 1523, amended.  
U. S. C., pp. 1343, 1346.

Oil and gas deposits. Prospecting permits; granting.

Limited to two years.

Maximum area.

Conditions.

Provisos.  
Date of filing applications.

No preferential permits.

Royalty to be paid when permit issued after discovery.

Time limit on applications.

Extension of permit; conditions.

Valid outstanding permits.

Conditional extension of periods.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections 13, 14, 17, and 28 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 185, 221, 223, 226), as amended, are amended to read as follows:

"SEC. 13. That the Secretary of the Interior is hereby authorized, and directed, under such necessary and proper rules and regulations as he may prescribe, to grant to any applicant qualified under this Act a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas upon not to exceed two thousand five hundred and sixty acres of land wherein such deposits belong to the United States and are not within any known geological structure of a producing oil or gas field upon condition that the permittee shall begin drilling operations within six months from the date of the permit, and shall, within one year from and after the date of permit, drill one or more wells for oil or gas to a depth of not less than five hundred feet each, unless valuable deposits of oil or gas shall be sooner discovered, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than two thousand feet unless valuable deposits of oil or gas shall be sooner discovered: *Provided*, That said application was filed ninety days prior to the effective date of this amendatory Act. It being the intention of Congress that there shall be no discrimination as between applicants for prospecting permits, the Secretary of the Interior is directed, in every case where one or more permits have been issued, to issue permits to all other applicants for prospecting permits on the same structure, even though one or more of the permittees has developed the said structure into a producing oil or gas field, if said application for permit was filed prior to the development of such structure into a producing oil or gas field, and said applicant has otherwise complied with the law: *Provided further*, That when such permit is issued upon any structure after discovery, the royalty to be paid upon the preferential lease provided for in section 14 hereof shall be 10 per centum in amount or value of the production and the annual payment of a rental as provided in said section 14. No prospecting permit shall be granted upon any application filed after ninety days prior to the effective date of this amendatory Act. The Secretary of the Interior may, if he shall find that the permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend any such permit for such time, not exceeding two years, and upon such conditions as he shall prescribe: *Provided*, That all permits outstanding on the effective date of this amendatory Act, which on said date shall not be subject to cancellation for violation of the law or operating regulations and which have theretofore been extended by the Secretary of the Interior, shall be, and the same are hereby, extended until December 31, 1937, subject to the applicable conditions of such prior extensions: *Provided further*, That the Secretary of the Interior is hereby authorized, to extend for an additional period of not to exceed one year any permit on which diligence has been exercised or on which drilling or prospecting has been suspended at the direction of the Secretary during the extension period hereby granted, but no exten-

sion of any permit beyond December 31, 1938, shall be granted under authority of this Act, or any other Act. Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior to filing his application for permit, locate such lands in a reasonably compact form and according to the legal subdivisions of the public-land surveys if the land be surveyed; and in an approximately square or rectangular tract if the land be an unsurveyed tract, the length of which shall not exceed two and one-half times its width, and if he shall cause to be erected upon the land for which a permit is sought a monument not less than four feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within thirty days after date of posting said notice, the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monuments as will reasonably identify the land, stating the amount thereof in acres, he shall during the period of thirty days following such marking and posting, be entitled to a preference right over others to a permit for the land so identified. The applicant shall, within ninety days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground with substantial monuments, so that the boundaries can be readily traced on the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the lands covered thereby: *Provided further*, That in the Territory of Alaska prospecting permits not more than five in number may be granted to any qualified applicant for periods not exceeding four years, actual drilling operations shall begin within two years from date of permit, and oil and gas wells shall be drilled to a depth of not less than five hundred feet, unless valuable deposits of oil or gas shall be sooner discovered, within three years from date of the permit and to an aggregate depth of not less than two thousand feet unless valuable deposits of oil or gas shall be sooner discovered, within four years from date of permit: *Provided further*, That in said Territory the applicant shall have a preference right over others to a permit for land identified by temporary monuments and notice posted on or near the same for six months following such marking and posting, and upon receiving a permit he shall mark the corners of the tract described in the permit upon the ground with substantial monuments within one year after receiving such permit: *Provided further*, That any person holding a permit to prospect for oil or gas which shall not be subject to cancellation for violation of the law or operating regulations or which shall have been extended under the authority of this or any other Act, in force on or after the effective date of this amendatory Act, or for which timely and acceptable application for extension shall have been filed prior to said date, shall have the right prior to the termination of such permit to exchange the same for a lease to the area described in the permit without proof of discovery, at a royalty of not less than 12½ per centum or value of the production, to be determined by the Secretary of the Interior by general rule and under such other conditions as are fixed in section 17 of this Act: *Provided further*, That no such lease shall be subject to the acreage limitations of section 27 of this Act, as amended, until one year after the discovery of valuable deposits of oil or gas thereon: *Provided further*, That any application for any prospecting permit filed after ninety days prior to the effective date of this

Location sites.

Dimensions.

Notices; posting; contents.

Corner marks on tracts.

Drilling periods in Alaska.

Preference rights of applicant.

Exchange of valid permits for leases hereunder.

Royalty.

Acreage limitations not to apply.  
 Vol. 41, p. 448; U. S. C., p. 1342.  
 Leases to supersede prospecting permits.

Rentals.	amendatory Act shall be considered as an application for lease under section 17 hereof: <i>And provided further</i> , That upon leases so granted in lieu of existing permits or granted to applicants for permits, no rentals shall be payable for the first two lease years, unless valuable deposits of oil or gas are sooner discovered within the boundaries of such lease.
Lease to permittee upon discovery.	"SEC. 14. That upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit: <i>Provided</i> , That the permittee shall be granted a lease for as much as one hundred and sixty acres of said lands, if there be that number of acres within the permit. The area to be selected by the permittee, shall be in reasonably compact form and, if surveyed, to be described by the legal subdivisions of the public-land surveys; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the Secretary of the Interior, and the lands leased shall be conformed to and be taken in accordance with the legal subdivisions of such surveys; deposits made to cover expense of surveys shall be deemed appropriated for that purpose, and any excess deposits may be repaid to the person or persons making such deposit or their legal representatives. Such leases shall be for a term of twenty years upon a royalty of 5 per centum in amount or value of the production and the annual payment in advance of a rental of \$1 per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year, and shall continue in force otherwise as prescribed in section 17 hereof for leases issued prior to the effective date of this amendatory Act. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per centum in amount or value of the production nor more than the royalty rate prescribed by regulation in force on January 1, 1935, for secondary leases issued under this section, and under such other conditions as are fixed for oil or gas leases issued under section 17 of this Act the royalty to be determined by competitive bidding or fixed by such other method as the Secretary may by regulations prescribe: <i>Provided further</i> , That the Secretary shall have the right to reject any or all bids.
Provisos. Maximum acreage.	
Location sites; dimensions.	
Expenses of surveys.	
Term, royalty, and rental.	
Preference right to remaining area. Minimum royalty, etc.	
Rejection of bids.	
Leases of known deposits to highest bidder, etc. Vol. 46, p. 1523.	"SEC. 17. All lands subject to disposition under this Act which are known or believed to contain oil or gas deposits, except as herein otherwise provided, may be leased by the Secretary of the Interior after the effective date of this amendatory Act, to the highest responsible qualified bidder by competitive bidding under general regulations. Such lands shall be leased in units of not exceeding six hundred and forty acres, which shall be as nearly compact in form as possible. Such leases shall be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall be not less than 12½ per centum in amount or value of the production and the payment in advance of a rental to be fixed in the lease of not less than 25 cents per acre per annum, which rental except as otherwise herein provided shall not be waived, suspended, or reduced unless and until a valuable deposit of oil or gas shall have been discovered within the lands leased: <i>Provided</i> , That the rental paid for any one year shall be credited against the royalties as they accrue for that year: <i>Provided further</i> , That in the event the Secretary of the Interior shall direct or shall assent to the suspension of operations or of production of oil or gas under any such lease, any payment of acreage rental as herein provided shall likewise be suspended during such period of suspension of operations or production:
Size of units limited.	
Payment of bonus and royalty.	
Rentals.	
Provisos. Credit of rental against accrued royalties. Rental canceled during suspension of operations.	

*And provided further*, That in the case of leases valuable only for the production of gas the Secretary of the Interior upon showing by the lessee that the lease cannot be successfully operated upon such rental or upon the royalty provided in the lease, may waive, suspend, or reduce such rental or reduce such royalty.

“The Secretary of the Interior, for the purpose of more properly conserving the oil or gas resources of any area, field, or pool, may require that leases hereafter issued under any section of this Act be conditioned upon an agreement by the lessee to operate, under such reasonable cooperative or unit plan for the development and operation of any such area, field, or pool as said Secretary may determine to be practicable and necessary or advisable, which plan shall adequately protect the rights of all parties in interest, including the United States: *Provided*, That all leases operated under such plan approved or prescribed by said Secretary shall be excepted in determining holdings or control under the provisions of any section of this Act.

“Leases hereafter issued under this section shall be for a period of five years and so long thereafter as oil or gas is produced in paying quantities when the lands to be leased are not within any known geological structure of a producing oil or gas field, and for a period of ten years and so long thereafter as oil or gas is produced in paying quantities when the lands to be leased are within any known geological structure of a producing oil or gas field: *Provided*, That no such lease shall be deemed to expire by reasons of suspension of prospecting, drilling, or production pursuant to any order or consent of the said Secretary: *Provided further*, That the person first making application for the lease of any lands not within any known geologic structure of a producing oil or gas field who is qualified to hold a lease under this Act, including applicants for permits whose applications were filed after ninety days prior to the effective date of this amendatory Act shall be entitled to a preference right over others to a lease of such lands without competitive bidding at a royalty, in the case of oil, of 12½ per centum in amount or value of the production when the said production does not exceed fifty barrels per well per day for the calendar month and of not less than 12½ per centum in amount or value of the production when the said production exceeds fifty barrels per well per day for the calendar month, and, in the case of gas, at a royalty of 12½ per centum in amount or value of the production when the said production does not exceed five million cubic feet per well per day for the calendar month and, when the said production exceeds five million cubic feet per well per day for the calendar month, at a royalty of not less than 12½ per centum in amount or value of the production.

“Leases issued prior to the effective date of this amendatory Act shall continue in force and effect in accordance with the terms of such leases and the laws under which issued: *Provided*, That any such lease that has become the subject of a cooperative or unit plan of development or operation, or other plan for the conservation of the oil and gas of a single area, field, or pool, which plan has the approval of the Secretary of the Department or Departments having jurisdiction over the Government lands included in said plan as necessary or convenient in the public interest, shall continue in force beyond said period of twenty years until the termination of such plan: *And provided further*, That said Secretary or Secretaries shall report all leases so continued to Congress at the beginning of its next regular session after the date of such continuance.

“Any cooperative or unit plan of development and operation, which includes lands owned by the United States, shall contain a provision whereby authority, limited as therein provided, is vested

Unproductive gas leases.

Conditional agreement may be required for conserving resources.

Cooperative plan.

*Proviso.*  
Effect of.

Periods of leases.

*Provisos.*  
Suspension of operations.

Preference rights to first qualified applicants, etc.

Royalty rates.

Existing leases to continue in force.

*Provisos.*  
Development, under cooperative plan.

Reports of leases to Congress.

Rights reserved to modify any unit plan, etc.

in the Secretary of the department or departments having jurisdiction over such land to alter or modify from time to time in his discretion the rate of prospecting and development and the quantity and rate of production under said plan. The Secretary of the Interior is authorized whenever he shall deem such action necessary or in the public interest, with the consent of lessee, by order to suspend or modify the drilling or producing requirements of any oil and gas lease not subject to such a cooperative or unit plan, and no lease shall be deemed to expire by reason of the suspension of production pursuant to any such order.

Suspension of drilling, etc., if necessary.

Compensation for drainage, by wells not Government owned.

"Whenever it appears to the Secretary of the Interior that wells drilled upon lands not owned by the United States are draining oil or gas from lands or deposits owned in whole or in part by the United States, the Secretary of the Interior is hereby authorized and empowered to negotiate agreements whereby the United States or the United States and its permittees, lessees, or grantees shall be compensated for such drainage, such agreements to be made with the consent of the permittees and lessees affected thereby.

Royalty reduction for small production.

"Whenever the average daily production of the oil wells on an entire leasehold or on any tract or portion thereof segregated for royalty purposes shall not exceed ten barrels per well per day, or where the cost of production of oil or gas is such as to render further production economically impracticable the Secretary of the Interior, for the purpose of encouraging the greatest ultimate recovery of oil and in the interest of conservation of natural resources, is authorized to reduce the royalty on future production when in his judgment the wells cannot be successfully operated upon the royalty fixed in the lease. The provision of this paragraph shall apply to all oil and gas leases issued under this Act, including those within an approved cooperative or unit plan of development and operation.

Applicability.

Cancellation provisions.

"Any lease issued after the effective date of this amendatory Act under the provisions of this section, except those earned as a preference right as provided in section 14 hereof, shall be subject to cancellation by the Secretary of the Interior after thirty days' notice upon the failure of the lessee to comply with any of the provisions of the lease, unless or until the land covered by any such lease is known to contain valuable deposits of oil or gas. Such notice in advance of cancellation shall be sent the lease owner by registered letter directed to the lease owner's record post-office address, and in case such letter shall be returned as undelivered, such notice shall also be posted for a period of thirty days in the United States Land Office for the district in which the land covered by such lease is situated, or in the event that there is no district land office for such leased land, then in the post office nearest such land. Leases covering lands known to contain valuable deposits of oil or gas shall be canceled only in the manner provided in section 31 of this Act.

Notice to be sent.

Rights-of-way on public domain for pipe-line purposes.

Conditions.

"SEC. 28. That rights-of-way through the public lands, including the forest reserves of the United States, may be granted by the Secretary of the Interior for pipe-line purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of this Act, to the extent of the ground occupied by the said pipe line and twenty-five feet on each side of the same under such regulations and conditions as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers and shall accept, convey, transport, or purchase without discrimination, oil or natural gas produced from Government lands in the vicinity of the pipe line in such proportionate amounts as the Secretary of the Interior may, after a full hearing with due notice

thereof to the interested parties and a proper finding of facts, determine to be reasonable: *Provided*, That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, assignee, or beneficiary, if owner, or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipe line, operating a lease or purchasing gas or oil under the provisions of this Act: *Provided further*, That no right-of-way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations and conditions prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding."

SEC. 2. (a) That the Secretary of the Interior is authorized to issue new leases to lessees holding oil or gas leases under any of the provisions of this Act at the time this amendatory Act becomes effective, such new leases to be in lieu of the leases then held by such lessees and to be at a royalty rate of not less than 12½ per centum in amount or value of the production and upon such other terms and conditions as the Secretary of the Interior shall by general rule prescribe: *Provided*, That no limitation of acreage not provided for under the law or regulations under which any such old lease was issued shall be applicable to any such new lease.

(b) Nothing contained in this amendatory Act shall be construed to affect the validity of oil and gas prospecting permits or leases previously issued under the authority of the said Act of February 25, 1920, as amended, and in existence at the time this amendatory Act becomes effective, or impair any rights or privileges which have accrued under such permits or leases.

SEC. 3. That nothing in this amendatory Act shall be construed as affecting any lands within the borders of the naval petroleum reserves and naval oil-shale reserves or agreements concerning operations thereunder or in relation to the same, but the Secretary of the Navy is hereby authorized, with the consent of the President, to enter into agreements such as those provided for under the Act of March 4, 1931 (46 Stat. 1523), which agreement shall not, unless expressed therein, operate to extend the terms of any lease affected thereby.

Approved, August 21, 1935.

[CHAPTER 600.]

JOINT RESOLUTION

Relating to the continuance on the pay rolls of certain employees in cases of death or resignation of Members of the House of Representatives, Delegates, and Resident Commissioners.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That notwithstanding the provisions of the third paragraph under the heading "Clerical assistance to Senators" of section 1 of the Legislative Appropriation Act for the fiscal year ending June 30, 1928 (U. S. C., Supp. V, title 2, sec. 92a), in case of the death or resignation of a Member of the House during his term of office, the clerical assistants designated by

*Provisos.*  
Reservation as to conveying oil of Government or of other producers.

Applicability to future grants.

Forfeiture for violation.

Issue of new leases in lieu of present holdings.

Royalty rate.

*Proviso.*  
New limitation of acreage restricted.

Saving clause.  
Vol. 41, p. 437; Vol. 46, pp. 1007, 1523; U. S. C., p. 1342.

Naval oil reserves, etc., not affected.

Agreements authorized.  
Vol. 46, p. 1523; U. S. C., p. 1348.

August 21, 1935.  
[H. J. Res. 189.]  
[Pub. Res., No. 52.]

Clerks of deceased Member of the House. Continuance on roll, not exceeding six months.  
Vol. 44, p. 1148.  
U. S. C., p. 13.

him and borne upon the clerk hire pay rolls of the House of Representatives on the date of such death or resignation shall be continued upon such pay rolls at their respective salaries until the successor to such Member of the House is elected to fill the vacancy. In no case shall such clerical assistants be continued on said pay roll for a period exceeding six months after the date of death or resignation of a Member of the House.

Placed under direction of Clerk of the House.

SEC. 2. Any clerical assistants who continue on the House pay rolls under the provisions of this joint resolution shall, while so continued, perform their duties under the direction of the Clerk of the House, and he is hereby authorized and directed to remove from such pay rolls any such clerks who are not attending to the duties for which their services are continued.

Removal for inattention to duties.

"Member of the House" construed.

SEC. 3. As used in this joint resolution the phrase "Member of the House" shall mean a Representative, Representative-elect, Delegate, Delegate-elect, Resident Commissioner, or Resident Commissioner-elect.

Effective date.

SEC. 4. This joint resolution shall be effective as of the beginning of the Seventy-fourth Congress, January 3, 1935.

Approved, August 21, 1935.

[CHAPTER 602.]

AN ACT

To fix the compensation of registers of district land offices.

August 22, 1935.

[S. 2361.]

[Public, No. 298.]

Public lands. Compensation of registers. Vol. 45, p. 684; U. S. C., p. 1828.

*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 fix the compensation of registers of local land offices, and for other purposes", approved May 21, 1928 (45 Stat. L., ch. 661, p. 684), is hereby amended to read as follows: "That from and after the 1st day of the month following the approval of this Act the compensation of registers of district land offices shall be a salary of \$2,000 per annum each, and all fees and commissions now allowed by law to such registers, but the salary, fees, and commissions of such registers shall not exceed \$3,600 each per annum: *Provided*, That the salary of the register of the Juneau land district, Alaska, shall be \$3,600 per annum."*

*Proviso.*  
Juneau, Alaska.

Approved, August 22, 1935.

[CHAPTER 603.]

AN ACT

To establish a new division of the northern district of Georgia with terms of court to be held at Newnan, Georgia.

August 22, 1935.

[H. R. 7955.]

[Public, No. 299.]

United States courts. Vol. 36, p. 1108; Vol. 44, p. 671, amended. U. S. C., p. 1241.

Georgia Judicial districts. Northern district. Gainesville division.

Atlanta division.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 77 of the Judicial Code, as amended (U. S. C., Supp. VII, title 28, sec. 150 (b)), is hereby amended to read as follows:*

*"(b) The northern district shall include four divisions, constituted as follows: The Gainesville division, which shall include the territory embraced on January 1, 1925, in the counties of Banks, Barrow, Dawson, Forsyth, Habersham, Hall, Jackson, Lumpkin, Rabun, Stephens, Towns, Union, and White; the Atlanta division which shall include the territory embraced on such date in the counties of Campbell, Cherokee, Clayton, Cobb, De Kalb, Douglas, Fannin, Fulton, Gilmer, Gwinnett, Henry, Milton, Newton, Pickens, and Rockdale;*



the Rome division which shall include the territory embraced on such date in the counties of Bartow, Catoosa, Chattooga, Dade, Floyd, Gordon, Murray, Paulding, Polk, Walker, and Whitfield; and the Newnan division, which shall include the territory embraced on such date in the counties of Carroll, Coweta, Fayette, Haralson, Heard, Pike, Spalding, and Troup”.

SEC. 2. Subsection (d) of such section 77, as amended (U. S. C., Supp. VII, title 28, sec. 150 (d)), is hereby amended to read as follows:

“(d) The middle district shall include six divisions, constituted as follows: The Athens division, which shall include the territory embraced on January 1, 1925, in the counties of Clarke, Elbert, Franklin, Greene, Hart, Madison, Morgan, Oconee, Oglethorpe, and Walton; the Macon division, which shall include the territory embraced on such date in the counties of Baldwin, Bibb, Bleckley, Butts, Crawford, Hancock, Houston, Jasper, Jones, Lamar, Monroe, Peach, Pulaski, Putnam, Twiggs, Upson, Washington, and Wilkinson; the Columbus division, which shall include the territory embraced on such date in the counties of Chattahoochee, Clay, Harris, Marion, Meriweather, Muscogee, Quitman, Randolph, Stewart, Talbot, and Taylor; the Americus division, which shall include the territory embraced on such date in the counties of Crisp, Dooly, Lee, Macon, Schley, Sumter, Terrell, Webster, and Wilcox; the Albany division, which shall include the territory embraced on such date in the counties of Baker, Calhoun, Decatur, Dougherty, Early, Grady, Miller, Mitchell, Seminole, Turner, and Worth; and the Valdosta division, which shall include the territory embraced on such date in the counties of Berrien, Brooks, Colquitt, Cook, Echols, Irwin, Lanier, Lowndes, Thomas, and Tift.”

SEC. 3. Subsection (c) of such section 77, as amended (U. S. C., Supp. VII, title 28, sec. 150 (c)), is hereby amended to read as follows:

“(c) Terms of the district court for the Gainesville division shall be held at Gainesville on the fourth Mondays in April and November; for the Atlanta division at Atlanta on the second Monday in March and the first Monday in October; for the Rome division at Rome on the third Mondays in May and November; and for the Newnan division if suitable rooms and accommodations are furnished for holding court thereat free of cost to the Government at Newnan on the first Mondays in April and November.”

Approved, August 22, 1935.

[CHAPTER 604.]

AN ACT

To amend the law with respect to the time for jury service in the police court of the District of Columbia.

August 22, 1935.  
[H. R. 8580.]  
[Public, No. 300.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 166 of Title 18 of the Code of the District of Columbia of 1929, otherwise known as section 45, as amended, of the Code of Law for the District of Columbia, approved March 3, 1901, be, and the same is hereby, amended to read as follows:

“The jury for service in said court shall consist of twelve persons, who shall have the legal qualifications necessary for jurors in the Supreme Court of the District of Columbia, and shall receive a like

Rome division.

Newnan division.

Vol. 44, p. 671.  
U. S. C., p. 1242.

Middle district.  
*Post*, p. 1561.  
Athens division.

Macon division.

Columbus division.

Americus division.

Albany division.

Valdosta division.

Vol. 44, p. 671,  
amended.  
U. S. C., p. 1242.

Terms of court.

District of Columbia  
Code; amendment.  
Vol. 31, p. 1197; Vol.  
43, p. 1120.

Jurors for Police  
Court.  
Terms.

compensation for their services, and such jurors shall be drawn and selected under and in pursuance of the laws concerning the drawing and selection of jurors for service in said court, and shall serve for a like term as the petit jury in the Supreme Court of the District of Columbia. When at any term of said court it shall happen that in a pending trial no verdict shall be found, nor the jury otherwise discharged before the next succeeding term of the court, the court shall proceed with the trial by the same jury, as if said term had not commenced: *Provided*, That this Act shall not be effective as to any panel or panels of jurors drawn under the existing law.”

*Proviso.*  
Panels under existing law not affected.

Approved, August 22, 1935.

[CHAPTER 605.]

AN ACT

To amend the law providing for exemptions from jury service in the District of Columbia.

August 22, 1935.  
[H. R. 8581.]  
[Public, No. 301.]

District of Columbia Code; amendment.  
Vol. 31, p. 1224; Vol. 35, p. 636.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 360 of title 18 of the Code of the District of Columbia of 1929, otherwise known as “section 217 of the Code of Law for the District of Columbia”, approved March 3, 1901, be, and the same is hereby, amended to read as follows:

Exemptions from jury service.

“All executive and judicial officers of the Government of the United States and of the District of Columbia, all officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard of the United States in active service, those connected with the police and fire departments of the United States and of the District of Columbia, counselors and attorneys at law in actual practice, ministers of the gospel and clergymen of every denomination, practicing physicians and surgeons, keepers of hospitals, asylums, almshouses, or other charitable institutions created by or under the laws relating to the District of Columbia, captains and masters and other persons employed on vessels navigating the waters of the District of Columbia shall be exempt from jury duty, and their names shall not be placed on the jury lists.

“All other persons, otherwise qualified according to law whether employed in the service of the Government of the United States or of the District of Columbia, all officers and enlisted men of the National Guard of the District of Columbia, both active and retired, all officers and enlisted men of the Military, Naval, Marine, and Coast Guard Reserve Corps of the United States, all notaries public, all postmasters and those who are the recipients or beneficiaries of a pension or other gratuity from the Federal or District Government or who have contracts with the United States or the District of Columbia, shall be qualified to serve as jurors in the District of Columbia and shall not be exempt from such service: *Provided*, That employees of the Government of the United States or of the District of Columbia in active service who are called upon to sit on juries shall not be paid for such jury service but their salary shall not be diminished during their term of service by virtue of such service, nor shall such period of service be deducted from any leave of absence authorized by law.”

*Proviso.*  
Salary provisions.

Approved, August 22, 1935.

## [CHAPTER 606.]

## AN ACT

Providing for the establishment of a term of the District Court of the United States for the Southern District of Florida at Fort Pierce, Florida.

August 22, 1935.  
[H. R. 8668.]  
[Public, No. 302.]

*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 Fort Pierce, Florida, on the first Monday in February: *Provided,* That suitable rooms and accommodations for holding court at Fort Pierce are furnished without expense to the United States. No deputy clerk or deputy marshal of the court shall be appointed for Fort Pierce.

Florida southern judicial district.  
Term of District Court at Fort Pierce.  
U. S. C., p. 1241.  
*Proviso.*  
Quarters to be furnished.  
No deputies.

Approved, August 22, 1935.

## [CHAPTER 607.]

## AN ACT

To provide a preliminary examination of Goldsborough Creek, in Mason County, State of Washington, with a view to the control of its floods.

August 22, 1935.  
[S. 2832.]  
[Public, No. 303.]

*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 directed to cause a preliminary examination to be made of Goldsborough Creek, in Mason County, State of Washington, with a view to the control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Goldsborough Creek.  
Preliminary examination authorized.

Vol. 39, p. 950.  
U. S. C., p. 1487.

Approved, August 22, 1935.

## [CHAPTER 608.]

## AN ACT

To authorize the Secretary of War to lend to the reunion committee of the United Confederate Veterans, three thousand blankets, olive drab, numbered 4, and three thousand canvas cots, to be used at their annual encampment to be held at Amarillo, Texas, in September 1935.

August 22, 1935.  
[H. R. 8710.]  
[Public, No. 304.]

*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 to lend, at his discretion, to the reunion committee of the United Confederate Veterans, for use at the United Confederate Veterans Encampment, to be held at Amarillo, Texas, September 3, 4, 5, and 6, 1935, ten 15-foot hospital ward tents, with all pegs, poles, and equipment necessary for their erection; three thousand olive-drab blankets, numbered 4; three thousand canvas cots; nine hundred mess kits, complete: *Provided,* That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered from the nearest quartermaster depot at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the Confederate reunion committee: *Provided further,* That the Secretary of War, before delivery of such property, shall take from said reunion committee of the United Confederate Veterans a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

United Confederate Veterans.  
Loan of Army equipment for encampment at Amarillo, Tex., authorized.

*Provisos.*  
No Government expense.

Bond.

Approved, August 22, 1935.

## [CHAPTER 614.]

## AN ACT

August 23, 1935.

[H. R. 7617.]

[Public, No. 305.]

To provide for the sound, effective, and uninterrupted operation of the banking 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 this Act may be cited as the "Banking Act of 1935".*

## Title I—Federal Deposit Insurance.

## TITLE I—FEDERAL DEPOSIT INSURANCE

Federal Reserve Act, amendments.  
Vol. 48, p. 168; U. S. C., p. 381.

Federal Deposit Insurance Corporation.  
Creation; duties.

Management of Corporation.  
Directors; appointment; qualifications.

Chairman.

Terms of office.

Compensation.

Vacancies.

Ineligibility of members to hold position in insured bank.

Definitions.

"State bank."

SECTION 101. Section 12B of the Federal Reserve Act, as amended (U. S. C., Supp. VII, title 12, sec. 264), is amended to read as follows:

"SEC. 12B. (a) There is hereby created a Federal Deposit Insurance Corporation (hereinafter referred to as the 'Corporation') which shall insure, as hereinafter provided, the deposits of all banks which are entitled to the benefits of insurance under this section, and which shall have the powers hereinafter granted.

"(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 appointive 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. In the event of a vacancy in the office of the Comptroller of the Currency, and pending the appointment of his successor, or during the absence of the Comptroller from Washington, the Acting Comptroller of the Currency shall be a member of the board of directors in the place and stead of the Comptroller. In the event of a vacancy in the office of the chairman of the board of directors, and pending the appointment of his successor, the Comptroller of the Currency shall act as chairman. The Comptroller of the Currency shall be ineligible during the time he is in office and for two years thereafter to hold any office, position, or employment in any insured bank. The appointive members of the board of directors shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any insured bank, except that this restriction shall not apply to any appointive member who has served the full term for which he was appointed. No member of the board of directors 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 board of directors he shall certify under oath that he has complied with this requirement and such certification shall be filed with the secretary of the board of directors. No member of the board of directors serving on the board of directors on the effective date shall be subject to any of the provisions of the three preceding sentences until the expiration of his present term of office.

"(c) As used in this section—

"(1) The term 'State bank' means any bank, banking association, trust company, savings bank, or other banking institution which is engaged in the business of receiving deposits and which is incorpo-

rated under the laws of any State, Hawaii, Alaska, Puerto Rico, or the Virgin Islands, or which is operated under the Code of Law for the District of Columbia (except a national bank), and includes any unincorporated bank the deposits of which are insured on the effective date under the provisions of this section.

"(2) The term 'State member bank' means any State bank which is a member of the Federal Reserve System, and the term 'State nonmember bank' means any State bank which is not a member of the Federal Reserve System.

"State member bank"; "State nonmember bank."

"(3) The term 'District bank' means any State bank operating under the Code of Law for the District of Columbia.

"District bank."

"(4) The term 'national member bank' means any national bank located in any of the States of the United States, the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands which is a member of the Federal Reserve System.

"National member bank."

"(5) The term 'national nonmember bank' means any national bank located in Hawaii, Alaska, Puerto Rico, or the Virgin Islands which is not a member of the Federal Reserve System.

"National nonmember bank."

"(6) The term 'mutual savings bank' means a bank without capital stock transacting a savings bank business, the net earnings of which inure wholly to the benefit of its depositors after payment of obligations for any advances by its organizers.

"Mutual savings bank."

"(7) The term 'savings bank' means a bank (other than a mutual savings bank) which transacts its ordinary banking business strictly as a savings bank under State laws imposing special requirements on such banks governing the manner of investing their funds and of conducting their business: *Provided*, That the bank maintains, until maturity date or until withdrawn, all deposits made with it (other than funds held by it in a fiduciary capacity) as time savings deposits of the specific term type or of the type where the right is reserved to the bank to require written notice before permitting withdrawal: *Provided further*, That such bank to be considered a savings bank must elect to become subject to regulations of the Corporation with respect to the redeposit of maturing deposits and prohibiting withdrawal of deposits by checking except in cases where such withdrawal is permitted by law on the effective date from specifically designated deposit accounts totaling not more than 15 per centum of the bank's total deposits.

"Savings bank."

"(8) The term 'insured bank' means any bank the deposits of which are insured in accordance with the provisions of this section; and the term 'noninsured bank' means any bank the deposits of which are not so insured.

"Insured bank."

"(9) The term 'new bank' means a new national banking association organized by the Corporation to assume the insured deposits of an insured bank closed on account of inability to meet the demands of its depositors and otherwise to perform temporarily the functions prescribed in this section.

"New bank."

"(10) The term 'receiver' includes a receiver, liquidating agent, conservator, commissioner, person, or other agency charged by law with the duty of winding up the affairs of a bank.

"Receiver."

"(11) The term 'board of directors' means the board of directors of the Corporation.

"Board of directors."

"(12) The term 'deposit' means the unpaid balance of money or its equivalent received by a bank in the usual course of business and for which it has given or is obligated to give credit to a commercial, checking, savings, time or thrift account, or which is evidenced by its certificate of deposit, and trust funds held by such bank whether retained or deposited in any department of such bank or deposited in another bank, together with such other obligations of a bank as the

"Deposit."

board of directors shall find and shall prescribe by its regulations to be deposit liabilities by general usage: *Provided*, That any obligation of a bank which is payable only at an office of the bank located outside the States of the United States, the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands, shall not be a deposit for any of the purposes of this section or be included as a part of total deposits or of an insured deposit: *Provided further*, That any insured bank having its principal place of business in any of the States of the United States or in the District of Columbia which maintains a branch in Hawaii, Alaska, Puerto Rico, or the Virgin Islands may elect to exclude from insurance under this section its deposit obligations which are payable only at such branch, and upon so electing the insured bank with respect to such branch shall comply with the provisions of this section applicable to the termination of insurance by nonmember banks: *Provided further*, That the bank may elect to restore the insurance to such deposits at any time its capital stock is unimpaired.

"Insured deposit."

"(13) The term 'insured deposit' means the net amount due to any deposit or deposits in an insured bank (after deducting offsets) less any part thereof which is in excess of \$5,000. Such net amount shall be determined according to such regulations as the board of directors may prescribe, and in determining the amount due to any depositor there shall be added together all deposits in the bank maintained in the same capacity and the same right for his benefit either in his own name or in the names of others, except trust funds which shall be insured as provided in paragraph (9) of subsection (h) of this section.

Post, p. 690.

"Transferred deposit."

"(14) The term 'transferred deposit' means a deposit in a new bank or other insured bank made available to a depositor by the Corporation as payment of the insured deposit of such depositor in a closed bank, and assumed by such new bank or other insured bank.

"Branch."

"(15) The term 'branch' includes any branch bank, branch office, branch agency, additional office, or any branch place of business located in any State of the United States or in Hawaii, Alaska, Puerto Rico, or the Virgin Islands at which deposits are received or checks paid or money lent.

"Effective date."

"(16) The term 'effective date' means the date of enactment of the Banking Act of 1935.

Capital stock of Corporation; subscription by United States; appropriation authorized.

"(d) 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. 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. Every Federal Reserve bank shall subscribe to shares of 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. The capital stock of the Corporation shall consist of the shares subscribed for prior to the effective date. Such stock shall be without nominal or par value, and shares issued

Payments.

Receipts.

Capital stock; subscriptions by Federal Reserve banks; amount.

Payment.

Nominal or par value.

prior to the effective date shall be exchanged and reissued at the rate of one share for each \$100 paid into the Corporation for capital stock. The consideration received by the Corporation for the capital stock shall be allocated to capital and to surplus in such amounts as the board of directors shall prescribe. Such stock shall have no vote and shall not be entitled to the payment of dividends.

Allocation of amounts received in payment for capital stock.  
Voting privilege; dividends.

“(e) (1) Every operating State or national member bank, including a bank incorporated since March 10, 1933, licensed on or before the effective date by the Secretary of the Treasury shall be and continue to be, without application or approval, an insured bank and shall be subject to the provisions of this section.

Insurance provisions. Banks licensed before effective date.

“(2) After the effective date, every national member bank which is authorized to commence or resume the business of banking, and every State bank which is converted into a national member bank or which becomes a member of the Federal Reserve System, shall be an insured bank from the time it is authorized to commence or resume business or becomes a member of the Federal Reserve System. The certificate herein prescribed shall be issued to the Corporation by the Comptroller of the Currency in the case of such national member bank, or by the Board of Governors of the Federal Reserve System in the case of such State member bank: *Provided*, That in the case of an insured bank which is admitted to membership in the Federal Reserve System or an insured State bank which is converted into a national member bank, such certificate shall not be required, and the bank shall continue as an insured bank. Such certificate shall state that the bank is authorized to transact the business of banking in the case of a national member bank, or is a member of the Federal Reserve System in the case of a State member bank, and that consideration has been given to the factors enumerated in subsection (g) of this section.

After effective date.

Certificate; issue of requirement.

*Proviso.*  
Exception.

Statements in certificate.

“(f) (1) Every bank which is not a member of the Federal Reserve System which on June 30, 1935 was or thereafter became a member of the Temporary Federal Deposit Insurance Fund or of the Fund For Mutuals heretofore created pursuant to the provisions of this section, shall be and continue to be, without application or approval, an insured bank and shall be subject to the provisions of this section: *Provided*, That any State nonmember bank which was admitted to the said Temporary Federal Deposit Insurance Fund or the Fund For Mutuals but which did not file on or before the effective date an October 1, 1934 certified statement and make the payments thereon required by law, shall cease to be an insured bank on August 31, 1935: *Provided further*, That no bank admitted to the said Temporary Federal Deposit Insurance Fund or the Fund For Mutuals prior to the effective date shall, after August 31, 1935, be an insured bank or have its deposits insured by the Corporation, if such bank shall have permanently discontinued its banking operations prior to the effective date.

Members of Temporary Federal Deposit Insurance Fund or Fund for Mutuals; insurance of.  
Vol. 48, pp. 179, 970.

*Provisos.*  
Banks not filing required statement or making payment.

When banking operations discontinued.

“(2) Subject to the provisions of this section, any national nonmember bank, upon application by the bank and certification by the Comptroller of the Currency in the manner prescribed in subsection (e) of this section, and any State nonmember bank, upon application to and examination by the Corporation and approval by the board of directors, may become an insured bank. Before approving the application of any such State nonmember bank, the board of directors shall give consideration to the factors enumerated in subsection (g) of this section and shall determine, upon the basis of a thorough examination of such bank, that its assets in excess of its capital requirements are adequate to enable it to meet all its liabilities to depositors and other creditors as shown by the books of the bank.

Applications for insurance, National or State nonmember banks.

Consideration by Board of Directors.

*Post*, p. 688.

Contents of certificate.  
*Ante*, p. 687.  
 Factors for consideration when application pending.

“(g) The factors to be enumerated in the certificate required under subsection (e) and to be considered by the board of directors under subsection (f) shall be the following: The financial history and condition of the bank, the adequacy of its capital structure, its future earnings prospects, the general character of its management, the convenience and needs of the community to be served by the bank, and whether or not its corporate powers are consistent with the purposes of this section.

Assessments; rate.  
 Amount.

“(h) (1) The assessment rate shall be one-twelfth of 1 per centum per annum. The semiannual assessment for each insured bank shall be in the amount of the product of one-half the annual assessment rate multiplied by an assessment base which shall be the average for six months of the differences at the end of each calendar day between the total amount of liability of the bank for deposits (according to the definition of the term ‘deposit’ in and pursuant to paragraph (12) of subsection (c) of this section, without any deduction for indebtedness of depositors) and the total of such uncollected items as are included in such deposits and credited subject to final payment:

*Ante*, p. 685.

*Proviso.*  
 Regulations governing determination of daily totals of uncollected items.

*Provided, however,* That the daily total of such uncollected items shall be determined according to regulations prescribed by the board of directors upon a consideration of the factors of general usage and ordinary time of availability, and for the purposes of such deduction no item shall be regarded as uncollected for longer periods than those prescribed by such regulations. Each insured bank shall, as a condition to the right to deduct any specific uncollected item in determining its assessment base, maintain such records as will readily permit verification of the correctness of the particular deduction claimed.

Records to be maintained.

Certified statements; form.

The certified statements required to be filed with the Corporation under paragraphs (2), (3), and (4) of this subsection shall be in such form and set forth such supporting information as the board of directors shall prescribe. The assessment payments required from insured banks under paragraphs (2), (3), and (4) of this subsection shall be made in such manner and at such time or times as the board of directors shall prescribe, provided the time or times so prescribed shall not be later than sixty days after filing the certified statement setting forth the amount of the assessment. In the event that a separate Fund For Mutuals is established as provided in subsection (1), the board of directors from time to time may fix a lower assessment rate operative for such period as the board may determine which shall be applicable to insured mutual savings banks only, and the remainder of this paragraph shall not be applicable to such banks.

Assessment payments; time and manner of making.

Assessment rate applicable to insured mutual savings banks.  
*Post*, p. 694.

Certified statements; filing; information to contain.

“(2) On or before the 15th day of July of each year, each insured bank shall file with the Corporation a certified statement under oath showing for the six months ending on the preceding June 30 the amount of the assessment base and the amount of the semiannual assessment due to the Corporation, determined in accordance with paragraph (1) of this subsection. Each insured bank shall pay to the Corporation the amount of the semiannual assessment it is required to certify. On or before the 15th day of January of each year after 1936 each insured bank shall file with the Corporation a similar certified statement for the six months ending on the preceding December 31 and shall pay to the Corporation the amount of the semiannual assessment it is required to certify.

Assessment; semiannual payment.

Statement of payment due December 31, 1935.  
*Ante*, p. 687.

“(3) Each bank which becomes an insured bank according to the provisions of subsection (e) or (f) of this section shall, on or before the 15th day of November 1935, file with the Corporation a certified statement under oath showing the amount of the assessment due to the Corporation for the period ending December 31, 1935, which shall be an amount equal to the product of one-third the annual assessment rate multiplied by the assessment base determined in accord-

Amount.



ance with paragraph (1) of this subsection, except that the assessment base shall be the average for the 31 days in the month of October 1935, and payment shall be made to the Corporation of the amount of the assessment so required to be certified. Each such bank shall, on or before the 15th day of January 1936, file with the Corporation a certified statement under oath showing the amount of the semiannual assessment due to the Corporation for the period ending June 30, 1936, which shall be an amount equal to the product of one-half the annual assessment rate multiplied by the assessment base determined in accordance with paragraph (1) of this subsection, except that the assessment base shall be the average for the days of the months of October, November and December of 1935, and payment shall be made to the Corporation of the amount of the assessment so required to be certified.

“(4) Each bank which becomes an insured bank after the effective date shall be relieved from complying with the provisions of paragraph (2) of this subsection until it has operated as an insured bank for a full semiannual period ending on June 30 or December 31 as the case may be. Each such bank, on or before the forty-fifth day after its first day of operation as an insured bank, shall file with the Corporation its first certified statement which shall be under oath and shall show the amount of the assessment base determined in accordance with paragraph (1) of this subsection, except that the assessment base shall be the average for the first thirty-one calendar days it operates as an insured bank. Each such certified statement shall also show as the amount of the first assessment due to the Corporation the prorated portion (for the period between its first day of operation as an insured bank and the next succeeding last day of June or December, as the case may be) of an amount equal to the product of one-half the annual assessment rate multiplied by the base required to be set forth on its first certified statement. Each bank which becomes an insured bank after the effective date which has not operated as an insured bank for a full semiannual period ending on June 30 or December 31, as the case may be, shall, on or before the 15th day of the first month thereafter (except that banks becoming insured in June or December shall have thirty-one additional days) file with the Corporation its second certified statement under oath showing the amount of the assessment base and the amount of the semiannual assessment due to the Corporation. Such assessment base and amount shall be determined in accordance with paragraph (1) of this subsection, except that if the bank became an insured bank in the month of December or June the assessment base shall be the average for the first thirty-one calendar days it operates as an insured bank, and except that if it became an insured bank in any other month than December or June the assessment base shall be the average for the days between its first day of operation as an insured bank and the next succeeding last day of June or December, as the case may be. Each bank required to file a certified statement under this paragraph shall pay to the Corporation the amount of the assessment the bank is required to certify.

“(5) Each bank which shall be and continue without application or approval an insured bank in accordance with the provisions of subsection (e) or (f) of this section, shall, in lieu of all right to refund (except as authorized in paragraph (3) of subsection (i)), be credited with any balance to which such bank shall become entitled upon the termination of the said Temporary Federal Deposit Insurance Fund or the Fund For Mutuals. The credit shall be applied by the Corporation toward the payment of the assessment next becoming due from such bank and upon succeeding assessments until the credit is exhausted.

Payment.  
Statement of payment due June 30, 1936; filing.

Amount.

Payment.

Banks insured after effective date; provisions waived.

Certified statement to be filed.

Contents.

Computation of amount of first assessment.

Second certified statement; information to contain; time of filing.

Assessment base and amount due; determination of.  
*Ante*, p. 688.

Payments.

Insured banks; balances credited to, upon termination of Funds.  
*Ante*, p. 687.

Application of credit.

Suit to compel filing of statement.

"(6) Any insured bank which fails to file any certified statement required to be filed by it in connection with determining the amount of any assessment payable by the bank to the Corporation may be compelled to file such statement by mandatory injunction or other appropriate remedy in a suit brought for such purpose by the Corporation against the bank and any officer or officers thereof in any court of the United States of competent jurisdiction in the district or territory in which such bank is located.

Recovery by Corporation.

"(7) The Corporation, in a suit brought at law or in equity in any court of competent jurisdiction, shall be entitled to recover from any insured bank the amount of any unpaid assessment lawfully payable by such insured bank to the Corporation, whether or not such bank shall have filed any such certified statement and whether or not suit shall have been brought to compel the bank to file any such statement.

Forfeiture of privileges by national member or insured national nonmember banks.

"(8) Should any national member bank or any insured national nonmember bank fail to file any certified statement required to be filed by such bank under any provision of this subsection, or fail to pay any assessment required to be paid by such bank under any provision of this section, and should the bank not correct such failure within thirty days after written notice has been given by the Corporation to an officer of the bank, citing this paragraph, and stating that the bank has failed to file or pay as required by law, all the rights, privileges, and franchises of the bank granted to it under the National Bank Act or under the provisions of this Act, as amended, shall be thereby forfeited. Whether or not the penalty provided in this paragraph has been incurred shall be determined and adjudged in the manner provided in the sixth paragraph of section 2 of this Act, as amended. The remedies provided in this paragraph and in the two preceding paragraphs shall not be construed as limiting any other remedies against any insured bank, but shall be in addition thereto.

Vol. 38, p. 252; U. S. C., p. 405. Remedies.

Trust funds; insurance of.

"(9) Trust funds held by an insured bank in a fiduciary capacity whether held in its trust or deposited in any other department or in another bank shall be insured in an amount not to exceed \$5,000 for each trust estate, and when deposited by the fiduciary bank in another insured bank such trust funds shall be similarly insured to the fiduciary bank according to the trust estates represented. Notwithstanding any other provision of this section, such insurance shall be separate from and additional to that covering other deposits of the owners of such trust funds or the beneficiaries of such trust estates: *Provided*, That where the fiduciary bank deposits any of such trust funds in other insured banks, the amount so held by other insured banks on deposit shall not for the purpose of any certified statement required under paragraph (2), (3), or (4) of this subsection be considered to be a deposit liability of the fiduciary bank, but shall be considered to be a deposit liability of the bank in which such funds are so deposited by such fiduciary bank. The board of directors shall have power by regulation to prescribe the manner of reporting and of depositing such trust funds.

*Proviso.*  
To be considered deposit liability of fiduciary bank.

Regulations respecting reporting and depositing.

Insured bank; termination of status as; notice required.

When bank continues unsound banking practices, etc.

"(i) (1) Any insured bank (except a national member bank or State member bank) may, upon not less than ninety days' written notice to the Corporation, and to the Reconstruction Finance Corporation if it owns or holds as pledgee any preferred stock, capital notes, or debentures of such bank, terminate its status as an insured bank. Whenever the board of directors shall find that an insured bank or its directors or trustees have continued unsafe or unsound practices in conducting the business of such bank, or have knowingly or negligently permitted any of its officers or agents to violate any provision of any law or regulation to which the insured bank is

subject, the board of directors shall first give to the Comptroller of the Currency in the case of a national bank or a District bank, to the authority having supervision of the bank in the case of a State bank, or to the Board of Governors of the Federal Reserve System in the case of a State member bank, a statement with respect to such practices or violations for the purpose of securing the correction thereof. Unless such correction shall be made within one hundred and twenty days or such shorter period of time as the Comptroller of the Currency, the State authority, or Board of Governors of the Federal Reserve System, as the case may be, shall require, the board of directors, if it shall determine to proceed further, shall give to the bank not less than thirty days' written notice of intention to terminate the status of the bank as an insured bank, and shall fix a time and place for a hearing before the board of directors or before a person designated by it to conduct such hearing, at which evidence may be produced, and upon such evidence the board of directors shall make written findings which shall be conclusive. Unless the bank shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the termination of its status as an insured bank. If the board of directors shall find that any violation specified in such notice has been established, the board of directors may order that the insured status of the bank be terminated on a date subsequent to such finding and to the expiration of the time specified in such notice of intention. The Corporation may publish notice of such termination and the bank shall give notice of such termination to each of its depositors at his last address of record on the books of the bank, in such manner and at such time as the board of directors may find to be necessary and may order for the protection of depositors. After the termination of the insured status of any bank under the provisions of this paragraph, the insured deposits of each depositor in the bank on the date of such termination, less all subsequent withdrawals from any deposits of such depositor, shall continue for a period of two years to be insured, and the bank shall continue to pay to the Corporation assessments as in the case of an insured bank during such period. No additions to any such deposits and no new deposits in such bank made after the date of such termination shall be insured by the Corporation, and the bank shall not advertise or hold itself out as having insured deposits unless in the same connection it shall also state with equal prominence that such additions to deposits and new deposits made after such date are not so insured. Such bank shall, in all other respects, be subject to the duties and obligations of an insured bank for the period of two years from the date of such termination, and in the event that such bank shall be closed on account of inability to meet the demands of its depositors within such period of two years, the Corporation shall have the same powers and rights with respect to such bank as in case of an insured bank.

"(2) Whenever the insured status of a State member bank shall be terminated by action of the board of directors, the Board of Governors of the Federal Reserve System shall terminate its membership in the Federal Reserve System in accordance with the provisions of section 9 of this Act, and whenever the insured status of a national member bank shall be so terminated the Comptroller of the Currency shall appoint a receiver for the bank, which shall be the Corporation whenever the bank shall be unable to meet the demands of its depositors. Whenever a member bank shall cease to be a member of the Federal Reserve System, its status as an insured bank shall, without notice or other action by the board of directors, terminate on the date the bank shall cease to be a member of the Federal Reserve

Notice to be given.

Notice of intention to terminate status when correction not made.

Hearing.

Bank failing to appear; effect.

Termination of status when specified violations established.  
Date.

Publication of.

Insurance of deposits thereafter.

Payment of assessments.

New deposits and additions.

Status of bank during insured period.

Termination of membership in Federal Reserve System.

Vol. 38, p. 260; U. S. C., p. 390.

Appointment of receiver.

Termination of insured status when membership ceases.

System, with like effect as if its insured status had been terminated on said date by the board of directors after proceedings under paragraph (1) of this subsection.

Election of nonmember bank to discontinue insured status.

Notice required.

"(3) If any nonmember bank which becomes an insured bank under the provisions of paragraph (1) of subsection (f) of this section shall elect, within thirty days after the effective date, not to continue as an insured bank, and shall within such period give written notice to the Corporation of its election, in accordance with regulations to be prescribed by the board of directors, and to the Reconstruction Finance Corporation if it owns or holds as pledgee any preferred stock, capital notes, or debentures of such bank, it shall cease to be an insured bank and cease to be subject to the provisions of this section and the rights of the bank (including its right to any refund) shall be as provided by law existing prior to the effective date. The board of directors shall cause notice of termination of insurance to be given to the depositors of such bank by publication or otherwise as the board of directors may determine, and the deposits in such bank shall continue to be insured for twenty days beyond such thirty day period.

Notice to depositors.

Assumption of liabilities of insured bank by another insured bank.

"(4) Whenever the liabilities of an insured bank for deposits shall have been assumed by another insured bank or banks, the insured status of the bank whose liabilities are so assumed shall terminate on the date of receipt by the Corporation of satisfactory evidence of such assumption with like effect as if its insured status had been terminated on said date by the board of directors after proceedings under paragraph (1) of this subsection: *Provided*, That if the bank whose liabilities are so assumed gives to its depositors notice of such assumption within thirty days after such assumption takes effect, by publication or by any reasonable means, in accordance with regulations to be prescribed by the board of directors, the insurance of its deposits shall terminate at the end of six months from the date such assumption takes effect, and such bank shall thereupon be relieved of all future obligations to the Corporation, including the obligation to pay future assessments.

*Proviso.*  
Termination of insurance; when; notice to depositors.

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—

Seal.

"First. To adopt and use a corporate seal.

Succession.

"Second. To have succession until dissolved by an Act of Congress.

Contracts.

"Third. To make contracts.

Suits.

"Fourth. To sue and be sued, complain and defend, in any court of law or equity, State or Federal. All suits of a civil nature at common law or in equity to which the Corporation shall be a party shall be deemed to arise under the laws of the United States: *Provided*, That any such suit to which the Corporation is a party in its capacity as receiver of a State bank and which involves only the rights or obligations of depositors, creditors, stockholders and such State bank under State law shall not be deemed to arise under the laws of the United States. No attachment or execution shall be issued against the Corporation or its property before final judgment in any suit, action, or proceeding in any State, county, municipal, or United States court. The board of directors shall designate an agent upon whom service of process may be made in any State, Territory, or jurisdiction in which any insured bank is located.

*Proviso.*  
When Corporation a party as receiver, etc.

Issue of attachment or execution against Corporation.

Designation of agent for service of process.

Personnel; appointment; compensation; bonds; etc.

"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.

"Eighth. To make examinations of and to require information and reports from banks, as provided in this section.

"Ninth. To act as receiver.

"Tenth. To prescribe by its board of directors such rules and regulations as it may deem necessary to carry out the provisions of this section.

"(k) (1) 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.

"(2) The board of directors shall appoint examiners who shall have power, on behalf of the Corporation, to examine any insured State nonmember bank (except a District bank), any State nonmember bank making application to become an insured bank, and any closed insured bank, whenever in the judgment of the board of directors an examination of the bank is necessary. Such examiners shall have like power to examine, with the written consent of the Comptroller of the Currency, any national bank or District bank, and, with the written consent of the Board of Governors of the Federal Reserve System, any State member bank. Each such examiner shall have power to make a thorough examination of all the affairs of the bank and in doing so he shall have power to administer oaths and to examine and take and preserve the testimony of any of the officers and agents thereof, and shall make a full and detailed report of the condition of the bank to the Corporation. The board of directors in like manner shall appoint claim agents who shall have power to investigate and examine all claims for insured deposits and transferred deposits. Each claim agent shall have power to administer oaths and to examine under oath and take and preserve the testimony of any persons relating to such claims. The provisions of sections 184 to 186 (both inclusive) of the Revised Statutes (U. S. C., title 5, secs. 94 to 96) are hereby extended to examinations and investigations authorized by this paragraph.

"(3) Each insured State nonmember bank (except a District bank) shall make to the Corporation reports of condition in such form and at such times as the board of directors may require. The board of directors may require such reports to be published in such manner, not inconsistent with any applicable law, as it may direct. Every such bank which fails to make or publish any such report within

Bylaws.

Exercise of powers.

Examinations.

Act as receiver.

Rules and regulations.

Administration of Corporation.

Franking privilege.

Cooperation of Federal agencies.

Examiners; appointment and powers.

Claim agents; appointment and powers.

R. S., secs. 184-186, p. 29; U. S. C., p. 43.

Reports of insured State nonmember banks.

Publication.

Penalty on failure to publish.

such time, not less than five days, as the board of directors may require, shall be subject to a penalty of not more than \$100 for each day of such failure recoverable by the Corporation for its use.

Reports of examinations and conditions; access to.

"(4) The Corporation shall have access to reports of examinations made by, and reports of condition made to, the Comptroller of the Currency or any Federal Reserve bank, may accept any report made by or to any commission, board, or authority having supervision of a State nonmember bank (except a District bank), and may furnish to the Comptroller of the Currency, to any Federal Reserve bank, and to any such commission, board, or authority, reports of examinations made on behalf of, and reports of condition made to, the Corporation.

Permanent Insurance Fund; created.

"(1) (1) The Temporary Federal Deposit Insurance Fund and the Fund For Mutuals heretofore created pursuant to the provisions of this section are hereby consolidated into a Permanent Insurance Fund for insuring deposits, and the assets therein shall be held by the Corporation for the uses and purposes of the Corporation: *Provided*, That the obligations to and rights of the Corporation, depositors, banks, and other persons arising out of any event or transaction prior to the effective date shall remain unimpaired. On and after the effective date, the Corporation shall insure the deposits of all insured banks as provided in this section: *Provided*, That the insurance shall apply only to deposits of insured banks which have been made available since March 10, 1933, for withdrawal in the usual course of the banking business: *Provided further*, That if any insured bank shall, without the consent of the Corporation, release or modify restrictions on or deferments of deposits which had not been made available for withdrawal in the usual course of the banking business on or before the effective date, such deposits shall not be insured.

Provisos. Obligations to remain unimpaired.

Insurance of deposits of insured banks.

Deposits applicable to.

When deposits not insured.

Maximum amount of insured deposits.

Mutual savings banks; separate Fund for mutuals may be opened for benefit of. Payments into Fund.

Proviso. Liability for insurance losses; expenses of operation.

When insured bank deemed closed.

Appointment of Corporation as receiver.

Duties of Corporation.

Right to retain portion of amounts realized.

The maximum amount of the insured deposit of any depositor shall be \$5,000. The Corporation, in the discretion of the board of directors, may open on its books solely for the benefit of mutual savings banks and depositors therein a separate Fund For Mutuals. If such Fund is opened, all assessments upon mutual savings banks shall be paid into such Fund and the Permanent Insurance Fund of the Corporation shall cease to be liable for insurance losses sustained in mutual savings banks: *Provided*, That the capital assets of the Corporation shall be so liable and all expenses of operation of the Corporation shall be allocated between such Funds on an equitable basis.

"(2) For the purposes of this section, an insured bank shall be deemed to have been closed on account of inability to meet the demands of its depositors in any case in which it has been closed for the purpose of liquidation without adequate provision being made for payment of its depositors.

"(3) Notwithstanding any other provision of law, whenever any insured national bank or insured District bank 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 closed bank, and no other person shall be appointed as receiver of such closed bank.

"(4) It shall be the duty of the Corporation as such receiver to realize upon the assets of such closed bank, having due regard to the condition of credit in the locality; 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. The Corporation shall retain for its own account such portion of the amounts realized from such liquidation as it shall be entitled to receive on account of its subrogation to the claims of

depositors, and it shall pay to depositors and other creditors the net amounts available for distribution to them. With respect to any such closed bank, the Corporation as such receiver shall have all the rights, powers, and privileges now possessed by or hereafter granted by law to a receiver of an insolvent national bank.

Rights as receiver.

“(5) Whenever any insured State bank (except a District bank) shall have been closed by action of its board of directors or by the authority having supervision of such bank, 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 is tendered by the authority having supervision of such bank and is authorized or permitted by State law. With respect to any such insured State bank, the Corporation as such receiver shall possess all the rights, powers and privileges granted by State law to a receiver of a State bank.

Closed insured State bank; acceptance of appointment as receiver.

Rights, etc.

“(6) Whenever an insured bank shall have been closed on account of inability to meet the demands of its depositors, payment of the insured deposits in such bank shall be made by the Corporation as soon as possible, subject to the provisions of paragraph (7) of this subsection, either (A) by making available to each depositor a transferred deposit in a new bank in the same community or in another insured bank in an amount equal to the insured deposit of such depositor and subject to withdrawal on demand, or (B) in such other manner as the board of directors may prescribe: *Provided*, That the Corporation, in its discretion, may require proof of claims to be filed before paying the insured deposits, and that in any case where the Corporation is not satisfied as to the validity of a claim for an insured deposit, it may require the final determination of a court of competent jurisdiction before paying such claim.

Payment of insured deposits.

Methods.

*Proviso.*  
Proof of claims.

“(7) In the case of a closed national bank or District bank, the Corporation, upon the payment of any depositor as provided in paragraph (6) of this subsection, shall be subrogated to all rights of the depositor against the closed bank to the extent of such payment. In the case of any other closed insured bank, the Corporation shall not make any payment to any depositor until the right of the Corporation to be subrogated to the rights of such depositor on the same basis as provided in the case of a closed national bank under this section shall have been recognized either by express provision of State law, by allowance of claims by the authority having supervision of such bank, by assignment of claims by depositors, or by any other effective method. In the case of any closed insured bank, such subrogation shall include the right on the part of the Corporation to receive the same dividends from the proceeds of the assets of such closed bank and recoveries on account of stockholders' liability as would have been payable to the depositor on a claim for the insured deposit, but such depositor shall retain his claim for any uninsured portion of his deposit: *Provided*, That the rights of depositors and other creditors of any State bank shall be determined in accordance with the applicable provisions of State law.

Closed national or District banks; Corporation subrogated to rights of paid depositors.

Other closed insured banks.

Right of Corporation to receive dividends.

*Proviso.*  
State laws to determine creditors' rights.

New national banks; organization.

Assumption of insured deposits of closed bank.

Place of business.

“(8) As soon as possible after the closing of an insured bank, the Corporation, if it finds that it is advisable and in the interest of the depositors of the closed bank or the public, shall organize a new national bank to assume the insured deposits of such closed bank and otherwise to perform temporarily the functions hereinafter provided for. The new bank shall have its place of business in the same community as the closed bank.

Articles of association and organization certificate; execution.  
Capital stock.

“(9) The articles of association and the organization certificate of the new bank shall be executed by representatives designated by the Corporation. No capital stock need be paid in by the Corporation.

Management.	The new bank shall not have a board of directors, but shall be managed by an executive officer appointed by the board of directors of the Corporation who shall be subject to its directions. In all other respects the new bank shall be organized in accordance with the then existing provisions of law relating to the organization of national banking associations. The new bank may, with the approval of the Corporation, accept new deposits which shall be subject to withdrawal on demand and which, except where the new bank is the only bank in the community, shall not exceed \$5,000 from any depositor. The new bank, without application to or approval by the Corporation, shall be an insured bank and shall maintain on deposit with the Federal Reserve bank of its district reserves in the amount required by law for member banks, but it shall not be required to subscribe for stock of the Federal Reserve bank. Funds of the new bank shall be kept on hand in cash, invested in obligations of the United States, or in obligations guaranteed as to principal and interest by the United States, or deposited with the Corporation, with a Federal Reserve bank, or, to the extent of the insurance coverage thereon, with an insured bank. The new bank, unless otherwise authorized by the Comptroller of the Currency, shall transact no business except that authorized by this section and as may be incidental to its organization. Notwithstanding any other provision of law the new bank, its franchise, property, and 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.
Acceptance of new deposits.	
Restriction on amount. Insured status of new bank.	
Funds; cash requirement; investments.	
Restriction on transaction of business.	
Tax exemptions.	
Payment of insured deposits; amount made available.	“(10) Upon the organization of a new bank, the Corporation shall promptly make available to it an amount equal to the estimated insured deposits of such closed bank plus the estimated amount of the expenses of operating the new bank, and shall determine as soon as possible the amount due each depositor for his insured deposit in the closed bank, and the total expenses of operation of the new bank. Upon such determination, the amounts so estimated and made available shall be adjusted to conform to the amounts so determined. Earnings of the new bank shall be paid over or credited to the Corporation in such adjustment. If any new bank, during the period it continues its status as such, sustains any losses with respect to which it is not effectively protected except by reason of being an insured bank, the Corporation shall furnish to it additional funds in the amount of such losses. The new bank shall assume as transferred deposits the payment of the insured deposits of such closed bank to each of its <sup>1</sup> depositors. Of the amounts so made available, the Corporation shall transfer to the new bank, in cash, such sums as may be necessary to enable it to meet its expenses of operation and immediate cash demands on such transferred deposits, and the remainder of such amounts shall be subject to withdrawal by the new bank on demand.
Earnings of new bank. Amounts made available for payment of losses.	
Cash transfers.	
Capital stock of new bank; sales authorized.	“(11) Whenever in the judgment of the board of directors it is desirable to do so, the Corporation shall cause capital stock of the new bank to be offered for sale on such terms and conditions as the board of directors shall deem advisable in an amount sufficient, in the opinion of the board of directors, to make possible the conduct 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., Supp. VII, title 12, sec. 51), for the organization of a national bank in the place where such new bank is located. The stockholders of the closed insured bank shall be given the first opportunity to purchase any shares of common stock so offered. Upon
R. S., sec. 5138, p. 993; U. S. C., p. 355.	
Priority right of stockholders of closed insured bank.	

<sup>1</sup> So in original.



proof that an adequate amount of capital stock in the new bank has been subscribed and paid for in cash, the Comptroller of the Currency shall require the articles of association and the organization certificate to be amended to conform to the requirements for the organization of a national bank, and thereafter, when the requirements of law with respect to the organization of a national bank have been complied with, he shall issue to the bank a certificate of authority to commence business, and thereupon the bank shall cease to have the status of a new bank, shall be managed by directors elected by its own shareholders and may exercise all the powers granted by law, and it shall be subject to all the provisions of law relating to national banks. Such bank shall thereafter be an insured national bank, without certification to or approval by the Corporation.

When capital stock subscribed for and paid in.

Certificate of authority to commence business; issue.

Status as insured national bank.

When capital stock not offered for sale, etc.

“(12) If the capital stock of the new bank is not offered for sale, or if an adequate amount of capital for such new bank is not subscribed and paid for, the board of directors may offer to transfer its business to any insured bank in the same community which will take over its assets, assume its liabilities, and pay to the Corporation for such business such amount as the board of directors may deem adequate; or the board of directors in its discretion may change the location of the new bank to the office of the Corporation or to some other place or may at any time wind up its affairs as herein provided. Unless the capital stock of the new bank is sold or its assets are taken over and its liabilities are assumed by an insured bank as above provided within two years from the date of its organization, the Corporation shall wind up the affairs of such bank, after giving such notice, if any, as the Comptroller of the Currency may require, and shall certify to the Comptroller of the Currency the termination of the new bank. Thereafter the Corporation shall be liable for the obligations of such bank and shall be the owner of its assets. The provisions of sections 5220 and 5221 of the Revised Statutes (U. S. C., title 12, secs. 181 and 182) shall not apply to such new banks.

Termination of new bank.

Notice and certification.

Liability for obligations.  
R. S., secs. 5220, 5221, p. 1010; U. S. C., p. 371.

“(m) (1) The Corporation as receiver of a closed national bank or District bank shall not be required to furnish bond and shall have the right to appoint an agent or agents to assist it in its duties as such receiver, and all fees, compensation, and expenses of liquidation and administration thereof shall be fixed by the Corporation, subject to the approval of the Comptroller of the Currency, and may be paid by it out of funds coming into its possession as such receiver. The Comptroller of the Currency is authorized and empowered to waive and relieve the Corporation from complying with any regulations of the Comptroller of the Currency with respect to receiverships where in his discretion such action is deemed advisable to simplify administration.

Administration of receivership when Corporation is receiver.

“(2) Payment of an insured deposit to any person by the Corporation shall discharge the Corporation, and payment of a transferred deposit to any person by the new bank or by an insured bank in which a transferred deposit has been made available shall discharge the Corporation and such new bank or other insured bank, to the same extent that payment to such person by the closed bank would have discharged it from liability for the insured deposit.

Discharge of insurer liability when payment of insured deposit made.

“(3) Except as otherwise prescribed by the board of directors, neither the Corporation nor such new bank or other insured bank shall be required to recognize as the owner of any portion of a deposit appearing on the records of the closed bank under a name other than that of the claimant, any person whose name or interest as such owner is not disclosed on the records of such closed bank as part owner of said deposit, if such recognition would increase the aggregate amount of the insured deposits in such closed bank.

Limitation on insurer liability.

Withholding amount to satisfy stockholder's liability.

"(4) The Corporation may withhold payment of such portion of the insured deposit of any depositor in a closed bank as may be required to provide for the payment of any liability of such depositor as a stockholder of the closed bank, or of any liability of such depositor to the closed bank or its receiver, which is not offset against a claim due from such bank, pending the determination and payment of such liability by such depositor or any other person liable therefor.

Depositors' claims not made timely.

"(5) If, after the Corporation shall have given at least three months' notice to the depositor by mailing a copy thereof to his last known address appearing on the records of the closed bank, any depositor in the closed bank shall fail to claim his insured deposit from the Corporation within eighteen months after the appointment of the receiver for the closed bank, or shall fail within such period to claim or arrange to continue the transferred deposit with the new bank or with the other insured bank which assumes liability therefor, all rights of the depositor against the Corporation with respect to the insured deposit, and against the new bank and such other insured bank with respect to the transferred deposit, shall be barred, and all rights of the depositor against the closed bank and its shareholders, or the receivership estate to which the Corporation may have become subrogated, shall thereupon revert to the depositor.

Rights against Corporation, etc., barred.

Unclaimed transferred deposits.

The amount of any transferred deposits not claimed within such eighteen months' period, shall be refunded to the Corporation.

Money of Corporation; investment or deposit.

"(n) (1) Money of the Corporation not otherwise employed shall be invested in obligations of the United States or in obligations guaranteed as to principal and interest by 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 depository of public moneys.

Employment as Government financial agent.  
Duties.

Loans to closed national and State member banks.

"(2) Nothing contained in this section 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 closed insured banks to Corporation.

"(3) Receivers or liquidators of insured banks closed on account of inability to meet the demands of their depositors 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 provisions of State law in the case of insured State banks, or from the Comptroller of the Currency in the case of national banks or District 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.

Permission required.

Proceeds of sale or loan; use.

Dividend payments on proved claims.

Period of advertisement.

R. S., sec. 5235, p. 1012; U. S. C., p. 372.

The Corporation, in its discretion, may make loans on the security of or may purchase and liquidate or sell any part of the assets of an insured bank which is now or may hereafter be closed on account of inability to meet the demands of its depositors, but in any case in which the Corporation is acting as receiver of a closed insured bank, no such loan or purchase shall be made without the approval of a court of competent jurisdiction.

"(4) Until July 1, 1936, whenever in the judgment of the board of directors such action will reduce the risk or avert a threatened loss to the Corporation and will facilitate a merger or consolidation of an insured bank with another insured bank, or will facilitate the sale of the assets of an open or closed insured bank to and assumption of its liabilities by another insured bank, the Corporation may, upon such terms and conditions as it may determine, make loans secured in whole or in part by assets of an open or closed insured bank, which loans may be in subordination to the rights of depositors and other creditors, or the Corporation may purchase any such assets or may guarantee any other insured bank against loss by reason of its assuming the liabilities and purchasing the assets of an open or closed insured bank. Any insured national bank or District bank, or, with the approval of the Comptroller of the Currency, any receiver thereof, is authorized to contract for such sales or loans and to pledge any assets of the bank to secure such loans.

"(o) (1) The Corporation is authorized and empowered to issue and to have outstanding its notes, debentures, bonds, or other such obligations, in a par amount aggregating not more than three times the amount received by the Corporation in payment of its capital stock and in payment of the assessments upon insured banks for the year 1936. The notes, debentures, bonds, and other such obligations issued under this subsection shall be redeemable at the option of the Corporation before maturity in such manner as may be stipulated in such obligations, and shall bear such rate or rates of interest, and shall 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.

"(2) The Secretary of the Treasury, in his discretion, is authorized to purchase any obligations of the Corporation to be issued hereunder, and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include such purchases: *Provided*, That if the Reconstruction Finance Corporation fails for any reason to purchase any of the obligations of the Corporation as provided in subsection (b) of section 5e of the Reconstruction Finance Corporation Act, as amended, the Secretary of the Treasury is authorized and directed to purchase such obligations in an amount equal to the amount of such obligations the Reconstruction Finance Corporation so fails to purchase: *Provided further*, That the Secretary of the Treasury is authorized and directed, whenever in the judgment of the board of directors of the Corporation additional funds are required for insurance purposes, to purchase obligations of the Corporation in an additional amount of

Authority of Corporation to assist closed insured banks.

Loans to avert threatened loss to Corporation; facilitate mergers. *Post*, p. 1237.

Security.

Guaranty of insured bank against loss through assumption of liabilities of closed bank. Contracts for sales or loans.

Obligations of Corporation; issue and aggregate amount.

Redemption.

Interest rate; maturity.

*Proviso*. Short-term obligations. Security.

Sale price.

Purchase of Corporation obligations by Secretary of Treasury.

Vol. 40, p. 288; U. S. C., p. 1419. *Ante*, pp. 20, 622.

*Provisos*. When Reconstruction Finance Corporation fails to purchase. Vol. 48, p. 971; *Ante*, p. 3.

Aggregate amount.

Use of proceeds by Corporation.

not to exceed \$250,000,000 par value: *Provided further*, That the proceeds derived from the purchase by the Secretary of the Treasury of any such obligations shall be used by the Corporation solely in carrying out its functions with respect to such insurance. The Secretary of the Treasury may, at any time, sell any of the obligations of the Corporation acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of the obligations of the Corporation shall be treated as public-debt transactions of the United States.

Resale of obligations by Secretary of Treasury.

Tax exemptions; Corporation obligations.

“(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 the other real property is taxed.

Franchise, etc.

Preparation of note, debenture, etc., forms.

“(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 plate, 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.

Custody of engraved plate, dies, etc.

Reimbursement for expenses.

Annual report of Corporation.

“(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.

Penalty provisions. False statements.

“(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 obtaining the payment of any insured deposit or transferred deposit or the allowance, approval, or payment of any claim, or for the purpose of influencing in any way the action of the Corporation under this section, 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.

Willful overvaluation of securities.

Counterfeiting obligations of Corporation.

“(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 entrusted 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.

Embezzlement, etc.

“(v) (1) No individual, association, partnership, or corporation shall use the words ‘Federal Deposit Insurance Corporation’, or a combination of 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 United States or any instrumentality thereof; and no insured bank 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.

“Federal Deposit Insurance Corporation”, exclusive use of term.

False advertising.

“(2) Every insured bank shall display at each place of business maintained by it a sign or signs, and shall include in advertisements relating to deposits a statement to the effect that its deposits are insured by the Corporation. The board of directors shall prescribe by regulation the forms of such signs and the manner of display and the substance of such statements and the manner of use. For each day an insured bank continues to violate any provision of this paragraph or any lawful provision of said regulations, it shall be subject to a penalty of not more than \$100, recoverable by the Corporation for its use.

Display of sign indicating insured status. Vol. 48, p. 970. Advertisements. Regulations.

Penalty for violation.

“(3) No insured bank shall pay any dividends on its capital stock or interest on its capital notes or debentures (of such interest is required to be paid only out of net profits) while it remains in default in the payment of any assessment due to the Corporation; and any director or officer of any insured bank who participates in the declaration or payment of any such dividend shall, upon conviction, be fined not more than \$1,000, or imprisoned not more than one year, or both: *Provided*, That if such default is due to a dispute between the insured bank and the Corporation over the amount of such assessment, this paragraph shall not apply, if such bank shall deposit security satisfactory to the Corporation for payment upon final determination of the issue.

Restriction on dividend payment when assessment due Corporation in default.

Penalty for violation.

*Proviso.* When amount of assessment in dispute.

“(4) Unless, in addition to compliance with other provisions of law, it shall have the prior written consent of the Corporation, no insured bank shall enter into any consolidation or merger with any noninsured bank, or assume liability to pay any deposits made in any noninsured bank, or transfer assets to any noninsured bank in consideration of the assumption of liability for any portion of the deposits made in such insured bank, and no insured State nonmember bank (except a District bank) without such consent shall reduce

Merger of insured and noninsured banks; consent required.

the amount or retire any part of its common or preferred capital stock, or retire any part of its capital notes or debentures.

Branch banks; establishing or moving to new location; consent required.

“(5) No State nonmember insured bank (except a District bank) shall establish and operate any new branch after thirty days after the effective date unless it shall have the prior written consent of the Corporation, and no branch of any State nonmember insured bank shall be moved from one location to another after thirty days after the effective date without such consent. The factors to be considered in granting or withholding the consent of the Corporation under this paragraph shall be those enumerated in subsection (g) of this section.

Indemnity protection of insured banks.

“(6) The Corporation may require any insured bank to provide protection and indemnity against burglary, defalcation, and other similar insurable losses. Whenever any insured bank refuses to comply with any such requirement the Corporation may contract for such protection and indemnity and add the cost thereof to the assessment otherwise payable by such bank.

Publication of report of examination when recommendation not complied with.

“(7) Whenever any insured bank (except a national bank or a District bank), after written notice of the recommendations of the Corporation based on a report of examination of such bank by an examiner of the Corporation, shall fail to comply with such recommendations within one hundred and twenty days after such notice, the Corporation shall have the power, and is hereby authorized, to publish only such part of such report of examination as relates to any recommendation not complied with: *Provided*, That notice of intention to make such publication shall be given to the bank at least ninety days before such publication is made.

*Proviso.*  
Notice of intention to publish.

Payment of interest on demand deposits; regulations to prohibit.

“(8) The board of directors shall by regulation prohibit the payment of interest on demand deposits in insured nonmember banks and for such purpose it may define the term ‘demand deposits’; but such exceptions from this prohibition shall be made as are now or may hereafter be prescribed with respect to deposits payable on demand in member banks by section 19 of this Act, as amended, or by regulation of the Board of Governors of the Federal Reserve System. The board of directors shall from time to time limit by regulation the rates of interest or dividends which may be paid by insured nonmember banks on time and savings deposits, but such regulations shall be consistent with the contractual obligations of such banks to their depositors. For the purpose of fixing such rates of interest or dividends, the board of directors shall by regulation 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, or according to the varying discount rates of member banks in the several Federal Reserve districts. The board of directors shall by regulation define what constitutes time and savings deposits in an insured nonmember bank. Such regulations shall prohibit any insured nonmember bank from paying any time deposit before its maturity except upon such conditions and in accordance with such rules and regulations as may be prescribed by the board of directors, and from waiving any requirement of notice before payment of any savings deposit except as to all savings deposits having the same requirement. For each violation of any provision of this paragraph or any lawful provision of such regulations relating to the payment of interest or dividends on deposits or to withdrawal of deposits, the offending bank shall be subject to a penalty or <sup>1</sup> not more than \$100, recoverable by the Corporation for its use.

Exceptions.

Time and savings deposits; regulations.

Penalty for violations.

<sup>1</sup> So in original.

“(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); insofar 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.

Criminal Code of United States. Vol. 35, p. 1108; U. S. C., p. 735. Applicable to corporate contracts and agreements.

“(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.

Secret Service Division, Treasury Department. Detection, etc., of persons violating.

“(y) (1) No State bank which during the calendar year 1941 or any succeeding calendar year shall have average deposits of \$1,000,000 or more shall be an insured bank or continue to have any part of its deposits insured after July 1 of the year following any such calendar year during which it shall have had such amount of average deposits, unless such bank shall be a member of the Federal Reserve System: *Provided*, That for the purposes of this paragraph the term ‘State bank’ shall not include a savings bank, a mutual savings bank, a Morris Plan bank or other incorporated banking institution engaged only in a business similar to that transacted by Morris Plan banks, a State trust company doing no commercial banking business, or a bank located in Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

State banks; requirement of membership.

“(2) 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.

*Proviso.* “State bank” construed.

Purpose of section.

“(z) The provisions of this section limiting the insurance of the deposits of any depositor to a maximum less than the full amount shall be independent and separable from each and all of the provisions of this section.”

Discriminations prohibited.

Separability provision.

## TITLE II—AMENDMENTS TO THE FEDERAL RESERVE ACT

Title II—Federal Reserve Act, amendments.

SECTION 201. Paragraph “Fifth” of section 4 of the Federal Reserve Act, as amended, is amended, effective March 1, 1936, to read as follows:

Corporate powers of Federal Reserve banks. Vol. 38, p. 254; U. S. C., p. 392.

“Fifth. To appoint by its board of directors a president, vice presidents, and such officers and employees as are not otherwise provided for in this Act, to define their duties, require bonds for them and fix the penalty thereof, and to dismiss at pleasure such officers or employees. The president shall be the chief executive officer of the bank and shall be appointed by the board of directors, with the approval of the Board of Governors of the Federal Reserve System, for a term of five years; and all other executive officers and all employees of the bank shall be directly responsible to him. The first vice president of the bank shall be appointed in the same manner and for the same term as the president, and shall, in the absence or disability of the president or during a vacancy in the office of president, serve as chief executive officer of the bank. Whenever a vacancy shall occur in the office of the president or the first vice president, it shall be filled in the manner provided for original appointments; and the person so appointed shall hold office until the expiration of the term of his predecessor.”

Board of directors; appointment of officers.

President; term of office.

First vice president.

Vacancies.

Vol. 38, p. 260;  
U. S. C., p. 389.

SEC. 202. Section 9 of the Federal Reserve Act, as amended, is amended by inserting after the tenth paragraph thereof the following new paragraph:

Admission to membership; waiver of requirements.

Vol. 40, p. 234.  
*Ante*, p. 703.

"In order to facilitate the admission to membership in the Federal Reserve System of any State bank which is required under subsection (y) of section 12B of this Act to become a member of the Federal Reserve System in order to be an insured bank or continue to have any part of its deposits insured under such section 12B, the Board of Governors of the Federal Reserve System may waive in whole or in part the requirements of this section relating to the admission of such bank to membership: *Provided*, That, if such bank is admitted with a capital less than that required for the organization of a national bank in the same place and its capital and surplus are not, in the judgment of the Board of Governors of the Federal Reserve System, adequate in relation to its liabilities to depositors and other creditors, the said Board may, in its discretion, require such bank to increase its capital and surplus to such amount as the Board may deem necessary within such period prescribed by the Board as in its judgment shall be reasonable in view of all the circumstances: *Provided, however*, That no such bank shall be required to increase its capital to an amount in excess of that required for the organization of a national bank in the same place."

Restriction.

"Board of Governors of the Federal Reserve System", established.  
Vol. 42, p. 620.

SEC. 203. (a) Hereafter the Federal Reserve Board shall be known as the "Board of Governors of the Federal Reserve System", and the governor and the vice governor of the Federal Reserve Board shall be known as the "chairman" and the "vice chairman", respectively, of the Board of Governors of the Federal Reserve System.

Vol. 38, p. 260;  
U. S. C., p. 377.

(b) The first two paragraphs of section 10 of the Federal Reserve Act, as amended, are amended to read as follows:

Board of Governors; composition and appointment.

"SEC. 10. The Board of Governors of the Federal Reserve System (hereinafter referred to as the 'Board') shall be composed of seven members, to be appointed by the President, by and with the advice and consent of the Senate, after the date of enactment of the Banking Act of 1935, for terms of fourteen years except as hereinafter provided, but each appointive member of the Federal Reserve Board in office on such date shall continue to serve as a member of the Board until February 1, 1936, and the Secretary of the Treasury and the Comptroller of the Currency shall continue to serve as members of the Board until February 1, 1936. In selecting the members of the Board, not more than one of whom shall be selected from any one Federal Reserve district, the President shall have due regard to a fair representation of the financial, agricultural, industrial, and commercial interests, and geographical divisions of the country. The members of the Board shall devote their entire time to the business of the Board and shall each receive an annual salary of \$15,000, payable monthly, together with actual necessary traveling expenses.

Terms of office.

Qualifications.

Restriction on other employment; salary.

Ineligibility to hold office in member banks.

"The members of the 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 on the date of enactment of the Banking Act of 1935, the President shall fix the term of the successor to such member at not to exceed fourteen 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 member in any two-year period, and thereafter each member shall hold office for a term of fourteen years from the expiration of the term of his predecessor, unless sooner removed for cause

Successors to members now serving; terms of office.

Vol. 48, p. 166.



by the President. Of the persons thus appointed, one shall be designated by the President as chairman and one as vice chairman of the Board, to serve as such for a term of four years. The chairman of the Board, subject to its supervision, shall be its active executive officer. Each member of the Board shall within fifteen days after notice of appointment make and subscribe to the oath of office. Upon the expiration of their terms of office, members of the Board shall continue to serve until their successors are appointed and have qualified. Any person appointed as a member of the Board after the date of enactment of the Banking Act of 1935 shall not be eligible for reappointment as such member after he shall have served a full term of fourteen years."

(c) The fourth paragraph of section 10 of the Federal Reserve Act, as amended, is amended by striking out the second, third, and fourth sentences thereof and inserting in lieu thereof the following: "At meetings of the Board the chairman shall preside, and, in his absence, the vice chairman shall preside. In the absence of the chairman and the vice chairman, the Board shall elect a member to act as chairman pro tempore."

(d) Section 10 of the Federal Reserve Act, as amended, is further amended by adding at the end thereof the following new paragraph:

"The Board of Governors of the Federal Reserve System shall keep a complete record of the action taken by the Board and by the Federal Open Market Committee upon all questions of policy relating to open-market operations and shall record therein the votes taken in connection with the determination of open-market policies and the reasons underlying the action of the Board and the Committee in each instance. The Board shall keep a similar record with respect to all questions of policy determined by the Board, and shall include in its annual report to the Congress a full account of the action so taken during the preceding year with respect to open-market policies and operations and with respect to the policies determined by it and shall include in such report a copy of the records required to be kept under the provisions of this paragraph."

SEC. 204. Section 10 (b) of the Federal Reserve Act, as amended, is amended to read as follows:

"SEC. 10 (b). Any Federal Reserve bank, under rules and regulations prescribed by the Board of Governors of the Federal Reserve System, may make advances to any member bank on its time or demand notes having maturities of not more than four months and which are secured to the satisfaction of such Federal Reserve bank. Each such note shall bear interest at a rate not less than one-half of 1 per centum per annum higher than the highest discount rate in effect at such Federal Reserve bank on the date of such note."

SEC. 205. Section 12A of the Federal Reserve Act, as amended, is amended, effective March 1, 1936, to read as follows:

"SEC. 12A. (a) There is hereby created a Federal Open Market Committee (hereinafter referred to as the 'Committee'), which shall consist of the members of the Board of Governors of the Federal Reserve System and five representatives of the Federal Reserve banks to be selected as hereinafter provided. Such representatives of the Federal Reserve banks shall be elected annually as follows: One by the boards of directors of the Federal Reserve Banks of Boston and New York, one by the boards of directors of the Federal Reserve Banks of Philadelphia and Cleveland, one by the boards of directors of the Federal Reserve Banks of Chicago and Saint Louis, one by the boards of directors of the Federal Reserve Banks of Richmond, Atlanta, and Dallas, and one by the boards of directors of the Federal Reserve Banks of Minneapolis, Kansas City, and San Francisco. An alternate to serve in the absence of each

Chairman; vice chairman.

Oath of office.

Service of member until successor appointed.

Reappointments.

Vol. 38, p. 261; Vol. 48, p. 167.  
Meetings of Board; presiding officer.

Vol. 38, p. 261; Vol. 42, p. 620.

Records to be kept by Board.

Vol. 47, pp. 56, 794; Vol. 48, p. 7; U. S. C., p. 394.

Advances to individual member banks.

Security.

Interest rate.

Vol. 48, p. 168; U. S. C., p. 380.

Federal Open Market Committee.  
Creation; membership.

Annual election of representatives.

Alternates.

Meetings.

such representative shall be elected annually in the same manner. The meetings of said Committee shall be held at Washington, District of Columbia, at least four times each year upon the call of the chairman of the Board of Governors of the Federal Reserve System or at the request of any three members of the Committee.

Regulations governing open-market transactions.  
Vol. 38, p. 264;  
U. S. C., p. 396.

"(b) No Federal Reserve bank shall engage or decline to engage in open-market operations under section 14 of this Act except in accordance with the direction of and regulations adopted by the Committee. The Committee shall consider, adopt, and transmit to the several Federal Reserve banks, regulations relating to the open-market transactions of such 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."

Vol. 38, p. 265;  
U. S. C., p. 396.  
Purchase and sale of obligations of the United States in open market.

SEC. 206. (a) Subsection (b) of section 14 of the Federal Reserve Act, as amended, is amended by inserting before the semicolon at the end thereof a colon and the following: *Provided*, That any bonds, notes, or other obligations which are direct obligations of the United States or which are fully guaranteed by the United States as to principal and interest may be bought and sold without regard to maturities but only in the open market".

Vol. 38, p. 265;  
U. S. C., p. 396.  
Discount rates; establishing.

(b) Subsection (d) of section 14 of the Federal Reserve Act, as amended, is amended by adding at the end thereof the following: "but each such bank shall establish such rates every fourteen days, or oftener if deemed necessary by the Board;".

Vol. 38, p. 270; Vol. 40, p. 239; Vol. 48, p. 54;  
U. S. C., p. 403.

Bank reserves; maintenance; changing requirements.

SEC. 207. The sixth paragraph of section 19 of the Federal Reserve Act, as amended, is amended to read as follows:

"Notwithstanding the other provisions of this section, the Board of Governors of the Federal Reserve System, upon the affirmative vote of not less than four of its members, in order to prevent injurious credit expansion or contraction, may by regulation change the requirements as to reserves to be maintained against demand or time deposits or both by member banks in reserve and central reserve cities or by member banks not in reserve or central reserve cities or by all member banks; but the amount of the reserves required to be maintained by any such member bank as a result of any such change shall not be less than the amount of the reserves required by law to be maintained by such bank on the date of enactment of the Banking Act of 1935 nor more than twice such amount."

Amount of.

Vol. 38, p. 273;  
U. S. C., p. 397.

SEC. 208. The first paragraph of section 24 of the Federal Reserve Act, as amended, is amended to read as follows:

Vol. 44, p. 1232.  
Loans on farm lands and improved real estate by national banks.

"SEC. 24. Any national banking association may make real-estate loans secured by first liens upon improved real estate, including improved farm land and improved business and residential properties. A loan secured by real estate within the meaning of this section shall be in the form of an obligation or obligations secured by mortgage, trust deed, or other such instrument upon real estate, and any national banking association may purchase any obligation so secured when the entire amount of such obligation is sold to the association. The amount of any such loan hereafter made shall not exceed 50 per centum of the appraised value of the real estate offered as security and no such loan shall be made for a longer term than five years; except that (1) any such loan may be made in an amount not to exceed 60 per centum of the appraised value of the real estate offered as security and for a term not longer than ten years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the installment payments are sufficient

Form of obligation.

Amount of loan.

Exceptions.

to amortize 40 per centum or more of the principal of the loan within a period of not more than ten years, and (2) the foregoing limitations and restrictions shall not prevent the renewal or extension of loans heretofore made and shall not apply to real-estate loans which are insured under the provisions of Title II of the National Housing Act. No such association shall make such loans in an aggregate sum in excess of the amount of the capital stock of such association paid in and unimpaired plus the amount of its unimpaired surplus fund, or in excess of 60 per centum of the amount of its time and savings deposits, whichever is the greater. Any such association may continue hereafter as heretofore to receive time and savings deposits and to pay interest on the same, but the rate of interest which such association may pay upon such time deposits or upon savings or other deposits shall not exceed the maximum rate authorized by law to be paid upon such deposits by State banks or trust companies organized under the laws of the State in which such association is located."

SEC. 209. Section 325 of the Revised Statutes is amended to read as follows:

"SEC. 325. The Comptroller of the Currency shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold his office for a term of five years unless sooner removed by the President, upon reasons to be communicated by him to the Senate; and he shall receive a salary at the rate of \$15,000 a year."

Vol. 48, p. 1247.

Aggregate amount of loans.

Time and savings deposits; interest rate.

R. S., sec. 325, p. 54; U. S. C., p. 349.

Comptroller of the Currency; appointment and term of office. Removal.

Salary. Post, p. 1125.

### TITLE III—TECHNICAL AMENDMENTS TO THE BANKING LAWS

Title III—Technical Amendments to the Banking Laws.

SECTION 301. Subsection (c) of section 2 of the Banking Act of 1933, as amended, is amended by adding at the end thereof the following paragraph:

"Notwithstanding the foregoing, the term 'holding company affiliate' shall not include (except for the purposes of section 23A of the Federal Reserve Act, as amended) any corporation all of the stock of which is owned by the United States, or any organization which is determined by the Board of Governors of the Federal Reserve System not to be engaged, directly or indirectly, as a business in holding the stock of, or managing or controlling, banks, banking associations, savings banks, or trust companies."

Banking Act of 1933. Vol. 48, p. 162; U. S. C., p. 376.

"Holding company affiliate", construed. Vol. 48, p. 183; U. S. C., p. 397.

SEC. 302. The first paragraph of section 20 of the Banking Act of 1933, as amended, is amended by inserting before the period at the end thereof a colon and the following: "Provided, That nothing in this paragraph shall apply to any such organization which shall have been placed in formal liquidation and which shall transact no business except such as may be incidental to the liquidation of its affairs".

Vol. 48, p. 188; U. S. C., p. 399.

Member bank affiliation with securities organization; organization in liquidation.

SEC. 303. (a) Paragraph (1) of subsection (a) of section 21 of the Banking Act of 1933, as amended, is amended by inserting before the semicolon at the end thereof a colon and the following: "Provided, That the provisions of this paragraph shall not prohibit national banks or State banks or trust companies (whether or not members of the Federal Reserve System) or other financial institutions or private bankers from dealing in, underwriting, purchasing, and selling investment securities to the extent permitted to national banking associations by the provisions of section 5136 of the Revised Statutes, as amended (U. S. C., title 12, sec. 24; Supp. VII, title 12, sec. 24): *Provided further*, That nothing in this paragraph shall be construed as affecting in any way such right as any bank, banking association, savings bank, trust company, or other banking institution, may otherwise possess to sell, without recourse or agreement to repurchase, obligations evidencing loans on real estate".

Vol. 48, p. 189; U. S. C., p. 399.

Securities dealers engaging in banking business.

Exceptions from prohibition.

R. S., sec. 5136, p. 993; U. S. C., p. 352.

Sales of mortgages.

Vol. 48, p. 189; U. S. C., p. 399.

Persons or organizations engaging in banking business.

Authority required.

Vol. 48, p. 189; U. S. C., p. 358.

Double liability on national bank stock. Termination of.

Proviso. Publication of notice.

R. S., sec. 5155, p. 996; U. S. C., p. 354. Vol. 48, p. 189.

National bank agency; establishment in resort community.

Proviso. Revocation of permit; when. Restriction on establishing branch banks.

Vol. 48, p. 971.

(b) Paragraph (2) of subsection (a) of such section 21 is amended to read as follows:

"(2) For any person, firm, corporation, association, business trust, or other similar organization to engage, to any extent whatever with others than his or its officers, agents or employees, in the business of receiving deposits subject to check or to repayment upon presentation of a pass book, 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 (A) shall be incorporated under, and authorized to engage in such business by, the laws of the United States or of any State, Territory, or District, or (B) shall be permitted by any State, Territory, or District to engage in such business and shall be subjected by the law of such State, Territory, or District to examination and regulation, or (C) shall submit to periodic examination by the banking authority of the State, Territory, or District where such business is carried on 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 under the same conditions as required by the law of such State, Territory, or District in the case of incorporated banking institutions engaged in such business in the same locality."

SEC. 304. Section 22 of the Banking Act of 1933, as amended, is amended by adding at the end thereof the following sentences: "Such additional liability shall cease on July 1, 1937, with respect to all shares issued by any association which shall be transacting the business of banking on July 1, 1937: *Provided*, That not less than six months prior to such date, such association shall have caused notice of such prospective termination of liability to be published in a newspaper published in the city, town, or county in which such association is located, and if no newspaper is published in such city, town, or county, then in a newspaper of general circulation therein. If the association fail to give such notice as and when above provided, a termination of such additional liability may thereafter be accomplished as of the date six month<sup>1</sup> subsequent to publication, in the manner above provided."

SEC. 305. Paragraph (c) of section 5155 of the Revised Statutes, as amended (U. S. C., Supp. VII, title 12, sec. 36), is amended (1) by inserting after the first sentence thereof the following new sentence: "In any State in which State banks are permitted by statute law to maintain branches within county or greater limits, if no bank is located and doing business in the place where the proposed agency is to be located, any national banking association situated in such State may, with the approval of the Comptroller of the Currency, establish and operate, without regard to the capital requirements of this section, a seasonal agency in any resort community within the limits of the county in which the main office of such association is located, for the purpose of receiving and paying out deposits, issuing and cashing checks and drafts, and doing business incident thereto: *Provided*, That any permit issued under this sentence shall be revoked upon the opening of a State or national bank in such community."; and (2) by striking out the first word in the last sentence of such paragraph (c) and inserting in lieu thereof the following: "Except as provided in the immediately preceding sentence, no".

SEC. 306. Section 4 of the Act entitled "An Act to amend section 12B of the Federal Reserve Act so as to extend for one year the temporary plan for deposit insurance, and for other purposes", approved June 16, 1934 (48 Stat. 969), is amended to read as follows;

<sup>1</sup> So in original.

"SEC. 4. So much of section 31 of the Banking Act of 1933, as amended, as relates to stock ownership by directors, trustees, or members of similar governing bodies of any national banking association, or of any State bank or trust company which is a member of the Federal Reserve System, is hereby repealed."

Vol. 48, p. 194; U. S. C., p. 359.  
Stock ownership of members of governing bodies of national bank association.

SEC. 307. Effective January 1, 1936, section 32 of the Banking Act of 1933, as amended, is amended to read as follows:

Vol. 48, p. 194; U. S. C., p. 360.

"SEC. 32. No officer, director, or employee of any corporation or unincorporated association, no partner or employee of any partnership, and no individual, primarily engaged in the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail, or through syndicate participation, of stocks, bonds, or other similar securities, shall serve the same time as an officer, director, or employee of any member bank except in limited classes of cases in which the Board of Governors of the Federal Reserve System may allow such service by general regulations when in the judgment of the said Board it would not unduly influence the investment policies of such member bank or the advice it gives its customers regarding investments."

Member bank officers, directors, etc.  
Restriction on engaging in securities transactions.

Exception.

SEC. 308. (a) The second sentence of paragraph Seventh of section 5136 of the Revised Statutes, as amended (U. S. C., Supp. VII, title 12, sec. 24), is amended to read as follows: "The business of dealing in securities and stock by the association shall be limited to purchasing and selling such securities and stock 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 or stock: *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. In no event shall the total amount of the investment securities of any one obligor or maker, held by the association for its own account, exceed at any time 10 per centum of its capital stock actually paid in and unimpaired and 10 per centum of its unimpaired surplus fund, except that this limitation shall not require any association to dispose of any securities lawfully held by it on the date of enactment of the Banking Act of 1935."

National Bank Act, amendments.  
R. S., sec. 5136, p. 993; U. S. C., p. 352.  
Vol. 48, p. 184.  
Corporate powers of associations.  
Security transactions.

*Proviso.*  
Purchases by association for own account.

Total amount of investments.

(b) The fourth sentence of such paragraph Seventh is amended to read as follows: "Except as hereinafter provided or otherwise permitted by law, nothing herein contained shall authorize the purchase by the association for its own account of any shares of stock of any corporation."

Purchase of shares of any corporation.

(c) The last sentence of such paragraph Seventh is amended by inserting before the colon after the words "Home Owners' Loan Corporation" a comma and the following: "or obligations which are insured by the Federal Housing Administrator pursuant to section 207 of the National Housing Act, if the debentures to be issued in payment of such insured obligations are guaranteed as to principal and interest by the United States".

Obligations insured by Federal Housing Administration.

Vol. 48, p. 1252.

SEC. 309. Section 5138 of the Revised Statutes, as amended, (U. S. C., Supp. VII, title 12, sec. 51), is amended by adding the following sentences at the end thereof: "No such association shall hereafter be authorized to commence the business of banking until it shall have a paid-in surplus equal to 20 per centum of its capital: *Provided*, That the Comptroller of the Currency may waive this requirement as to a State bank converting into a national banking association, but each such State bank which is converted into a national banking association shall, before the declaration of a dividend on its shares of common stock, carry not less than one-half part of its net profits of the preceding half year to its surplus fund until

R. S., sec. 5138, p. 993; U. S. C., p. 355.  
Vol. 48, p. 185.  
Requisite amount of capital stock.  
Paid-in surplus required.

*Provisos.*  
When State bank converting into national banking association.

Amounts paid for retirement of preferred stock of converted bank.

it shall have a surplus equal to 20 per centum of its capital: *Provided*, That for the purposes of this section any amounts paid into a fund for the retirement of any preferred stock of any such converted State bank out of its net earnings for such half-year period shall be deemed to be an addition to its surplus fund if, upon the retirement of such preferred stock, the amount so paid into such retirement fund for such period may then properly be carried to surplus. In any such case the converted State bank shall be obligated to transfer to surplus the amount so paid into such retirement fund for such period on account of the preferred stock as such stock is retired."

R. S., sec. 5139, p. 993; U. S. C., p. 356. Vol. 48, p. 186.

SEC. 310. (a) The last paragraph of section 5139 of the Revised Statutes, as amended (U. S. C., Supp. VII, title 12, sec. 52), is amended to read as follows:

Stock certificates of banking associations. Conditioning transfer on the transfer of stock of another corporation.

"After the date of the enactment of the Banking Act of 1935, no certificate evidencing the stock of any such association shall bear any statement purporting to represent the stock of any other corporation, except a member bank or a corporation engaged on June 16, 1934 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 or a corporation engaged on June 16, 1934 in holding the bank premises of such association: *Provided*, That this section shall not operate to prevent the ownership, sale, or transfer of stock of any other corporation being conditioned upon the ownership, sale, or transfer of a certificate representing stock of a national banking association."

*Proviso.*  
*Exception.*

Vol. 38, p. 256; Vol. 48, p. 165; U. S. C., p. 389.

(b) The nineteenth paragraph of section 9 of the Federal Reserve Act, as amended, is amended to read as follows:

Stock certificates of State member banks. Transfer of shares.

"After the date of the enactment of the Banking Act of 1935, no certificate evidencing the stock of any State member bank shall bear any statement purporting to represent the stock of any other corporation, except a member bank or a corporation engaged on June 16, 1934 in holding the bank premises of such member bank, nor shall the ownership, sale, or transfer of any certificate representing the stock of any State member 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 or a corporation engaged on June 16, 1934 in holding the bank premises of such member bank: *Provided*, That this section shall not operate to prevent the ownership, sale, or transfer of stock of any other corporation being conditioned upon the ownership, sale, or transfer of a certificate representing stock of a State member bank."

*Proviso.*  
*Exception.*

R. S., sec. 5144, p. 994; Vol. 48, p. 186; U. S. C., p. 357.

SEC. 311. (a) The first paragraph of section 5144 of the Revised Statutes, as amended (U. S. C., Supp. VII, title 12, sec. 61), is amended to read as follows:

Right of shareholders 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 that (1) this shall not be construed as limiting the voting rights of holders of preferred stock under the terms and provisions of articles of association, or amendments thereto, adopted pursuant to the provisions of section 302 (a) of the Emergency Banking and Bank Conservation Act, approved

Holders of preferred stock.

March 9, 1933, as amended, (2) in the election of directors, shares of its own stock held by a national bank as sole trustee, whether registered in its own name as such trustee or in the name of its nominee, shall not be voted by the registered owner unless under the terms of the trust the manner in which such shares shall be voted may be determined by a donor or beneficiary of the trust and unless such donor or beneficiary actually directs how such shares shall be voted, (3) 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 (4) 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, but such holding company affiliate may, without obtaining such permit, vote in favor of placing the association in voluntary liquidation or taking any other action pertaining to the voluntary liquidation of such association. 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. Whenever shares of stock cannot be voted by reason of being held by the bank as sole trustee, such shares shall be excluded in determining whether matters voted upon by the shareholders were adopted by the requisite percentage of shares."

Stocks held in trust.

Stocks controlled by holding company affiliate.

Proxies.

(b) The first sentence of the third paragraph of such section 5144 is amended to read: "Any such holding company affiliate may make application to the Board of Governors of the Federal Reserve System for a voting permit entitling it to vote the stock controlled by it at any or all meetings of shareholders of such bank or authorizing the trustee or trustees holding the stock for its benefit or for the benefit of its shareholders so to vote the same."

R. S., sec. 5144, p. 994; U. S. C., p. 357. Application of holding company affiliate for voting permit.

(c) Section 5144 of the Revised Statutes, as amended, is further amended by adding at the end of subsection (c) thereof the following: "and the provisions of this subsection, instead of subsection (b), shall apply to all holding company affiliates with respect to any shares of bank stock owned or controlled by them as to which there is no statutory liability imposed upon the holders of such bank stock;".

Reserves to be maintained by.

SEC. 312. Section 5154 of the Revised Statutes, as amended (U. S. C., title 12, sec. 35), is amended by adding at the end thereof the following paragraph:

R. S., sec. 5154, p. 996; Vol. 38, p. 289; U. S. C., p. 354.

"The Comptroller of the Currency may, in his discretion and subject to such conditions as he may prescribe, permit such converting bank to retain and carry at a value determined by the Comptroller such of the assets of such converting bank as do not conform to the legal requirements relative to assets acquired and held by national banking associations."

Conversion of State banks into national banking associations. Retention of assets not conforming to legal requirements.

SEC. 313. Section 5162 of the Revised Statutes (U. S. C., title 12, sec. 170) is amended by adding at the end thereof the following paragraph:

R. S., sec. 5162, p. 998; U. S. C., p. 370.

"The Comptroller of the Currency may designate one or more persons to countersign in his name and on his behalf such assignments or transfers of bonds as require his countersignature."

Transfer of bonds; countersigning name of Comptroller.

SEC. 314. Section 5197 of the Revised Statutes, as amended (U. S. C., Supp. VII, title 12, sec. 85), is amended by inserting after the second sentence thereof the following new sentence: "The maximum amount of interest or discount to be charged at a branch of an association located outside of the States of the United States and the District of Columbia shall be at the rate allowed by the laws of the

R. S., sec. 5197, p. 1005; Vol. 48, p. 191; U. S. C., p. 361.

Rates of interest or discount, branches outside United States.

country, territory, dependency, province, dominion, insular possession, or other political subdivision where the branch is located."

R. S., sec. 5199, p. 1005; U. S. C., p. 357.

SEC. 315. Section 5199 of the Revised Statutes (U. S. C., title 12, sec. 60), is amended to read as follows:

Dividends and surplus funds.

"SEC. 5199. The directors of any association may, semiannually, declare a dividend of so much of the net profits of the association as they shall judge expedient; but each association shall, before the declaration of a dividend on its shares of common stock, carrying not less than one-tenth part of its net profits of the preceding half year to its surplus fund until the same shall equal the amount of its common capital: *Provided*, That for the purposes of this section, any amounts paid into a fund for the retirement of any preferred stock of any such association out of its net earnings for such half-year period shall be deemed to be an addition to its surplus fund if, upon the retirement of such preferred stock, the amount so paid into such retirement fund for such period may then properly be carried to surplus. In any such case the association shall be obligated to transfer to surplus the amounts so paid into such retirement fund for such period on account of the preferred stock as such stock is retired."

*Proviso.*  
Amounts paid for retirement of preferred stock.

R. S., sec. 5209, p. 1007; Vol. 40, p. 972; U. S. C., p. 409.  
Crimes by officers, etc., of insured banks.

SEC. 316. Section 5209 of the Revised Statutes (U. S. C., title 12, sec. 592), is hereby amended by inserting after the words "known as the Federal Reserve Act", the words "or of any national banking association, or of any insured bank as defined in subsection (c) of section 12B of the Federal Reserve Act"; and by inserting after the words "such Federal Reserve bank or member bank", wherever they appear in such section, the words "or such national banking association or insured bank"; and by inserting after the words "or the Comptroller of the Currency", the words "or the Federal Deposit Insurance Corporation".

R. S., sec. 5220, p. 1010; U. S. C., p. 371.

SEC. 317. Section 5220 of the Revised Statutes (U. S. C., title 12, sec. 181), is amended by adding at the end thereof the following paragraph:

Voluntary liquidation.  
Designation of liquidating agent.

"The shareholders shall designate one or more persons to act as liquidating agent or committee, who shall conduct the liquidation in accordance with law and under the supervision of the board of directors, who shall require a suitable bond to be given by said agent or committee. The liquidating agent or committee shall render annual reports to the Comptroller of the Currency on the 31st day of December of each year showing the progress of said liquidation until the same is completed. The liquidating agent or committee shall also make an annual report to a meeting of the shareholders to be held on the date fixed in the articles of association for the annual meeting, at which meeting the shareholders may, if they see fit, by a vote representing a majority of the entire stock of the bank, remove the liquidating agent or committee and appoint one or more others in place thereof. A special meeting of the shareholders may be called at any time in the same manner as if the bank continued an active bank and at said meeting the shareholders may, by vote of the majority of the stock, remove the liquidating agent or committee. The Comptroller of the Currency is authorized to have an examination made at any time into the affairs of the liquidating bank until the claims of all creditors have been satisfied, and the expense of making such examinations shall be assessed against such bank in the same manner as in the case of examinations made pursuant to section 5240 of the Revised Statutes, as amended (U. S. C., title 12, secs. 484, 485; Supp. VII, title 12, secs. 481-483)."

Annual reports.

Special meetings of shareholders.

Examination of liquidating bank.

Assessment for expenses.

R. S., sec. 5240, p. 1013; U. S. C., p. 403.

R. S., sec. 5243, p. 1014; U. S. C., p. 408.

SEC. 318. Section 5243 of the Revised Statutes (U. S. C., title 12, sec. 583) is amended by striking out the semicolon therein and all that precedes it and substituting the following:



"SEC. 5243. The use of the word 'national', the word 'Federal' or the words 'United States', separately, in any combination thereof, or in combination with other words or syllables, as part of the name or title used by any person, corporation, firm, partnership, business trust, association or other business entity, doing the business of bankers, brokers, or trust or savings institutions is prohibited except where such institution is organized under the laws of the United States, or is otherwise permitted by the laws of the United States to use such name or title, or is lawfully using such name or title on the date when this section, as amended, takes effect;".

Exclusive use of terms.

SEC. 319. (a) Section 5 of the Federal Reserve Act, as amended, is amended by striking out the last three sentences thereof and inserting in lieu thereof the following: "When a member bank reduces its capital stock or surplus it shall surrender a proportionate amount of its holdings in the capital stock of said Federal Reserve bank. Any member bank which holds capital stock of a Federal Reserve bank in excess of the amount required on the basis of 6 per centum of its paid-up capital stock and surplus shall surrender such excess stock. When a member bank voluntarily liquidates it shall surrender all of its holdings of the capital stock of said Federal Reserve bank and be released from its stock subscription not previously called. In any such case the shares surrendered shall be canceled and the member bank shall receive in payment therefor, under regulations to be prescribed by the Board of Governors of the Federal Reserve System, a sum equal to its cash-paid subscriptions on the shares surrendered and one-half of 1 per centum a month from the period of the last dividend, not to exceed the book value thereof, less any liability of such member bank to the Federal Reserve bank."

Federal Reserve Act, amendments.

Vol. 38, p. 257; U. S. C., p. 337.

Capital stock and surplus of member bank; proportionate reduction.

When member bank voluntarily liquidates.

Cancellation of surrendered shares.

(b) Section 6 of the Federal Reserve Act, as amended, is amended by striking out the last paragraph thereof.

Vol. 38, p. 258; Vol. 46, p. 250; U. S. C., p. 387.

SEC. 320. The fifth paragraph of section 9 of the Federal Reserve Act, as amended, is amended by adding at the end thereof the following sentence: "Such reports of condition shall be in such form and shall contain such information as the Board of Governors of the Federal Reserve System may require and shall be published by the reporting banks in such manner and in accordance with such regulations as the said Board may prescribe."

Vol. 38, p. 259; Vol. 40, p. 233; U. S. C., p. 389.

Reports of condition.

SEC. 321. (a) The first sentence of paragraph (m) of section 11 of the Federal Reserve Act, as amended, is amended by inserting before the period at the end thereof a colon and the following: "Provided, That with respect to loans represented by obligations in the form of notes secured by not less than a like amount of bonds or notes of the United States issued since April 24, 1917, certificates of indebtedness of the United States, Treasury bills of the United States, or obligations fully guaranteed both as to principal and interest by the United States, such limitation of 10 per centum on loans to any person shall not apply, but State member banks shall be subject to the same limitations and conditions as are applicable in the case of national banks under paragraph (8) of section 5200 of the Revised Statutes, as amended (U. S. C., Supp. VII, title 12, sec. 84)".

Vol. 39, p. 752; Vol. 48, p. 167.

Loans by State member banks to borrowers on Government securities; limitations.

R. S., sec. 5200, p. 1005; U. S. C., p. 360.

(b) Paragraph (8) of section 5200 of the Revised Statutes, as amended (U. S. C., Supp. VII, title 12, sec. 84), is amended by inserting after the comma following the words "certificates of indebtedness of the United States", the words "Treasury bills of the United States, or obligations fully guaranteed both as to principal and interest by the United States".

R. S., sec. 5200, p. 1005; Vol. 44, p. 1231; U. S. C., p. 360.

Limit of liability of any person to bank.

Vol. 38, p. 263; Vol. 47, p. 715.  
Discount of paper for individuals or corporations.

Vol. 48, p. 1106.  
Direct loans for industrial purposes.  
Payments to Reserve banks.

Vol. 38, p. 270; Vol. 40, p. 239; U. S. C., p. 402.

Board authorized to define terms.

*Proviso.*  
Time deposits to include savings deposits.

Vol. 38, p. 270; U. S. C., p. 402.

Ascertainment of reserve balances required.

Vol. 38, p. 270; Vol. 48, p. 181; U. S. C., p. 402.

Interest payments on demand deposits.

*Provisos.*  
Contracts made prior hereto.

Renewals prohibited.

Deposits payable foreign.

Deposits to which provisions inapplicable.

SEC. 322. The third paragraph of section 13 of the Federal Reserve Act, as amended, is amended by changing the words "indorsed and otherwise secured to the satisfaction of the Federal Reserve bank" in that paragraph to read "indorsed or otherwise secured to the satisfaction of the Federal Reserve bank".

SEC. 323. Subsection (e) of section 13b of the Federal Reserve Act, as amended, is amended by striking out "upon the date this section takes effect", and inserting in lieu thereof "on and after June 19, 1934"; and by striking out "the par value of the holdings of each Federal Reserve bank of Federal Deposit Insurance Corporation stock", and inserting in lieu thereof "the amount paid by each Federal Reserve bank for stock of the Federal Deposit Insurance Corporation".

SEC. 324. (a) The first paragraph of section 19 of the Federal Reserve Act, as amended, is amended to read as follows:

"SEC. 19. The Board of Governors of the Federal Reserve System is authorized, for the purposes of this section, to define the terms 'demand deposits', 'gross demand deposits', 'deposits payable on demand', 'time deposits', 'savings deposits', and 'trust funds', to determine what shall be deemed to be a payment of interest, and to prescribe such rules and regulations as it may deem necessary to effectuate the purposes of this section and prevent evasions thereof: *Provided*, That, within the meaning of the provisions of this section regarding the reserves required of member banks, the term 'time deposits' shall include 'savings deposits'."

(b) The tenth paragraph of such section 19 is amended to read as follows:

"In estimating the reserve balances required by this Act, member banks may deduct from the amount of their gross demand deposits the amounts of balances due from other banks (except Federal Reserve banks and foreign banks) and cash items in process of collection payable immediately upon presentation in the United States, within the meaning of these terms as defined by the Board of Governors of the Federal Reserve System."

(c) The last two paragraphs of such section 19 are amended to read as follows:

"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 entered into in good faith which is in force on the date on which the bank becomes subject to the provisions 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 further*, That this paragraph shall not apply to any deposit of such bank which is payable only at an office thereof located outside of the States of the United States and the District of Columbia: *Provided further*, That until the expiration of two years after the date of enactment of the Banking Act of 1935 this paragraph shall not apply (1) to any deposit made by a savings bank as defined in section 12B of this Act, as amended, or by a mutual savings bank, or (2) to any deposit of public funds made by or on behalf of any State, county, school district, or other subdivision or municipality, or to any deposit of trust funds if the payment of interest with respect to such deposit of public funds or

of trust funds is required by State law. So much of existing law as requires the payment of interest with respect to any funds deposited by the United States, by any Territory, District, or possession thereof (including the Philippine Islands), or by any public instrumentality, agency, or officer of the foregoing, as is inconsistent with the provisions of this section as amended, is hereby repealed.

Repeal of inconsistent laws.  
Vol. 39, pp. 121, 159.

"The Board of Governors of the Federal Reserve System shall from time to time limit by regulation the rate of interest which may be paid by member banks on time and savings deposits, and shall 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, or according to the varying discount rates of member banks in the several Federal Reserve districts. No member bank shall pay any time deposit before its maturity except upon such conditions and in accordance with such rules and regulations as may be prescribed by the said Board, or waive any requirement of notice before payment of any savings deposit except as to all savings deposits having the same requirement: *Provided*, That the provisions of this paragraph shall not apply to any deposit which is payable only at an office of a member bank located outside of the States of the United States and the District of Columbia."

Time and saving deposits; regulations respecting rates of interest.

Payment of time deposit before maturity; restriction.

*Proviso.*  
Deposits payable foreign.

(d) Such section 19 is amended by adding at the end thereof the following new paragraph:

Vol. 38, p. 271.

"Notwithstanding the provisions of the First Liberty Bond Act, as amended, the Second Liberty Bond Act, as amended, and the Third Liberty Bond Act, as amended, member banks shall be required to maintain the same reserves against deposits of public moneys by the United States as they are required by this section to maintain against other deposits."

Reserves against deposits of public moneys.

SEC. 325. Section 21 of the Federal Reserve Act, as amended, is amended by adding at the end thereof the following paragraph:

Vol. 38, p. 271; U. S. C., p. 403.

"Whenever member banks are required to obtain reports from affiliates, or whenever affiliates of member banks are required to submit to examination, the Board of Governors of the Federal Reserve System or the Comptroller of the Currency, as the case may be, may waive such requirements with respect to any such report or examination of any affiliate if in the judgment of the said Board or Comptroller, respectively, such report or examination is not necessary to disclose fully the relations between such affiliate and such bank and the effect thereof upon the affairs of such bank."

Bank examinations and reports.  
Reports of affiliate of member bank.

SEC. 326. (a) Subsection (a) of section 22 of the Federal Reserve Act, as amended, is amended by inserting in the first paragraph thereof after "No member bank" the following: "and no insured bank as defined in subsection (c) of section 12B of this Act"; by inserting before the period at the end of the first sentence of such paragraph "or assistant examiner, who examines or has authority to examine such bank"; and by inserting after "any member bank" in the second paragraph thereof "or insured bank"; by inserting before the period at the end thereof "or Federal Deposit Insurance Corporation examiner"; and by adding at the end of such subsection a new paragraph, as follows:

Vol. 40, p. 970; Vol. 44, p. 1232; U. S. C., p. 409.  
Loans or gratuities to bank examiners prohibited.

"The provisions of this subsection shall apply to all public examiners and assistant examiners who examine member banks of the Federal Reserve System or insured banks, whether appointed by the Comptroller of the Currency, by the Board of Governors of the Federal Reserve System, by a Federal Reserve agent, by a Federal

Application of provision.

Reserve bank, or by the Federal Deposit Insurance Corporation, or appointed or elected under the laws of any State; but shall not apply to private examiners or assistant examiners employed only by a clearing-house association or by the directors of a bank."

Vol. 40, p. 970; U. S. C., p. 409.  
Restriction on other employment by bank examiners.

(b) Subsection (b) of such section 22 is amended by inserting therein after "no national bank examiner" the following: "and no Federal Deposit Insurance Corporation examiner"; and by inserting after "member bank" the following: "or insured bank"; and by inserting after "from the Comptroller of the Currency," the following: "as to a national bank, the Board of Governors of the Federal Reserve System as to a State member bank, or the Federal Deposit Insurance Corporation as to any other insured bank,".

Vol. 48, p. 182; U. S. C., p. 398.

(c) Subsection (g) of such section 22 is amended to read as follows:

Loans to executive officer of member bank prohibited.  
*Note*, p. 375.

*Provisos.*  
Renewal of loans made prior to June 16, 1933.

"(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 made to any such officer prior to June 16, 1933, may be renewed or extended for periods expiring not more than five years from such date where the board of directors of the member bank shall have satisfied themselves that such extension or renewal is in the best interest of the bank and that the officer indebted has made reasonable effort to reduce his obligation, these findings to be evidenced by resolution of the board of directors spread upon the minute book of the bank: *Provided further*, That with the prior approval of a majority of the entire board of directors, any member bank may extend credit to any executive officer thereof, and such officer may become indebted thereto, in an amount not exceeding \$2,500. 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 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. Borrowing by, or loaning to, a partnership in which one or more executive officers of a member bank are partners having either individually or together a majority interest in said partnership, shall be considered within the prohibition of this subsection. Nothing contained in this subsection shall prohibit any executive officer of a member bank from endorsing or guaranteeing for the protection of such bank any loan or other asset which shall have been previously acquired by such bank in good faith or from incurring any indebtedness to such bank for the purpose of protecting such bank against loss or giving financial assistance to it. The Board of Governors of the Federal Reserve System is authorized to define the term 'executive officer', to determine what shall be deemed to be a borrowing, indebtedness, loan, or extension of credit, for the purposes of this subsection, and to prescribe such rules and regulations as it may deem necessary to effectuate the provisions of this subsection in accordance with its purposes and to prevent evasions of such provisions. Any executive officer of a member bank accepting a loan or extension of credit which is in violation of the provisions of this subsection shall be subject to removal from office in the manner prescribed in section 30 of the Banking Act of 1933: *Provided*, That for each day that a loan or extension of credit made in violation of this subsection exists, it shall be deemed to be a continuation of such violation within the meaning of said section 30."

Loans on approval of board of directors.

Officer indebted to other member bank.

Report to board of directors.

Loans to partnerships.

Endorsement of loans by officers.

"Executive officer" to be defined.

Rules and regulations.

Penalty provision.

*Proviso.*  
Continuation of violation.  
Vol. 48, p. 193.

SEC. 327. The third paragraph of section 23A of the Federal Reserve Act, as amended, is amended to read as follows:

"For the purpose 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 on June 16, 1934, in holding the bank premises of the member bank with which it is affiliated or in maintaining and operating properties acquired for banking purposes prior to such date; (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 this Act, as amended, or a subsidiary of such affiliate, all the stock of which (except qualifying shares of directors in an amount not to exceed 10 per centum) is owned by such affiliate; (4) organized under section 25 (a) of this Act, as amended, or a subsidiary of such affiliate, all the stock of which (except qualifying shares of directors in an amount not to exceed 10 per centum) is owned by such affiliate; (5) engaged solely in holding obligations of the United States or obligations fully guaranteed by the United States as to principal and interest, the Federal intermediate credit banks, the Federal land banks, the Federal Home Loan Banks, or the Home Owners' Loan Corporation; (6) where the affiliate relationship has arisen out of a bona fide debt contracted prior to the date of the creation of such relationship; or (7) where the affiliate relationship exists by reason of the ownership or control of any voting shares thereof by a member bank as executor, administrator, trustee, receiver, agent, depository, or in any other fiduciary capacity, except where such shares are held for the benefit of all or a majority of the stockholders of such member bank; 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. The provisions of this section shall likewise not apply to indebtedness of any affiliate for unpaid balances due a bank on assets purchased from such bank or to loans secured by, or extensions of credit against, obligations of the United States or obligations fully guaranteed by the United States as to principal and interest."

SEC. 328. Section 24 of the Federal Reserve Act, as amended, is amended by adding at the end thereof the following new paragraph:

"Loans made to established industrial or commercial businesses (a) which are in whole or in part discounted or purchased or loaned against as security by a Federal Reserve bank under the provisions of section 13b of this Act, (b) for any part of which a commitment shall have been made by a Federal Reserve bank under the provisions of said section, (c) in the making of which a Federal Reserve bank participates under the provisions of said section, or (d) in which the Reconstruction Finance Corporation cooperates or purchases a participation under the provisions of section 5d of the Reconstruction Finance Corporation Act, shall not be subject to the restrictions or limitations of this section upon loans secured by real estate."

SEC. 329. Section 25 of the Federal Reserve Act, as amended, is further amended by striking out the last paragraph of such section; the paragraph of section 25 (a) of the Federal Reserve Act, as amended, which commences with the words "A majority of the shares of the capital stock of any such corporation" is amended by striking out all of said paragraph except the first sentence thereof; and the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (38 Stat. 730), approved October 15, 1914, as amended, is further amended (a) by

Vol. 48, p. 183; U. S. C., p. 397.

Loans to affiliates; restriction.

"Affiliate" construed.

Affiliates exempted from limitations.

Vol. 38, p. 273; Vol. 44, p. 1232; U. S. C., p. 397.

Loans to industrial or commercial businesses exempt from restrictions on real estate loans.

Vol. 39, p. 755; U. S. C., p. 410.

Interlocking personnel; between national bank and foreign banking corporation.

Vol. 39, p. 756; Vol. 48, p. 194; U. S. C., p. 411.

striking out section 8A thereof and (b) by substituting for the first three paragraphs of section 8 thereof the following:

Interlocking directorates and officers between banks.  
Vol. 41, p. 626; Vol. 45, p. 253.

"SEC. 8. No private banker or director, officer, or employee of any member bank of the Federal Reserve System or any branch thereof shall be at the same time a director, officer, or employee of any other bank, banking association, savings bank, or trust company organized under the National Bank Act or organized under the laws of any State or of the District of Columbia, or any branch thereof, except that the Board of Governors of the Federal Reserve System may by regulation permit such service as a director, officer, or employee of not more than one other such institution or branch thereof; but the foregoing prohibition shall not apply in the case of any one or more of the following or any branch thereof:

When prohibition inapplicable.

"(1) A bank, banking association, savings bank, or trust company, more than 90 per centum of the stock of which is owned directly or indirectly by the United States or by any corporation of which the United States directly or indirectly owns more than 90 per centum of the stock.

"(2) A bank, banking association, savings bank, or trust company which has been placed formally in liquidation or which is in the hands of a receiver, conservator, or other official exercising similar functions.

"(3) A corporation, principally engaged in international or foreign banking or banking in a dependency or insular possession of the United States which has entered into an agreement with the Board of Governors of the Federal Reserve System pursuant to section 25 of the Federal Reserve Act.

"(4) A bank, banking association, savings bank, or trust company, more than 50 per centum of the common stock of which is owned directly or indirectly by persons who own directly or indirectly more than 50 per centum of the common stock of such member bank.

"(5) A bank, banking association, savings bank, or trust company not located and having no branch in the same city, town, or village as that in which such member bank or any branch thereof is located, or in any city, town, or village contiguous or adjacent thereto.

"(6) A bank, banking association, savings bank, or trust company not engaged in a class or classes of business in which such member bank is engaged.

"(7) A mutual savings bank having no capital stock.

Vol. 45, p. 1536.

"Until February 1, 1939, nothing in this section shall prohibit any director, officer, or employee of any member bank of the Federal Reserve System, or any branch thereof, who is lawfully serving at the same time as a private banker or as a director, officer, or employee of any other bank, banking association, savings bank, or trust company, or any branch thereof, on the date of enactment of the Banking Act of 1935, from continuing such service.

Enforcement provision.

"The Board of Governors of the Federal Reserve System is authorized and directed to enforce compliance with this section, and to prescribe such rules and regulations as it deems necessary for that purpose."

Consolidation of national banks.  
Vol. 40, p. 1043; Vol. 48, p. 190; U. S. C., p. 353.

Dissenting shareholder; meetings.

SEC. 330. (a) Section 1 of the Act of November 7, 1918, as amended (U. S. C., title 12, sec. 33; Supp. VII, title 12, sec. 33), is amended by striking out the second proviso down to and including the words "to be ascertained" and inserting in lieu thereof the following: "*And provided further*, That if such consolidation shall be voted for at said meetings by the necessary majorities of the shareholders of each of the associations proposing to consolidate, any shareholder of any of the associations so consolidated, who has voted against such consolidation at the meeting of the association of which he is a

shareholder or has given notice in writing at or prior to such meeting to the presiding officer that he dissents from the plan of consolidation, shall be entitled to receive the value of the shares so held by him if and when said consolidation shall be approved by the Comptroller of the Currency, such value to be ascertained as of the date of the Comptroller's approval".

Entitlement to value of shares held.

(b) Such section 1 is further amended by adding at the end thereof the following paragraphs:

"Publication of notice and notification by registered mail of the meeting provided for in the foregoing paragraph may be waived by unanimous action of the shareholders of the respective associations. Where a dissenting shareholder has given notice as above provided to the association of which he is a shareholder of his dissent from the plan of consolidation, and the directors thereof fail for more than thirty days thereafter to appoint an appraiser of the value of his shares, said shareholder may request the Comptroller of the Currency to appoint such appraiser to act on the appraisal committee for and on behalf of such association.

Notice of meetings.

Appointment of appraiser.

"If shares, when sold at public auction in accordance with this section, realize a price greater than their final appraised value, the excess in such sale price shall be paid to the shareholder. The consolidated association shall be liable for all liabilities of the respective consolidating associations. In the event one of the appraisers fails to agree with the others as to the value of said shares, then the valuation of the remaining appraisers shall govern."

Shares; appraisal; sale at public auction; payment to shareholder.

Liability of consolidated association. When appraisers fail to agree.

SEC. 331. (a) Section 3 of the Act of November 7, 1918, as amended (U. S. C., Supp. VII, title 12, sec. 34 (a)), is amended by striking out the first sentence following the proviso down to and including the words "to be ascertained" and inserting in lieu thereof the following: "If such consolidation shall be voted for at said meetings by the necessary majorities of the shareholders of the association and of the State or other bank proposing to consolidate, and thereafter the consolidation shall be approved by the Comptroller of the Currency, any shareholder of either the association or the State or other bank so consolidated, who has voted against such consolidation at the meeting of the association of which he is a stockholder, or has given notice in writing at or prior to such meeting to the presiding officer that he dissents from the plan of consolidation, shall be entitled to receive the value of the shares so held by him if and when said consolidation shall be approved by the Comptroller of the Currency, such value to be ascertained as of the date of the Comptroller's approval."

Vol. 44, p. 1225; U. S. C., p. 353.

Consolidation of State bank, etc., with national bank.

Dissenting shareholder.

Entitlement to value of shares held.

(b) Such section 3 is further amended by adding at the end thereof the following paragraph:

"Where a dissenting shareholder has given notice as provided in this section to the bank of which he is a shareholder of his dissent from the plan of consolidation, and the directors thereof fail for more than thirty days thereafter to appoint an appraiser of the value of his shares, said shareholder may request the Comptroller of the Currency to appoint such appraiser to act on the appraisal committee for and on behalf of such bank. In the event one of the appraisers fails to agree with the others as to the value of said shares, then the valuation of the remaining appraisers shall govern."

Appointment of appraiser.

When appraisers fail to agree.

SEC. 332. The Act entitled "An Act to prohibit offering for sale as Federal farm-loan bonds any securities not issued under the terms of the Farm Loan Act, to limit the use of the words 'Federal', 'United States', or 'reserve', or a combination of such words, to prohibit false advertising, and for other purposes", approved May 24, 1926 (U. S. C., Supp. VII, title 12, secs. 584-588), is amended by inserting

Vol. 44, p. 628; U. S. C., p. 408. Exclusive use of terms.

Use of words "deposit insurance"; false advertising.

in section 2 thereof after "the words 'United States'", the following: "the words 'Deposit Insurance'"; and by inserting in said section after the words "the laws of the United States", the following: "nor to any new bank organized by the Federal Deposit Insurance Corporation as provided in section 12B of the Federal Reserve Act, as amended,"; and by striking out the period at the end of section 4 and inserting the following: "or the Federal Deposit Insurance Corporation."

Vol. 48, p. 783.  
Punishment for certain offenses against banks.  
"Bank" construed.

SEC. 333. The Act entitled "An Act to provide punishment for certain offenses committed against banks organized or operating under laws of the United States or any member of the Federal Reserve System", approved May 18, 1934 (48 Stat. 783), is amended by striking out the period after "United States" in the first section thereof and inserting the following: "and any insured bank as defined in subsection (c) of section 12B of the Federal Reserve Act, as amended."

R. S., sec. 5143, p. 994; U. S. C., p. 357.  
Vol. 38, p. 274.  
Reduction of capital stock by associations.  
Distribution to shareholders; approval required.

SEC. 334. Section 5143 of the Revised Statutes, as amended, is hereby amended by striking out everything following the words "Comptroller of the Currency", where such words last appear in such section, and substituting the following: "and no shareholder shall be entitled to any distribution of cash or other assets by reason of any reduction of the common capital of any association unless such distribution shall have been approved by the Comptroller of the Currency and by the affirmative vote of at least two-thirds of the shares of each class of stock outstanding, voting as classes."

R. S., sec. 5139, p. 993; U. S. C., p. 356.

SEC. 335. Section 5139 of the Revised Statutes, as amended, is amended by adding at the end of the first paragraph the following new paragraph:

National bank stock certificates; requirements respecting contents and issue.

"Certificates hereafter issued representing shares of stock of the association shall state (1) the name and location of the association, (2) the name of the holder of record of the stock represented thereby, (3) the number and class of shares which the certificate represents, and (4) if the association shall issue stock of more than one class, the respective rights, preferences, privileges, voting rights, powers, restrictions, limitations, and qualifications of each class of stock issued shall be stated in full or in summary upon the front or back of the certificates or shall be incorporated by a reference to the articles of association set forth on the front of the certificates. Every certificate shall be signed by the president and the cashier of the association, or by such other officers as the bylaws of the association shall provide, and shall be sealed with the seal of the association."

Signatures required.

Vol. 48, p. 148; U. S. C., p. 355.  
Preferred stock of national banking associations.  
Approval of issue required.

SEC. 336. The last sentence of section 301 of the Emergency Banking and Bank Conservation Act, approved March 9, 1933, as amended, is amended to read as follows: "No issue of preferred stock shall be valid until the par value of all stock so issued shall be paid in and notice thereof, duly acknowledged before a notary public by the president, vice president, or cashier of said association, has been transmitted to the Comptroller of the Currency and his certificate obtained specifying the amount of such issue of preferred stock and his approval thereof and that the amount has been duly paid in as a part of the capital of such association; which certificate shall be deemed to be conclusive evidence that such preferred stock has been duly and validly issued."

Banks in District of Columbia.  
Vol. 47, p. 1566; Vol. 31, p. 1307.  
Additional liability on shareholders.

SEC. 337. The additional liability imposed by section 4 of the Act of March 4, 1933, as amended (D. C. Code, Supp. I, title 5, sec. 300a), upon the shareholders of savings banks, savings companies, and banking institutions and the additional liability imposed by section 734 of the Act of March 3, 1901 (D. C. Code, title 5, sec. 361), upon the shareholders of trust companies, shall cease to apply on July 1,



1937, with respect to such savings banks, savings companies, banking institutions, and trust companies which shall be transacting business on such date: *Provided*, That not less than six months prior to such date, the savings bank, savings company, banking institution, or trust company, desiring to take advantage hereof, shall have caused notice of such prospective termination of liability to be published in a newspaper published in the District of Columbia and having general circulation therein. In the event of failure to give such notice as and when above provided, a termination of such additional liability may thereafter be accomplished as of the date six months subsequent to publication in the manner above provided. Each such savings bank, savings company, banking institution, and trust company shall, before the declaration of a dividend on its shares of common stock, carry not less than one-tenth part of its net profits of the preceding half year to its surplus fund until the same shall equal the amount of its common stock: *Provided*, That for the purposes of this section, any amounts paid into a fund for the retirement of any preferred stock or debentures of any such savings bank, savings company, banking institution, or trust company, out of its net earnings for such half-year period shall be deemed to be an addition to its surplus if, upon the retirement of such preferred stock or debentures, the amount so paid into such retirement fund for such period may then properly be carried to surplus. In any such case the savings bank, savings company, banking institution, or trust company shall be obligated to transfer to surplus the amount so paid into such retirement fund for such period on account of the preferred stock or debentures as such stock or debentures are retired.

SEC. 338. The second paragraph of section 9 of the Federal Reserve Act, as amended, is amended by striking out the period at the end thereof and adding thereto the following: "except that the approval of the Board of Governors of the Federal Reserve System, instead of the Comptroller of the Currency, shall be obtained before any State member bank may hereafter establish any branch and before any State bank hereafter admitted to membership may retain any branch established after February 25, 1927, beyond the limits of the city, town, or village in which the parent bank is situated."

SEC. 339. Section 5234 of the Revised Statutes, as amended (U. S. C., title 12, sec. 192), is amended by striking out the period after the words "money so deposited" at the end of the next to the last sentence of such section and inserting in lieu of such period a colon and the following: "*Provided*, That no security in the form of deposit of United States bonds, or otherwise, shall be required in the case of such parts of the deposits as are insured under section 12B of the Federal Reserve Act, as amended."

SEC. 340. Section 61 of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, is amended by inserting before the period at the end thereof a colon and the following: "*Provided*, That no security in form of a bond or otherwise shall be required in the case of such part of the deposits as are insured under section 12B of the Federal Reserve Act, as amended."

SEC. 341. 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; Supp. VII, title 39, sec. 758), is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "Notwithstanding any other provision of law, (1) each deposit in a postal savings depository office shall be a savings deposit, and

*Proviso.*  
Notice of termination; publication.

When notice not published.

Dividends and surplus fund.

Amounts paid in for retirement of preferred stock or debentures.

To be transferred to surplus.

Federal Reserve Act, amendment.  
Vol. 38, p. 259; Vol. 44, p. 1229; U. S. C., p. 339

Branch banks of State member bank; approval required to establish.

R. S., sec. 5234, p. 1012; U. S. C., p. 371.  
Default in payment of circulating notes.  
Vol. 39, p. 122.

Security for insured deposits not required.

Bankruptcy Act, amendment.  
Vol. 30, p. 562; Vol. 47, p. 1482; U. S. C., p. 330.

Depositories for money.  
Security for insured deposits not required.

Vol. 36, p. 816; Vol. 48, p. 182; U. S. C., p. 1769.  
Postal savings depositories.

Deposits; nature of.

Interest.

interest thereon shall be allowed and entered to the credit of the depositor once for each quarter beginning with the first day of the month following the date of such deposit, but no interest shall be allowed to any such depositor with respect to the whole or any part of the funds to his or her credit for any period of less than three months; (2) no interest shall be paid on any such deposit at a rate in excess of that which may lawfully be paid on savings deposits under regulations prescribed by the Board of Governors of the Federal Reserve System pursuant to the Federal Reserve Act, as amended, for member banks of the Federal Reserve System located in or nearest to the place where such depository office is situated; and (3) postal savings depositories may deposit funds on time in member banks of the Federal Reserve System subject to the provisions of the Federal Reserve Act, as amended, and the regulations of the Board of Governors of the Federal Reserve System, with respect to the payment of time deposits and interest thereon."

Deposit of savings in Federal Reserve banks.

Vol. 38, p. 262; Vol. 40, p. 969; U. S. C., p. 379.

National banks acting as trustees.

Access to reports of examinations.

SEC. 342. The last sentence of the third paragraph of subsection (k) of section 11 of the Federal Reserve Act, as amended (U. S. C., title 12, sec. 248 (k)), is amended to read as follows: "The State banking authorities may have access to reports of examination made by the Comptroller of the Currency insofar as such reports relate to the trust department of such bank, but nothing in this Act shall be construed as authorizing the State banking authorities to examine the books, records, and assets of such bank."

R. S., sec. 5240, p. 1013; Vol. 48, p. 192; U. S. C., p. 403.

Bank examiners. Retirement annuities.

SEC. 343. The first sentence after the third proviso of section 5240 of the Revised Statutes, as amended (U. S. C., Supp. VII, title 12, secs. 481 and 482), is amended by striking out the word "is" after the words "whose compensation" and inserting in lieu thereof a comma and the following: "including retirement annuities to be fixed by the Comptroller of the Currency, is and shall be"; and such section 5240 is further amended by striking out "The Federal Reserve Board, upon the recommendation of the Comptroller of the Currency," and inserting in lieu thereof "The Comptroller of the Currency".

Salaries.

Vol. 38, p. 272.

SEC. 344. (a) Section 1 of the National Housing Act is amended by adding at the end thereof the following new sentence: "The Administrator shall, in carrying out the provisions of this title and titles II and III, be authorized, in his official capacity, to sue and be sued in any court of competent jurisdiction, State or Federal."

National Housing Act.

Vol. 48, p. 1246.

Suits by and against Administrator.

Ante, p. 299.

Insurance of financial institutions.

Post, pp. 1187, 1234.

(b) The first sentence of section 2 of the National Housing Act, as amended, is further amended by striking out the words "including the installation of equipment and machinery" and inserting in lieu thereof the words "and the purchase and installation of equipment and machinery on real property".

Vol. 48, p. 1248.

Limit on aggregate principal obligations.

(c) Subsection (a) of section 203 of the National Housing Act is amended by inserting the words "property and" before the word "projects" in clause (1) of such subsection.

Vol. 48, p. 1252.

Low-cost housing insurance; aggregate amount.

(d) The last sentence of section 207 of the National Housing Act is amended by inserting the words "property or" before the word "project".

Preferred stock, notes or debentures of member banks.

Consideration to be given in determining whether capital stock is impaired.

SEC. 345. If any part of the capital of a national bank, State member bank, or bank applying for membership in the Federal Reserve System consists of preferred stock, the determination of whether or not the capital of such bank is impaired and the amount of such impairment shall be based upon the par value of its stock even though the amount which the holders of such preferred stock shall be entitled to receive in the event of retirement or liquidation shall be in excess of the par value of such preferred stock. If any such bank or trust company shall have outstanding any capital

notes or debentures of the type which the Reconstruction Finance Corporation is authorized to purchase pursuant to the provisions of section 304 of the Emergency Banking and Bank Conservation Act, approved March 9, 1933, as amended, the capital of such bank may be deemed to be unimpaired if the sound value of its assets is not less than its total liabilities, including capital stock, but excluding such capital notes or debentures and any obligations of the bank expressly subordinated thereto. Notwithstanding any other provision of law, the holders of preferred stock issued by a national banking association pursuant to the provisions of the Emergency Banking and Bank Conservation Act, approved March 9, 1933, as amended, shall be entitled to receive such cumulative dividends at a rate not exceeding six per centum per annum on the purchase price received by the association for such stock and, in the event of the retirement of such stock, to receive such retirement price, not in excess of such purchase price plus all accumulated dividends, as may be provided in the articles of association with the approval of the Comptroller of the Currency. If the association is placed in voluntary liquidation, or if a conservator or a receiver is appointed therefor, no payment shall be made to the holders of common stock until the holders of preferred stock shall have been paid in full such amount as may be provided in the articles of association with the approval of the Comptroller of the Currency, not in excess of such purchase price of such preferred stock plus all accumulated dividends.

Dividends on preferred stock.  
Vol. 48, p. 5.

Priority.

Sec. 346. 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 and circumstances, shall not be affected thereby.

Separability provision.

Approved, August 23, 1935.

[CHAPTER 615.]

AN ACT

To authorize the sale of a portion of the Fort Smith National Cemetery Reservation, Arkansas, and for other purposes.

August 23, 1935.

[S. 634.]

[Public, No. 306.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized, under such terms and conditions as he deems advisable, to sell and convey by quitclaim deed to the Midland Valley Railroad Company, its successors and assigns, the right, title, and interest of the United States in and to a tract of land containing approximately one-tenth acre, outside of the wall enclosure of the Fort Smith National Cemetery Reservation, Arkansas.*

Fort Smith National Cemetery Reservation, Ark.

Sale of portion of, authorized.

SEC. 2. That the Secretary of War shall cause an appraisal to be made of the aforesaid land, the cost of such appraisal to be paid by the Midland Valley Railroad, and said land shall be sold at not less than the appraised value thereof, the proceeds from such sale to be deposited into the Treasury to the credit of the fund known as the "military post construction fund" as provided in section 4 of the Act of March 12, 1926 (44 Stat. 203).

Appraisal.

Purchase price.

Vol. 41, p. 206; U. S. C., p. 317.

Approved, August 23, 1935.

## [CHAPTER 616.]

## AN ACT

To authorize payment of claims for unauthorized emergency treatment of World War veterans.

August 23, 1935.

[H. R. 4513.]

[Public, No. 307.]

World War veterans.  
Payment for certain  
unauthorized medical  
expenses.

Vol. 48, p. 11; U. S.

C., p. 1689.

Vol. 43, pp. 620, 1307;

U. S. C., p. 1670.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of section 17, title I, Public Law Numbered 2, Seventy-third Congress, any claim for unauthorized medical expenses under the provisions of section 202 (9) of the World War Veterans' Act, as amended (U. S. C., title 38, sec. 483), wherein claim was duly filed prior to March 20, 1933, may be adjudicated by the Veterans' Administration, and any person found entitled to reimbursement shall be paid the reasonable value of services as prescribed by the said section 202 (9).

Approved, August 23, 1935.

## [CHAPTER 617.]

## AN ACT

Relating to the compensation of certain charwomen.

August 23, 1935.

[H. R. 5375.]

[Public, No. 308.]

Classification Act of  
1923, amendment.

Pay of certain char-  
women for holidays (ex-  
cept Sunday) author-  
ized.

Vol. 42, p. 1497; U. S.

C., p. 87.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the fifth paragraph under the heading "Custodial Service" in section 13 of the Classification Act of 1923, as amended (U. S. C., title 5, sec. 673), is amended by inserting at the end thereof the following new sentence: "Charwomen and head charwomen shall receive for each holiday (except Sunday) upon which under existing law no work is performed by them an amount equal to the amount they would receive had they performed the same number of hours of work on such holiday as the average number of hours of work performed by them during the days in the week in which such holiday occurs."

Approved, August 23, 1935.

## [CHAPTER 618.]

## AN ACT

To authorize the Administrator of Veterans' Affairs to exchange certain property rights now vested in the United States at Veterans' Administration facility, Perry Point, Maryland, for certain property and rights of the Pennsylvania Railroad Company in that vicinity.

August 23, 1935.

[H. R. 8991.]

[Public, No. 309.]

Perry Point, Md.  
Exchange of prop-  
erty, etc., Veterans'  
Administration and  
Pennsylvania Railroad  
Company, authorized.

Property transferred  
by United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to transfer and release certain property rights now vested in the United States to the Pennsylvania Railroad Company as described in section 2 of this Act in exchange for certain property and rights from the Pennsylvania Railroad Company as described in section 3 of this Act.

SEC. 2. (a) Title to all that certain triangular piece or parcel of land situate at Perryville, in election district numbered 7, in the county of Cecil and State of Maryland, shown as parcel numbered 3 on the P. R. R. Plan Numbered 8018, bounded and described as follows, namely:

Beginning at a point in the southerly line of land of The Philadelphia, Baltimore and Washington Railroad Company at the distance of two hundred and five feet measured southwardly and at right angles from a point in the line established as the center line of railroad of The Philadelphia, Baltimore and Washington Railroad Company, known as the "Maryland Division" said point

Description.

in center line of railroad being at the distance of four hundred and eighty-six feet, measured westwardly along said center line of railroad, from another point therein opposite the center of said railroad company's Perryville passenger station; said point of beginning also being in the northerly line of the Government reservation and south seventy-six degrees nineteen minutes west, a distance of six hundred forty-seven and six-tenths feet from a United States monument at a corner common to the said land of The Philadelphia, Baltimore and Washington Railroad Company and the land of the United States of America; thence south thirty-nine degrees eleven minutes west across the Government reservation, a distance of two hundred and fifty and nine-tenths feet to a point in the easterly line of the land of The Philadelphia, Baltimore and Washington Railroad Company; thence north twenty-one degrees thirty-seven minutes west along the boundary line between The Philadelphia, Baltimore and Washington Railroad Company and the Government reservation, a distance of one hundred fifty-two and ninety-one one-hundredths feet to a point; thence north seventy-six degrees nineteen minutes east along the northerly line of the Government reservation, a distance of two hundred twenty-one and thirteen one-hundredths feet to the point of beginning:

Containing, in all, three hundred and eighty-four one-thousandths of an acre, more or less, and being shown in detail as parcel numbered 3 on Plan Numbered 8018 of the Pennsylvania Railroad, dated June 3, 1935.

(b) Whatever easement rights the United States now has to all those two certain crossings of Stumps Road, also known as "Stumps Lane", described as follows, namely:

The southern crossing being at grade and crossing the railroad of The Philadelphia, Baltimore and Washington Railroad Company, known as the "Perryville Branch, Maryland Division"; the middle line of said Stumps Road grade crossing being at a distance of two thousand and fifteen feet, more or less, measured eastwardly along said Perryville branch line of railroad, from another point therein opposite the center of said railroad company's Perryville passenger station, and shown as grade crossing "C" on P. R. R. Plan Numbered 8018;

The northern crossing being under grade of the railroad of The Philadelphia, Baltimore and Washington Railroad Company, known as the main line Maryland Division; the middle line of said undergrade crossing being at the distance of one thousand nine hundred and ninety feet, more or less, measured eastwardly along said main line of railroad, from another point therein opposite the center of said railroad company's Perryville passenger station, and shown as undergrade crossing "D" on P. R. R. Plan Numbered 8018.

(c) Release of whatever right the United States now has to use the following described overhead bridge for vehicular traffic:

Overhead bridge being the approach to the present main entrance to the reservation, the center line of which is located westwardly a distance of two hundred ninety-one and five-tenths feet, more or less, from United States stone monument in the boundary line between the properties of the United States Government and The Philadelphia, Baltimore and Washington Railroad Company, said center line of overhead bridge also being at a distance of one hundred twenty-nine and nine-tenths feet, more or less, measured westwardly along the main line of the railroad from another point therein opposite the center of said railroad's Perryville passenger station and shown as overhead bridge "A" on Plan Numbered 8018 of the Pennsylvania Railroad, dated June 3, 1935.

By Pennsylvania  
Railroad Company.

SEC. 3. (a) Fees simple title, subject to the reserved right of the Pennsylvania Railroad Company, to all necessary rights of ingress, egress, and regress, on, over, and under, for the purpose of inspecting and maintaining any existing pipe or water line, to all that certain piece or parcel of land situate at Perryville, in election district numbered 7, in the county of Cecil and State of Maryland, shown as parcel numbered 1, on P. R. R. Plan Numbered 8018, bounded and described as follows, namely:

Description.

Beginning at a point in the southeasterly line of land granted by The Philadelphia, Baltimore and Washington Railroad Company to the State of Maryland by deed dated August 20, 1927, at a corner common to the land being described and common to the grant of easement parcel, shown as Parcel Numbered 2 on P. R. R. Plan Numbered 8018, to be hereinafter described, at the distance of one hundred and fourteen feet measured southwardly and at right angles from a point in the line established as the center line of railroad of The Philadelphia, Baltimore and Washington Railroad Company, known as the "Maryland Division"; said point in center line of railroad being at the distance of one thousand five hundred and fifty-nine feet, measured westwardly along said center line of railroad, from another point therein opposite the center of said railroad company's Perryville passenger station; thence south fifty-seven degrees forty-eight minutes east along the southwesterly line of grant of easement parcel Numbered 2, crossing a proposed road, a distance of four hundred and five feet to a point, said point being the southerly corner of said grant of easement parcel Numbered 2; thence south sixty-five degrees seventeen minutes east along the land of The Philadelphia, Baltimore and Washington Railroad Company, a distance of one hundred and twelve feet, more or less, to a point; thence north seventy-six degrees nineteen minutes east along the land of The Philadelphia, Baltimore and Washington Railroad Company on a line parallel with and distant one hundred feet measured southwardly and at right angles from the southerly line of the Perryville substation site, a distance of five hundred and ten feet, more or less, to a point, said point being in the westerly line of the Government reservation; thence along the lands of the Government reservation the following two courses: South twenty-one degrees thirty-seven minutes east a distance of one hundred and forty-seven feet, more or less, to a United States monument; south sixty-five degrees fifty-three minutes west a distance of five hundred and thirty-seven feet, more or less, to a point, said point being in the shore line of the Susquehanna River; thence northwestwardly, up and along said shore line of the Susquehanna River, a distance of nine hundred and twenty feet, more or less, to a point, said point being in the southerly line of the land granted by The Philadelphia, Baltimore and Washington Railroad Company to the State of Maryland; thence along the southerly and southeasterly lines of said land granted to the State of Maryland the following three courses: North seventy-seven degrees thirty-five minutes east a distance of one hundred and twenty-five feet to a point; north sixty-two degrees forty-five minutes east a distance of one hundred fifty-seven and five-tenths feet to a point; north thirty-seven degrees twenty-five minutes east a distance of sixty feet to the point of beginning:

Containing, in all, five and three hundred and eighty-seven one-thousandths acres, more or less, and being shown in detail as parcel numbered 1 on Plan Numbered 8018 of the Pennsylvania Railroad, dated June 3, 1935.

(b) Easement for purpose of building, maintaining, and using a highway and such landscaping as may be considered necessary in

Easement for high-  
way.

the discretion of the Administrator of Veterans' Affairs to all that certain piece or parcel of land situate at Perryville, in election district numbered 7, in the county of Cecil and State of Maryland, shown as parcel numbered 2 on P. R. R. Plan Numbered 8018, bounded and described as follows, namely:

Beginning at a point in the southeasterly line of the Philadelphia and Baltimore Road (post road) at or near the northerly end of the easterly abutment of Bridge Numbered 60.07 which carries the railroad of The Philadelphia, Baltimore and Washington Railroad Company over the highway and over the Susquehanna River, at the distance of forty-three feet measured northwardly and at right angles from a point in the line established as the center line of railroad of The Philadelphia, Baltimore and Washington Railroad Company, known as the "Maryland Division"; said point in center line of railroad being at the distance of one thousand three hundred and fifty-five feet, measured westwardly along said center line of railroad, from another point therein opposite the center of said railroad company's Perryville passenger<sup>1</sup> station; thence south thirteen degrees forty-one minutes east along the land of The Philadelphia, Baltimore and Washington Railroad Company, passing along the face of said easterly abutment of the Bridge Numbered 60.07, crossing said center line of railroad, a distance of eighty-three feet to a point; thence south fourteen degrees forty-two minutes east along the land of The Philadelphia, Baltimore and Washington Railroad Company, a distance of three hundred seventy-seven and forty-three one-hundredths feet to a point, said point being in the northeasterly line of parcel numbered 1; thence north fifty-seven degrees forty-eight minutes west along said northeasterly line of parcel numbered 1, crossing a proposed road, a distance of four hundred and five feet to a point, said point being in the southeasterly line of land granted by The Philadelphia, Baltimore and Washington Railroad Company to the State of Maryland by deed dated August 20, 1927, said point also being the point of beginning of parcel numbered 1, and being one hundred and fourteen feet measured southwardly and at right angles from a point in said center line of railroad; thence along the southeasterly and easterly lines of said land granted by The Philadelphia, Baltimore and Washington Railroad Company to the State of Maryland the following three courses: North thirty-seven degrees twenty-five minutes east a distance of ninety and four-tenths feet to a point; north thirty degrees twenty minutes east a distance of fifty feet to a point; north twenty degrees fifteen minutes east, recrossing said center line of railroad a distance of sixty-eight feet to a point, said point being at the most northeasterly corner of said land granted to the State of Maryland, within the lines of the highway leading to the highway bridge crossing the Susquehanna River; thence north sixty-four degrees fifty-two minutes east, crossing the southeasterly line of said highway, a distance of fifty-nine feet to the point of beginning:

Containing, in all, one and one hundred eighty-two one-thousandths acres, more or less, and being shown in detail as parcel numbered 2 on Plan Numbered 8018 of the Pennsylvania Railroad, dated June 3, 1935: *Provided*, That the Pennsylvania Railroad Company shall have the right to reserve all necessary rights of ingress, egress, and regress, on, over, and under, for the purpose of operating, inspecting, and maintaining the substation catenary wires and structures, transmission wires, pipe, water lines, pump, and so forth, and to maintain and operate its railroad as at present, or as it may be relocated or widened in the future.

Description.

<sup>1</sup> So in original.

Old fish wharf, etc.,  
to be razed.

SEC. 4. The Administrator of Veterans' Affairs is authorized and directed to raze the old fish wharf and fish house now located on the tract described in section 3 of this Act containing five and three hundred eighty-seven one-thousandth acres.

Approved, August 23, 1935.

[CHAPTER 619.]

AN ACT

August 23, 1935.

[S. 1988.]

[Public, No. 310.]

To extend the time for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebraska.

Missouri River.  
Time extended for  
bridging, at Rulo,  
Nebr.  
Vol. 47, p. 1555,  
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 authorized by an Act of Congress approved March 4, 1933, to be built by John C. Mullen, John H. Hutchings, and William Shepherd, their heirs, legal representatives, and assigns, across the Missouri River at or near Rulo, Nebraska, are hereby extended one and three years, respectively, from March 4, 1935.

Amendment.

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

Approved, August 23, 1935.

[CHAPTER 620.]

AN ACT

August 23, 1935.

[S. 3050.]

[Public, No. 311.]

Granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Rouses Point, New York, and Alburg, Vermont.

Lake Champlain.  
New York and Ver-  
mont may bridge, be-  
tween Rouses Point,  
N. Y., and Alburg, Vt.

*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 States of New York and Vermont, their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across Lake Champlain at a point suitable to the interests of navigation, between Rouses Point, New York, and Alburg, Vermont, 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.

Construction.  
Vol. 34, p. 84; U. S.  
C., p. 1474.

Acquisition of real  
estate, etc., for location,  
approaches, etc.

SEC. 2. There is hereby conferred upon the States of New York and Vermont, their successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property 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 in which such real estate or other property is located, 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 and expropriation of property in such State.

Condemnation pro-  
ceedings.

Tolls authorized.

SEC. 3. The said States of New York and Vermont, their successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Tolls applied to op-  
eration, sinking fund,  
etc.

SEC. 4. 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 cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches as soon as



possible under reasonable charges, but within a period of not to exceed thirty years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been 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 care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, August 23, 1935.

[CHAPTER 621.]

AN ACT

To amend section 6 of title I of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, as amended; to extend the time within which applications for benefits under the World War Adjusted Compensation Act, as amended, may be filed; and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 6 of the Act of March 20, 1933 (Public, Numbered 2, Seventy-third Congress), as amended by the Act of June 16, 1933 (Public, Numbered 78, Seventy-third Congress), and the Act of March 28, 1934 (Public, Numbered 141, Seventy-third Congress) (38 U. S. C. 706), 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 he may prescribe, 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 or to those in receipt of pension for service-connected disability, and 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: *Provided,* That any veteran of any war who was not dishonorably discharged, suffering from disability, disease, or defect, who is in need of hospitalization or domiciliary care and is unable to defray the necessary expenses therefor (including transportation to and from the Veterans' Administration facility), shall be furnished necessary hospitalization or domiciliary care (including transportation) in any Veterans' Administration facility, within the limitations existing in such facilities, irrespective of whether the disability, disease, or defect was due to service. The statement under oath of the applicant on such form as may be prescribed by the Administrator of Veterans' Affairs shall be accepted as sufficient evidence of inability to defray necessary expenses."

SEC. 2. Subdivisions <sup>1</sup> (b) and (c) of section 302, section 311, and subdivision (b) of section 604 of the World War Adjusted Compensation Act, as amended, are amended, to take effect as of January 2, 1935, by striking out "January 2, 1935", wherever it appears in such subdivisions and section, and inserting in lieu thereof "January 2, 1940".

Maintenance as free bridge after costs amortized.

Record of expenditures and receipts.

Amendment.

August 23, 1935.

[S. 3060.]

[Public, No. 312.]

Economy Act, amendments.  
Vol. 48, pp. 9, 301, 525, amended.  
U. S. C., p. 1688.

Domiciliary care and hospitalization of veterans.

Receiving pensions for service-connected disability added.

*Proviso.*  
Needy veterans.

World War Adjusted Compensation Act amendment.  
Vol. 43, pp. 123, 129; Vol. 45, p. 948.  
U. S. C., pp. 1681, 1682, 1686.  
*Post*, p. 1100.  
Time for making applications for benefits extended.

<sup>1</sup> So in original.

Payments to dependents.  
Vol. 43, p. 129; U. S. C., p. 1686.  
Effective date extended.

Vol. 45, p. 948; U. S. C., p. 1683.  
Time extended for filing applications for benefits.

Prior payments, etc., not invalidated.

Payments to dependents, regardless of changed status, unless priority of preference established.

Remaining installments.

Restriction.

SEC. 3. Section 602 of the World War Adjusted Compensation Act, as amended, is amended, to take effect as of January 2, 1935, by striking out "January 2, 1935", wherever it appears in such section, and inserting in lieu thereof "January 2, 1940".

SEC. 4. Subdivision (b) of section 312 of the World War Adjusted Compensation Act, as amended, is amended, to take effect as of January 2, 1935, by striking out "January 2, 1935", wherever it appears in such subdivision, and inserting in lieu thereof "January 2, 1940".

SEC. 5. This Act shall not invalidate any payments made or application received, before the enactment of this Act, under the World War Adjusted Compensation Act, as amended. Payments under awards heretofore or hereafter made shall be made to the dependent entitled thereto regardless of change in status, unless another dependent establishes to the satisfaction of the Director a priority of preference under such Act, as amended. Upon the establishment of such preference the remaining installments shall be paid to such dependent, but in no case shall the total payments under title VI of such Act, as amended (except section 608), exceed the adjusted-service credit of the veteran.

Approved, August 23, 1935.

[CHAPTER 622.]

AN ACT

To amend the Act approved June 12, 1934, relating to the consent of Congress to certain bridge construction across the Tennessee River at a point between the city of Sheffield, Alabama, and the city of Florence, Alabama.

*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 granting the consent of Congress to the State of Alabama, its agent or agencies, and to Colbert County and to Lauderdale County in the State of Alabama, and to the city of Sheffield, Colbert County, Alabama, and to the city of Florence, Lauderdale County, Alabama, or to any two of them, or to either of them, to construct, maintain, and operate a bridge, and approaches thereto, across the Tennessee River at a point between the city of Sheffield, Alabama, and the city of Florence, Alabama, suitable to the interests of navigation", approved June 12, 1934, is amended to read as follows:

"That the consent of Congress is hereby granted to the State of Alabama, its agent or agencies, and to Colbert County and to Lauderdale County in the State of Alabama, and to the city of Sheffield, Colbert County, Alabama, and to the city of Florence, Lauderdale County, Alabama, and to the Highway Bridge Commission, Incorporated, of Alabama, or to any two of them, or to either of them, to construct, maintain, and operate a bridge, and approaches thereto, across the Tennessee River, at a point suitable to the interests of navigation, between Colbert County and Lauderdale County in the State of Alabama, in accordance with the provisions of an Act entitled 'An Act to regulate the construction of bridges over navigable waters', approved March 2,<sup>1</sup> 1906.

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

SEC. 2. The times for commencing and completing the construction of the bridge authorized to be built by such Act approved June 12, 1934, as amended by section 1 of this Act, are hereby extended one and three years, respectively, from the date of the enactment of this amendatory Act.

Approved, August 23, 1935.

<sup>1</sup> So in original.

August 23, 1935.

[S. 3105.]

[Public, No. 313.]

Tennessee River.  
Bridge authorization across, modified.  
Vol. 48, p. 945; Post, p. 1254.

Alabama Highway Bridge Commission added as a construction agency.

Location modified.

Vol. 34, p. 84; U. S. C., p. 1474.

Amendment.

Time extension.

[CHAPTER 623.]

AN ACT

To establish and promote the use of standards of classification for tobacco, to provide and maintain an official tobacco inspection service, and for other purposes.

August 23, 1935.  
[H. R. 8026.]  
[Public, No. 314.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act—*

(a) "Person" includes partnerships, associations, and corporations, as well as individuals.

(b) "Secretary" means the Secretary of Agriculture of the United States.

(c) "Inspector" means any person employed, licensed, or authorized by the Secretary to determine and certify the type, grade, condition, or other characteristics of tobacco.

(d) "Sampler" means any person employed, licensed, or authorized by the Secretary to select, tag, and seal official samples of tobacco.

(e) "Weigher" means any person employed, licensed, or authorized by the Secretary to weigh and certify the weight of tobacco.

(f) "Tobacco" means tobacco in its unmanufactured form.

(g) "Auction market" means a market or place to which tobacco is delivered by the producers thereof, or their agents, for sale at auction through a warehouseman or commission merchant.

(h) Words in the singular form shall be deemed to import the plural form when necessary.

(i) "Commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia. For the purposes of this Act (but not in any wise limiting the foregoing definition) a transaction in respect to tobacco shall be considered to be in commerce if such tobacco is part of that current of commerce usual in the tobacco industry whereby tobacco or products manufactured therefrom are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State or for manufacture within the State and the shipment outside the State of the products resulting from such manufacture. Tobacco normally in such current of commerce shall not be considered out of such current through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nations.

SEC. 2. That transactions in tobacco involving the sale thereof at auction as commonly conducted at auction markets are affected with a public interest; that such transactions are carried on by tobacco producers generally and by persons engaged in the business of buying and selling tobacco in commerce; that the classification of tobacco according to type, grade, and other characteristics affects the prices received therefor by producers; that without uniform standards of classification and inspection the evaluation of tobacco is susceptible to speculation, manipulation, and control, and unreasonable fluctuations in prices and quality determinations occur which are detrimental to producers and persons handling tobacco in commerce; that such fluctuations constitute a burden upon commerce and make

Tobacco Inspection Act.  
Definitions.

"Person."

"Secretary."

"Inspector."

"Sampler."

"Weigher."

"Tobacco."

"Auction market."

The singular form to denote plural when necessary.

"Commerce."

"State."

Declaration of necessity of regulation.

the use of uniform standards of classification and inspection imperative for the protection of producers and others engaged in commerce and the public interest therein.

Investigations authorized.

Determination of official standards.

Proviso. Tentative standards authorized. Modifications.

Demonstration of official standards, samples, etc.

Proviso. Charges therefor.

Auction markets; designation of.

Referendum of sellers.

Determination of eligibility to vote.

Inspection and certification of tobacco prior to sale.

Temporary emergency waiver allowed.

Proviso. Inability to provide inspection.

No inspection fee to be charged.

Right to prevent transactions.

Sampling, inspection, weighing, etc., upon request.

SEC. 3. That the Secretary is authorized to investigate the sorting, handling, conditioning, inspection, and marketing of tobacco from time to time, and to establish standards for tobacco by which its type, grade, size, condition, or other characteristics may be determined, which standards shall be the official standards of the United States, and shall become effective immediately or upon a date specified by the Secretary: *Provided*, That the Secretary may issue tentative standards for tobacco prior to the establishment of official standards therefor, and he may modify any standards established under authority of this Act whenever, in his judgment, such action is advisable.

SEC. 4. That the Secretary is authorized to demonstrate the official standards; to prepare and distribute, upon request, samples, illustrations, or sets thereof; and to make reasonable charges therefor: *Provided*, That in no event shall charges be in excess of the cost of said samples, illustrations, and services so rendered.

SEC. 5. That the Secretary is authorized to designate those auction markets where tobacco bought and sold thereon at auction, or the products customarily manufactured therefrom, moves in commerce. Before any market is designated by the Secretary under this section he shall determine by referendum the desire of tobacco growers who sold tobacco at auction on such market during the preceding marketing season. The Secretary may at his discretion hold one referendum for two or more markets or for all markets in a type area. No market or group of markets shall be designated by the Secretary unless two-thirds of the growers voting favor it. The Secretary shall have access to the tobacco records of the Collector of Internal Revenue and of the several collectors of internal revenue for the purpose of obtaining the names and addresses of growers who sold tobacco on any auction market, and the Secretary shall determine from said records the eligibility of such grower to vote in such referendum, and no grower shall be eligible to vote in more than one referendum. After public notice of not less than thirty days that any auction market has been so designated by the Secretary, no tobacco shall be offered for sale at auction on such market until it shall have been inspected and certified by an authorized representative of the Secretary according to the standards established under this Act, except that the Secretary may temporarily suspend the requirement of inspection and certification at any designated market whenever he finds it impracticable to provide for such inspection and certification because competent inspectors are not obtainable or because the quantity of tobacco available for inspection is insufficient to justify the cost of such service: *Provided*, That, in the event competent inspectors are not available, or for other reasons, the Secretary is unable to provide for such inspection and certification at all auction markets within a type area, he shall first designate those auction markets where the greatest number of growers may be served with the facilities available to him. No fee or charge shall be imposed or collected for inspection or certification under this section at any designated auction market. Nothing contained in this Act shall be construed to prevent transactions in tobacco at markets not designated by the Secretary or at designated markets where the Secretary has suspended the requirement of inspection or to authorize the Secretary to close any market.

SEC. 6. That the Secretary, independently or in cooperation with other branches of the Government, State agencies, or persons, whether operating in one or more jurisdictions, is authorized to employ and/or

license competent persons as samplers to take official samples of tobacco, or as weighers to weigh and certify the weight of tobacco, or as inspectors of tobacco to determine and certify, upon the request of the owner or other financially interested person, the type, grade, weight, condition, and/or such other facts as the Secretary may deem necessary.

The Secretary is authorized to fix and collect such fees or charges in the administration of this section as he may deem reasonable, and the moneys collected, except as provided in this section, shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts. Fees or charges collected under an agreement with a State, municipality, or person, or by an individual licensed to inspect or weigh or sample tobacco under this Act, may be disposed of in accordance with the terms of such agreement or license. Charges for expenses for travel and subsistence incurred by inspectors or weighers or samplers employed by the Secretary when required to be paid by the applicant for service, may be credited to the appropriation, or any other funds authorized in this Act from which they were paid.

This section is intended merely to provide for the furnishing of services upon request of the owner or other person financially interested in tobacco to be sampled, inspected, or weighed and shall not be construed otherwise.

SEC. 7. That the Secretary shall provide for such reinspection or appeal inspection of tobacco as he may deem necessary for the confirmation or reversal of certificates issued under this Act. Each inspection certificate issued under this Act, unless invalidated or superseded in accordance with the regulations of the Secretary, shall be received in all courts and by all officers and employees of the United States as prima facie evidence of the truth of the statements therein contained.

SEC. 8. That warehousemen shall provide space on warehouse tickets or other tags or labels used by them for showing the grade of the lot covered thereby as determined by an authorized tobacco inspector under this Act. The Secretary may prescribe, by regulation, the form in which such certification of grade shall be shown, and may require that a copy of such warehouse ticket, tag, or label shall be furnished to the Secretary.

SEC. 9. That the Secretary is authorized to collect, publish, and distribute, by telegraph, mail, or otherwise without cost to the grower, timely information on the market supply and demand, location, disposition, quality, condition, and market prices for tobacco.

SEC. 10. It shall be unlawful—

(a) For any person to use the words "United States", "Government", or "Federal", or any abbreviation thereof, in, or in connection with, any statement relating to the grade of tobacco when such grade is not, in fact, one of the grades for tobacco according to the standards of the United States.

(b) For any person falsely to make, issue, alter, forge, or counterfeit, or aid, cause, procure, or assist in or be a party to the false making, issuing, altering, forging, or counterfeiting of any certificate, stamp, tag, seal, label, or other writing purporting to be issued or authorized under this Act.

(c) For any person, not an authorized inspector under this Act, to issue a certificate or report stating the type, grade, size, or condition of any lot of tobacco to be in accordance with the standards of the United States therefor which is of such color, size, arrangement, or wording as to be mistaken for a certificate issued under this Act, unless such certificate states in prominent letters in its heading that it is not issued under authority of the United States.

Fees.

Travel, etc., expenses.

Section construed.

Appeal inspections.

Judicial recognition of inspection certificates.

Warehouse tickets. Grade to be shown.

Market news service authorized.

Unlawful acts.

Unauthorized use of designated words.

Counterfeiting, etc.

Issuing deceptive certificates.

Misconduct, etc., of official.

(d) For any person employed, designated, or licensed by the Secretary as an inspector, sampler, or weigher of tobacco under this Act knowingly to inspect, sample, or weigh improperly, or to issue any false certificate under this Act, or to accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty as an inspector, sampler or weigher.

Unduly influencing, resisting, etc., any inspector, etc.

(e) For any person improperly to influence or to attempt improperly to influence or forcibly to assault, resist, impede, or interfere with any inspector, sampler, weigher, or other person employed, designated, or licensed by the Secretary in the execution of his duties under this Act: *Provided, however,* That nothing herein shall operate to prevent the owner of tobacco from appealing or protesting, in accordance with regulations of the Secretary, the grade certified for his tobacco.

*Proviso.*  
Appeal or protest permitted.

False representation.

(f) For any person falsely to represent or otherwise indicate that he is authorized by the Secretary to inspect, sample, or weigh tobacco under this Act.

Substitution, etc., for inspected tobacco.

(g) For any person to substitute, or attempt to substitute, following inspection or sampling or weighing under this Act, other tobacco for tobacco actually inspected or sampled or weighed, or in the case of tobacco inspected in auction warehouses for any person not so authorized by the Secretary to remove any certificate of grade from any lot of tobacco prior to the sale of such lot.

False statements.

(h) For any person falsely to represent that tobacco has been inspected, sampled, or weighed under this Act; or knowingly to have made any false representation concerning tobacco inspected under this Act; or knowing that tobacco is to be offered for inspection or sampling under this Act to load, pack, or arrange such tobacco in such manner as knowingly to conceal foreign matter or tobacco of inferior grade, quality, or condition; or for any person knowing that tobacco has been so loaded, packed, or arranged, to offer it for inspection or sampling without disclosing such knowledge to the inspector or sampler before inspection or sampling.

Altering official samples.

(i) For any person willfully to alter an official sample of tobacco by removing or plucking leaves or otherwise, or for any person knowing that an official sample of tobacco has been so altered, thereafter to represent such sample as an official sample.

Violations may be published.

SEC. 11. The Secretary is authorized to publish the facts regarding any violation of this Act.

Punishment.

SEC. 12. That any person violating any provision of sections 5 and 10 of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

Corporations, etc. Responsibility for acts of employees.

SEC. 13. In construing and enforcing the provisions of this Act; the act;<sup>1</sup> omission, or failure of any agent, officer, or other person acting for or employed by an association, partnership, corporation, or firm, within the scope of his employment or office, shall be deemed to be the act, omission, or failure of the association, partnership, corporation, or firm, as well as that of the person.

Rules and regulations to effectuate purposes of Act.

Cooperation with other agencies.

SEC. 14. That the Secretary is authorized to make such rules and regulations and hold such hearings as he may deem necessary to effectuate the purposes of this Act and may cooperate with any other Department or agency of the Government; any State, territory, district, or possession, or department, agency, or political subdivision thereof; purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of business men or trade organizations; or any person, whether operating in one or more jurisdictions in carrying on the work herein authorized; and he shall have the power to appoint, suspend, remove, and fix the compensation

Personnel.

<sup>1</sup> So in original.

of all officers, employees, and licensees not in conflict with existing law, except that inspectors and supervisors employed hereunder on a seasonal basis and working for periods of six months or less during any twelve-month period may be appointed without reference to the provisions of the Classification Act of 1923, as amended. The Secretary is authorized to make such expenditures for rent outside of the District of Columbia, printing, binding, telegrams, telephones, books of reference, publications, furniture, stationery, office and laboratory equipment, travel, tobacco for use in preparing and demonstrating standards, 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; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for administering this Act.

U. S. C., p. 85.  
Rent.  
Expenses authorized.

Post, pp. 1115, 1450.

Hearings, adminis-  
tration of oaths, etc.

SEC. 15. That in carrying on the work herein authorized, the Secretary, or any officer or employee designated by him for such purpose, shall have power to hold hearings, administer oaths, sign and issue subpoenas, examine witnesses, and require the production of books, records, accounts, memoranda, and papers. Upon refusal by any person to appear, testify, or produce books, records, accounts, memoranda, and papers in response to a subpoena, the proper United States district court shall have power to compel obedience thereto.

Subpoenas.

Separability of Act.

SEC. 16. That if any provision of this Act or the application thereof to any person or circumstance 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.

Delegation of duties.

SEC. 17. That any duties devolving upon the Secretary of Agriculture by virtue of the provisions of this Act may with like force and effect be executed by such officer or officers, agent or agents, of the Department of Agriculture as the Secretary may designate for the purpose.

SEC. 18. That this Act may be cited as "The Tobacco Inspection Act."

Short title.

Approved, August 23, 1935.

#### [CHAPTER 624.]

#### JOINT RESOLUTION

Providing for the preparation and completion of plans for a comprehensive observance of the one hundred and fiftieth anniversary of the formation of the Constitution of the United States.

August 23, 1935.  
[S. J. Res. 59.]  
[Pub. Res., No. 53.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby established a commission, to be known as the "United States Constitution Sesquicentennial Commission" (hereinafter referred to as the "Commission") for the celebration of the one hundred and fiftieth anniversary of the formation of the Constitution, and to be composed of eighteen commissioners, as follows: The President of the United States; the President of the Senate and the Speaker of the House of Representatives, ex officio; five persons to be appointed by the President of the United States; five Senators to be appointed by the President of the Senate; and five Representatives by the Speaker of the House of Representatives.

United States Con-  
stitution Sesquicentennial  
Commission.  
Establishment.  
Post, p. 1392.

Composition.

SEC. 2. The commissioners shall receive no compensation for their services but shall be paid their actual and necessary traveling, hotel, and other expenses incurred in the discharge of their duties.

Expenses allowed.

Chairman, Director,  
assistants, etc.

Duties of commis-  
sioners.

Report to Congress.

Duration.

Acceptance of con-  
tributions; use re-  
stricted.

Appropriation  
authorized.  
Post, p. 1112.

SEC. 3. The Commission shall select a chairman and appoint a Director, who shall appoint, with the approval of the Commission, such assistants and subordinates as he deems necessary.

SEC. 4. That it shall be the duty of the commissioners, after promulgating to the American people an address relative to the reason of its creation and of its purpose, to prepare a plan or plans and a program for the adequate celebration of the sesquicentennial anniversary, and to give due and proper consideration to any plan or plans which may be submitted to them; and to take such steps as may be necessary in the coordination and correlation of plans prepared by State's commissions, or by bodies created under appointment by the Governors of the respective States, and by representative civic bodies.

SEC. 5. That the Commission shall, on or before the 20th day of January 1936, make a report to the Congress, in order that enabling legislation may be enacted.

SEC. 6. That the Commission hereby created shall expire December 31, 1939.

SEC. 7. That the Commission may receive from any source contributions to aid in carrying out the general purpose of this resolution, but the same shall be expended and accounted for in the same manner as any appropriation which may be made under authority of this Act.

SEC. 8. There is hereby authorized to be appropriated the sum of \$10,000 to defray necessary expenses.

Approved, August 23, 1935.

[CHAPTER 625.]

#### JOINT RESOLUTION

Granting the consent of Congress to the States of New York and Vermont to enter into an agreement amending the agreement between such States consented to by Congress in Public Resolution Numbered 9, Seventieth Congress, relating to the creation of the Lake Champlain Bridge Commission.

*Resolved 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 States of New York and Vermont to enter into the amendatory agreement executed on March 30, 1935, by the commissioners duly appointed on the part of such States, amending the original agreement entered into by such States for the creation of the Lake Champlain Bridge Commission, which original agreement was consented to by Congress by Public Resolution Numbered 9, Seventieth Congress, approved February 16, 1928, and every part and article of such amendatory agreement is hereby ratified, approved, and confirmed: *Provided,* That nothing therein contained shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of such amendatory agreement; which amendatory agreement is as follows:

Whereas the States of New York and Vermont heretofore and on the 11th day of May 1927 entered into an agreement or compact, duly authorized by law, creating the Lake Champlain Bridge Commission; and

Whereas the legislatures of said States have authorized their respective commissioners to enter into an agreement or compact amending said existing agreement or compact: Now, therefore, The said States of New York and Vermont do hereby enter into the following agreement, to wit:

August 23, 1935.  
[S. J. Res. 122.]  
[Pub. Res., No. 54.]

Lake Champlain.  
Consent granted  
New York and Ver-  
mont to enter amenda-  
tory agreement respect-  
ing bridge construction  
across.  
Vol. 45, p. 120,  
amended.

Proviso.  
Federal jurisdiction  
not impaired.

Amendatory agree-  
ment.



The agreement heretofore made between the State of New York and the State of Vermont pursuant to chapter 321 of the laws of 1927 of the State of New York entitled "An Act authorizing designated authorities in behalf of the State of New York to enter into an agreement or compact with designated authorities of the State of Vermont for the creation of the Lake Champlain Bridge Commission, the establishment of the Lake Champlain Bridge Commission, and the defining of the powers and duties of such Commission and making an appropriation for such purposes", and numbered 139 of the Acts of 1927 of the State of Vermont entitled "An Act ratifying a proposed agreement or compact between the State of Vermont and the State of New York relating to the creation of the Lake Champlain Bridge Commission and providing for carrying out the provisions of said agreement or compact", is hereby amended by adding thereto the following articles:

Agreement—Contd.

Articles added.

### ARTICLE XXII

The Lake Champlain Bridge Commission is hereby authorized to construct as speedily as possible and to maintain and operate an additional highway bridge or bridges and approaches across Lake Champlain between points to be selected by such Commission more than fifty-two miles north of the bridge heretofore constructed by such Commission: *Provided*, That if any bridge or bridges be constructed under this Act, one shall be a bridge from a point in the State of New York at or near Rouses Point to a point in the State of Vermont at Alburg, subject to such consents and approval of Federal authorities in any case as may be necessary. Such bridge so to be constructed is hereinafter sometimes referred to as "Rouses Point Bridge."

### ARTICLE XXIII

The said Commission shall have power—

1. To sue and be sued.
2. To acquire, hold, and dispose of personal property.
3. To acquire lands, rights, or property for Rouses Point Bridge as is provided in article 13 hereof for the bridge heretofore constructed by it.
4. To appoint and employ officers, agents, and employees.
5. To make contracts and execute all instruments necessary or convenient.
6. To charge tolls for the use of the Rouses Point Bridge and the bridge heretofore constructed by it, subject to and in compliance with agreements made and to be made with bondholders.
7. To enter on any lands, waters, and premises for the purpose of making surveys, soundings, and examinations.
8. To construct and maintain over or along the Rouses Point Bridge or the bridge heretofore constructed by it, or either of them, telephone, telegraph, or electric wires and cables, gas mains, water mains, and other mechanical equipment not inconsistent with the use of the bridges for vehicular traffic. To contract for such construction and to lease the right to construct and/or use the same on such terms and for such consideration as it shall determine: *Provided, however*, That no lease shall be made for a period of more than ten years from the date when it is made.
9. Near or on the Rouses Point Bridge or the bridge heretofore constructed by it, to construct and maintain facilities for the public, not inconsistent with the appropriate use of the bridges, to contract

Agreement—Contd.

for such construction, and to lease the right to construct and/or use such facilities on such terms and for such considerations as it shall determine: *Provided, however,* That no lease shall be made for a period of more than ten years from the date when it is made.

10. Subject to limitations imposed by any Federal authorities and by any agreement made or to be made with bondholders, to make rules and regulations for the use of Rouses Point Bridge and the bridge heretofore constructed by it. This subdivision shall supersede the provisions of article 9 hereof.

11. To do all things necessary or convenient to carry out the powers expressly given in this agreement.

#### ARTICLE XXIV

The said Commission may make agreements with bondholders as to the deposit of its funds, and the security to be required therefor, and as to the withdrawal and disbursement thereof. Subject to such agreements, the Commission shall provide for deposit of its funds, security to be required therefor and the withdrawal and disbursement thereof, and if required by the Commission its deposits shall be secured and all banks and trust companies are hereby authorized to give such security for such deposits.

#### ARTICLE XXV

The construction of Rouses Point Bridge shall be by contract or several contracts made and executed in the same manner as provided in article 19 hereof for the contract for the construction of the bridge heretofore constructed by the Commission. The approaches may in the discretion of the Commission be constructed by its own employees.

#### ARTICLE XXVI

1. Such Commission shall have power and is hereby authorized from time to time to issue its negotiable bonds, in addition to those issued prior to the 1st day of March 1933, for any corporate purpose in the aggregate principal amount of not exceeding \$1,000,000.

2. Said bonds shall be authorized by resolution of such Commission and shall bear such date or dates, mature at such time or times, not exceeding fifty years from their respective dates, bear interest at such rate or rates, not exceeding 5 per centum per annum payable semiannually, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, not exceeding par and accrued interest, as such resolution or resolutions may provide. Said bonds may be sold at public or private sale for such price or prices as such Commission shall determine: *Provided,* That the interest cost to maturity of the money received for any issue of said bonds shall not exceed 5 per centum per annum.

3. Any resolution or resolutions authorizing any of said bonds may contain provisions, which shall be a part of the contract with the holders of said bonds as to—

(a) Pledging the tolls and revenues from the Rouses Point Bridge and, subject to the terms of any agreement with the holders of bonds issued by such Commission before the 1st day of March 1933 (whether contained in this agreement or in the bonds or in proceedings for the issuance of the bonds or other-

wise), pledging the tolls and revenues from the bridge heretofore constructed by such Commission;

(b) The rates of the tolls to be charged, and the amount to be raised in each year by tolls, and the use and disposition of the tolls and other revenues;

(c) The setting aside of reserves or sinking funds, and the regulation and disposition thereof;

(d) Limitations on the right of such Commission to restrict and regulate the use of the Rouses Point Bridge and the bridge heretofore constructed by such Commission;

(e) Limitations on the purposes to which the proceeds of sale of any issue of said bonds then or thereafter to be issued may be applied;

(f) Limitations on the issuance of additional bonds;

(g) The procedure, if any, by which the terms of any contract with holders of said bonds may be amended or abrogated, the amount of said bonds the holders of which must consent thereto, and the manner in which such consent may be given.

4. The obligation of such Commission to make payments into the State treasury of each State out of tolls and revenues from the bridge heretofore constructed by such Commission as provided in article 17 hereof is hereby terminated and annulled and the amounts which otherwise would have been so payable into the States' treasuries may be pledged to the payment of said bonds.

5. Neither the members of such Commission nor any person executing such bonds shall be liable personally on said bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

6. Such Commission shall have power out of any funds available therefor to purchase any bonds issued by it at a price not more than the principal amount thereof and accrued interest. All bonds so purchased shall be canceled.

## ARTICLE XXVII

1. In the event that such Commission shall default in the payment of principal or interest on any of the bonds authorized by article 26 hereof after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that such Commission shall fail or refuse to comply with the provisions of this agreement, or shall default in any agreement made with the holders of said bonds, the holders of 25 per centum in aggregate principal amount of said bonds then outstanding, by instrument or instruments filed in the office of the clerk of the county of Clinton, New York, or of the clerk of the court of chancery in and for the county of Grand Isle, Vermont, and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of said bonds for the purposes herein provided.

2. Such trustee may, and upon written request of the holders of 25 per centum in principal amount of said bonds then outstanding shall, in his or its own name—

(a) By mandamus or other suit, action or proceeding, at law or in equity, enforce all rights of the holders of said bonds, including the right to require such Commission and its members to collect tolls and rentals adequate to carry out any agreement as to, or pledge of, such tolls and rentals, and to require such Commission and its members to carry out any other agreement with the holders of said bonds and to perform its and their duties under this act;

Agreement—Contd.

(b) Bring suit upon said bonds;

(c) By action or suit in equity, require such Commission to account as if it were the trustee of an express trust for the holders of said bonds;

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the holders of said bonds;

(e) Declare all said bonds due and payable, and if all default shall have been cured, annul such declaration and its consequences.

3. The supreme court of the State of New York and the court of chancery in and for the county of Grand Isle and the county court of Grand Isle County in the State of Vermont, each within the limits of its jurisdiction over persons and property, shall, respectively, have jurisdiction of suits, actions, and proceedings by the trustees on behalf of the bondholders. The venue of any such suits, actions, or proceedings in New York, shall be laid in Clinton County and in Vermont in Grand Isle County. Service of process of any of such courts upon any member of such Commission shall constitute service on such Commission.

4. Before declaring the principal of all such bonds due and payable the trustees shall first give thirty days' notice in writing to a member of such Commission.

5. Any such trustee shall, whether or not all said bonds have been declared due and payable, be entitled as of right to the appointment of a receiver and ancillary receiver, who may enter and take possession of the bridges or any part or parts thereof and operate and maintain the same and of any and all other property of the commission and collect and receive all tolls, rentals, and other revenues thereafter arising from said bridges and property in the same manner as the bridge authority itself might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. The court of the State to which application is first made therefor shall have jurisdiction to appoint the receiver and the court of the State to which application is thereafter made shall have jurisdiction to appoint the ancillary receiver. In any suit, action, or proceedings by the trustee the fees, counsel fees, and expenses of the trustee and of the receiver and ancillary receiver, if any shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge on any tolls, rentals, and other revenues derived from the bridges.

6. Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the holders of said bonds in the enforcement and protection of their rights.

#### ARTICLE XXVIII

The bonds and other obligations of such Commission shall not be a debt of the State of New York or of the State of Vermont and neither State shall be liable thereon, nor shall they be payable out of any funds other than those of such Commission.

#### ARTICLE XXIX

The bonds authorized by article 26 hereof shall be exempt from taxation except for transfer, estate, and inheritance taxes and are hereby made securities in which all public officers and bodies of each State and all municipalities and municipal subdivisions, all

insurance companies and associations, all savings banks and savings institutions, including savings and loan associations, administrators, guardians, executors, trustees, and other fiduciaries in each State may properly and legally invest funds in their control.

Agreement—Contd.

### ARTICLE XXX

1. After applying all tolls and other revenues from Rouses Point Bridge and from the bridge heretofore constructed by such Commission—

(a) While any bonds of such Commission are outstanding, to meet all agreements with the holders thereof; and

(b) To meet all requirements for operation and maintenance of said bridges, such Commission shall set aside as a reserve for future operation and maintenance such sum as such Commission shall deem advisable not exceeding the estimated amount required for operation and maintenance for one year.

2. Such Commission shall pay any excess of tolls and revenues not required for said purposes annually into the treasuries of the States of New York and Vermont until the amount so paid shall equal the advances heretofore made by such States to such Commission with interest on the unpaid balance of such advances at the rate of 4 per centum per annum from the date of such advances, the amount to be paid to said States, respectively, being prorated in accordance with the respective unpaid balances of such advances.

3. It is the declared purpose of each of the contracting parties that both of said bridges will eventually be free bridges and to that end it is agreed that after the payment of all obligations which may be issued by such Commission and after the State of New York and the State of Vermont shall have been fully repaid for any and all moneys that have been advanced by them together with interest thereon, said States by concurrent legislation shall provide the method and procedure for the future operation, maintenance, and control of said bridges.

### ARTICLE XXXI

The construction, maintenance, and operation of Rouses Point Bridge is in all respects for the benefit of the people of the two States, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and such Commission shall be regarded as performing a governmental function in undertaking the said construction, maintenance, and operation and carrying out the provisions of law relating to the said bridge and shall be required to pay no taxes or assessments upon any of the property acquired by it for the construction, operation, and maintenance of such bridge, and the interest of either State in any tolls collected under this article shall be free from any State, county, municipal, or local taxation whatsoever in the other State.

### ARTICLE XXXII

Such Commission shall have the power to apply to the Congress of the United States or any department of the United States for consent and approval of this agreement, as amended, and of the Rouses Point Bridge to be constructed hereunder, but in the absence of such consent by Congress and until the same shall have been secured, this agreement, as amended, shall be binding upon the State of New York when ratified by it and the State of Vermont

Agreement—Contd.

when ratified by it without the consent of Congress to cooperate for the purposes enumerated in this agreement and in the manner herein provided.

#### ARTICLE XXXIII

Notwithstanding anything in article 22 and all subsequent articles hereof, this agreement shall not authorize such Commission to do any act or thing which shall violate the rights of the holders of bonds issued by it prior to the 1st day of March 1933, and the provisions hereof relating to any and all rights and remedies of the holders of bonds issued under the provisions of article 26 and subsequent articles of this agreement shall not be construed to violate or to authorize the violation of any of the rights of the holders of bonds issued prior to said date.

#### ARTICLE XXXIV

The States of New York and Vermont do hereby pledge themselves and it is hereby agreed with those subscribing to the bonds issued by such Commission pursuant to article 26, and subsequent articles hereof, that the States will not authorize the construction or maintenance of any other highway crossing for vehicular traffic over Lake Champlain between the two States in competition with Rouses Point Bridge, nor will it limit or alter any rights vested in such Commission to establish and levy such tolls as it may deem convenient and necessary to produce sufficient revenue to meet the expense and operation of such bridge and the bridge heretofore constructed by such Commission, and to fulfill the terms of the obligations assumed by such Commission in relation to such bridges until the said bonds with interest thereon are fully met and discharged: *Provided*, That such crossing shall be construed as competitive with Rouses Point Bridge only if it shall form a highway connection for vehicular traffic between the two States across Lake Champlain north of the existing bridge heretofore constructed by such Commission. The provisions of this article shall constitute an agreement between the two States for the benefit of those holding the bonds of such Commission and such Commission may include in bonds issued by it such part of this agreement as shall seem proper as evidence of the foregoing agreement made by the two States with the holders of the said bonds.

#### ARTICLE XXXV

The State of New York and the State of Vermont hereby consent to the use and occupation of any lands of such States, respectively, if any, lying under the waters of Lake Champlain necessary for the construction and maintenance of Rouses Point Bridge.

In witness whereof, we have signed this compact or agreement, in duplicate, by and under the authority of chapter 201 of the Laws of 1933, as amended by chapter 355 of the Laws of 1935 of the State of New York, and by and under the authority of an act passed by the General Assembly of the State of Vermont entitled "An act authorizing an agreement or compact between the State of Vermont and the State of New York to amend the existing agreement or compact between said States creating the Lake Champlain Bridge Commission, in relation to the construction of a new bridge across Lake Champlain, the issuance of bonds by said Commission, and providing for the payment of said bonds",

approved by the Governor February 27, 1935, as amended by the act amending said act, approved by the Governor March 21, 1935, this 30th day of March 1935.

Agreement—Contd.

Mortimer Y. Ferris, Marion L. Thomas, William Berman, as commissioners upon the part of the State of New York; John J. Bennett, Junior; attorney general of the State of New York. George Z. Thompson, William R. Warner, Ford M. Thomas, as commissioners upon the part of the State of Vermont; Lawrence C. Jones, attorney general of the State of Vermont.

In the presence of: Walter L. Moore and W. C. Foote. Attorney General John J. Bennett, Junior, signed on the 11th day of April 1935 in the presence of Joseph M. Mesnig.

Attorney General Lawrence C. Jones signed on the 17th day of April 1935 in the presence of Elizabeth L. Barber.

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

Amendment, etc.

Approved, August 23, 1935.

[CHAPTER 636.]

AN ACT

To authorize the erection of a suitable memorial to Major General George W. Goethals within the Canal Zone.

August 24, 1935.

[S. 2743.]

[Public, No. 315.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is authorized, through such person or persons as he may designate, to select an appropriate site within the Canal Zone and to cause to be erected thereon a suitable memorial of heroic size to Major General George W. Goethals in commemoration of his signally distinguished services in connection with the construction and operation of the Panama Canal.

Major General George W. Goethals memorial. Erection of, within Canal Zone authorized.

SEC. 2. There is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, a sum not to exceed \$75,000 for every object connected with the purposes of this Act, including site development and any essential approach work.

Appropriation authorized.

Approved, August 24, 1935.

[CHAPTER 637.]

AN ACT

To authorize the purchase of the Winnie Mae by the Smithsonian Institution.

August 24, 1935.

[S. 3135.]

[Public, No. 316.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Smithsonian Institution is hereby authorized and directed to purchase on behalf of the United States the airplane Winnie Mae with the original instruments used in its world trips by Wiley Post, at a price not in excess of \$25,000, and cause such airplane to be placed in the Smithsonian Institution.

Winnie Mae, airplane. Purchase of, authorized.

SEC. 2. There is hereby authorized to be appropriated the sum of \$25,000, or so much thereof as may be necessary, to carry out the provisions of this Act.

Appropriation authorized. Post, p. 1604.

Approved, August 24, 1935.

## [CHAPTER 638.]

## AN ACT

To authorize the Postmaster General to contract for air-mail service in Alaska.

August 24, 1935.  
[H. R. 5159.]  
[Public, No. 317.]

Postal service.  
Vol. 43, p. 960; U. S.  
C., p. 1744.

Alaska.  
Emergency mail  
service.

Air mail, for all  
classes, authorized.

Appropriation avail-  
able.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of February 21, 1925 (43 Stat. 960; 39 U. S. C. 488), is amended to read as follows:

"The Postmaster General may provide difficult or emergency mail service in Alaska, at a total annual cost of not exceeding \$25,000, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor; and he is authorized, in his discretion, to contract, after advertisement in accordance with law, for the carriage of all classes of mail within the Territory of Alaska, by airplane, payment therefor to be made from the appropriation for star-route service in Alaska."

Approved, August 24, 1935.

## [CHAPTER 639.]

## AN ACT

To provide aid for needy blind persons of the District of Columbia and authorizing appropriations therefor.

August 24, 1935.  
[H. R. 5711.]  
[Public, No. 318.]

District of Columbia.  
Care of needy blind,  
authorized.

Qualifications.

Powers of Commis-  
sioners.

*Ante*, p. 620.

"Needy blind per-  
son" defined.

Age and residence re-  
quirements.

*Provisos.*  
When blindness  
originating while not a  
resident.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Board of Commissioners of the District of Columbia (hereinafter called the "Board") is hereby authorized and directed to enforce the provisions of this Act for the purpose of maintaining, supporting, and caring for needy blind persons who are residents of the said District of Columbia, citizens of the United States, and not inmates of any institution supported in whole or in part by the Federal or District Governments, and said Board shall have the power to make and enforce all proper rules and regulations therefor, including the definitions of "blindness" and of "needy individuals" and the power to make and require any reports required by the Federal Social Security Board or otherwise authorized or required by law. The said Board may entrust the carrying out of the provisions of this Act, or any of them, to any agency of the Government of the District of Columbia which said Board may designate.

SEC. 2. As used in this Act, the term "needy blind person" shall be construed to mean any person who by reason of the loss or impairment of eyesight is of such condition that he cannot be rehabilitated for self-support through the facilities offered by the Vocational Rehabilitation Service for the District of Columbia, United States Office of Education, and who is unable to provide himself with the necessities of life and who has not sufficient means of his own to maintain himself and who is otherwise qualified as further set forth in this Act, and nothing in this Act shall prevent any blind person in sound mental and physical condition who is an inmate of an institution for the care of the indigent from applying for the benefits under this Act on the condition that they leave such institution upon the granting of such relief.

SEC. 3. In order that any person who shall have become blind while a resident of the District of Columbia may be entitled to aid under the provisions of this Act such person must be at least sixteen years of age and a resident of the District of Columbia for one year next preceding his application for aid hereunder: *Provided*, That in order that any person whose blindness originated while he was not a resident



of the District of Columbia may be entitled to aid hereunder, such person must be at least twenty-one years of age and must have been a bona fide resident of the District of Columbia for a period of five years during the nine years immediately preceding the filing of his application for aid hereunder and must have resided in the District of Columbia continuously for at least one year immediately preceding the date of the application: *And provided further*, That nothing in this Act shall be construed to repeal or render void, so far as blind persons are concerned, any existing statutes which create or define a liability on the part of certain persons to support and provide for poor relatives.

Liability of certain persons to provide for poor relatives not affected.

SEC. 4. To receive aid under this Act, the applicant shall file his application with the Board or its designated agency, accompanied by an affidavit signed by himself stating his age, sex, places of residence during the period stipulated in the District of Columbia, his financial resources, and incomes, the name and address of his next of kin, degree of blindness, how long blind, what employment he has had, his general physical condition, and such other information as the Board or its designated agency may designate.

Filing, etc., applications.

SEC. 5. No aid shall be granted hereunder until the Board or its designated agency is satisfied from the evidence of at least two reputable citizens of the District of Columbia that they know the applicant has the residential qualifications to entitle him to the aid asked for, and from the evidence of a duly licensed and practicing oculist whose duty it shall be to describe the condition of the applicant's eyes and to testify to his blindness, which evidence shall be in writing subscribed to by such witnesses, subject to the right of cross-examination by either the Board or its designated agency; and if the Board or its designated agency is satisfied by such testimony that the applicant is entitled to aid hereunder, it shall, without delay, allow such sum as it finds needed: *Provided*, That no aid shall be furnished any individual with respect to any period with respect to which he is receiving old-age assistance: *Provided further*, That in the case of a blind dependent child living with its parents or parent such aid shall not exceed \$30 per month: *And provided further*, That any agency designated by the Board hereunder shall transmit to the Board a record of its actions in granting or refusing to grant aid to each blind applicant, and any blind applicant who is dissatisfied with the finding of such agency regarding his application for aid, may appeal to the Board who shall grant such applicant a full hearing, after reasonable notice, and shall then consider the application; and, if a majority of the Board in attendance at a meeting at which a quorum is present shall find that the applicant is entitled to aid under the provisions of this Act, they shall then and there award such aid as they deem proper.

Investigation and examination as to applicant's qualifications.

*Provisos.*  
Persons receiving old-age assistance.  
Blind dependent child.

Reports and appeals.

SEC. 6. The Board or its designated agency shall investigate annually, or oftener, the qualifications of blind persons who receive aid hereunder, and may increase or decrease the allowance within the limits prescribed by this Act; or if said designated agency is satisfied that any person receiving aid under this Act is not entitled to such aid, it shall discontinue such aid and shall forthwith notify such person and the Board of such action: *Provided, however*, That the person receiving such aid may take an appeal to the Board from such action as if it were an original application for aid: *And provided further*, That such an appeal must be filed within sixty days from the notification by the designated agency to the beneficiary hereunder of the intended reduction or discontinuance of aid. If any such appeal be filed, the said aid shall be restored pending the findings of the Board on said appeal.

Annual investigation to determine eligibility, etc.

Discontinuance if not entitled.

*Provisos.*  
Appeal allowed.

Date of filing.

Restoration, pending Board's findings.

Ineligibility of person who publicly solicits alms.

SEC. 7. No person shall be eligible to receive aid under the provisions of this Act who, after receiving said aid publicly solicits alms in any manner, either by wearing, carrying, or exhibiting signs denoting blindness for the securing of alms, or by any signs calling attention to blindness exhibited on wares and merchandise, or the carrying of receptacles for the purpose of securing alms, or the doing of the same by proxy, or by stationary or house-to-house begging, or any other means of publicly securing aid.

Removals as affecting entitlement to receive benefits.

SEC. 8. Any person qualifying for and receiving aid hereunder who removes himself from the jurisdiction of the District of Columbia and thereby ceases to be a resident, shall no longer be entitled to the benefits and aid under the provisions of this Act. Absence for a reasonable length of time, as designated by the Board, shall not work a forfeiture hereunder.

Persons to whom benefits denied.

SEC. 9. The benefits hereof shall not be granted to any person between the ages of sixteen and fifty-five years who, having no occupation and being both physically and mentally capable of some useful occupation, or of receiving vocational or other training, refuses for any reason to engage in such useful occupation, or refuses to avail himself of such vocational or other training: *Provided*, That no person shall be entitled to the benefits of this Act who shall refuse to submit to any treatment or operation for blindness when such treatment or operation is recommended by three examining oculists and approved by the Board or its designated agency.

*Proviso.*  
Refusing surgical, etc., treatments.

Persons ineligible to benefits.

SEC. 10. No person shall be eligible to the benefits of this Act who shall hereafter either intentionally deprive himself of his eyesight or assist in the destruction thereof by others; or hereafter shall lose his eyesight during the perpetration of a criminal offense; or shall hereafter lose his eyesight by reason of vicious habits.

Obligation of kindred.

SEC. 11. The kindred of any persons otherwise entitled to aid under the provisions of this Act, in line and degree of spouse, father, child, or grandchild living in the District of Columbia and of sufficient ability so to do shall be bound to support such person, in the order above named and in proportion to their respective ability. If at any time during the continuance of aid the Board of Commissioners or its designated agency has reason to believe that a spouse, father, child, or grandchild is reasonably able to assist him, it shall be empowered to bring suit, after notifying such person of the amount of such aid, against such spouse, father, child, or grandchild to recover the amount of such aid provided under this Act, or such part thereof as such spouse, father, child, or grandchild was reasonably able to pay.

Suit to recover amount of assistance.

Estate of recipient, etc.

Aid received to be a preferred claim against.

SEC. 12. At the death of a recipient of aid under this Act, or of the last survivor of a married couple either one of whom have received aid, the total amount of aid since the first grant, together with simple interest at the rate of 3 per centum per annum, shall be deducted and allowed by the proper courts out of the proceeds of his property as a preferred claim against the estate of the person so assisted, and refunded to the Treasurer of the United States to the credit of the District of Columbia, leaving the balance for distribution among the lawful heirs in accordance with law: *Provided*, That upon sufficient cause, such as mismanagement, failure to keep in repair, or the inability of any recipient of aid properly to manage his property, the designated agency of the Board may demand the assignment or transfer of such property, or a proper part thereof, upon the first grant of such aid, or at any time thereafter that it deems advisable for the purpose of safeguarding the interest of an applicant or for the protection of the funds of the District of Colum-

*Proviso.*  
Conservation of property, etc.

bia. Such agency shall establish such rules and regulations regarding the care, management, transfer, and sale of such property as it deems advisable and shall provide for the return of the balance of the claimant's property into his hands whenever the assistance is withdrawn or the claimant ceases to request it.

Rules.

SEC. 13. Any person who attempts to obtain, or obtains, by false representation, fraud, or deceit, any allowance under this Act, or who receives any allowance knowing it to have been fraudulently obtained, or who aids or assists any person in obtaining or attempting to obtain an allowance by fraud, shall upon conviction in the police court of the District of Columbia be punished by a fine of not more than \$500 or by imprisonment for not more than one year, or by both such fine and imprisonment.

False representations, etc.

SEC. 14. In order to carry out the provisions of this Act there is authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$75,000, payable from the revenues of the District of Columbia, and for the fiscal year ending June 30, 1937, and annually thereafter, the Commissioners of the District of Columbia shall include in the estimate of appropriations for said District of Columbia, such an amount as may be necessary for this purpose; and the Board shall assign such personnel in the employ of the District of Columbia as may be necessary to administer this Act; and said Board or its designated agency shall keep and render separate account of the funds expended and separate statistical reports of the persons aided, under the provisions of this Act: *Provided*, That whenever necessary said Board shall appoint an acceptable member of the personnel to stand in loco parentis to any minor qualifying for aid hereunder.

Appropriation authorized. Post, pp. 1115, 1881.

Personal services.

SEC. 15. The Board of Commissioners or its designated agency is hereby authorized and directed to cooperate in all necessary respects with the Social Security Board of the United States Government in the administration of this Act, and to accept any sums allotted or apportioned by such Board as are available under the provisions of the Social Security Act.

Proviso. Appointment of member to stand in loco parentis to minor.

Federal Social Security Board. Cooperation with.

SEC. 16. The provisions of this Act are to be liberally construed to effect its objects and purposes, and if any section, subsection, or subdivision of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

Interpretation and separability provision.

Approved, August 24, 1935.

[CHAPTER 640.]

AN ACT

To amend the Code of Laws for the District of Columbia in relation to providing assistance against old-age want.

August 24, 1935. [H. R. 6623.] [Public, No. 319.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the care and assistance of aged persons who are in need and whose physical or other condition or disabilities seem to render permanent their inability to provide properly for themselves is hereby declared to be a special matter of public concern and a necessity in promoting the public health and welfare. To provide such care and assistance at public expense a system of old-age assistance is hereby established for the District of Columbia. The terms "assistance" whenever used in this Act shall be construed to include relief, aid, care, or support. The pronoun "he" or "his" when used herein shall be construed to include persons of either sex.

District of Columbia. Old-age assistance.

Establishment of system.

"Assistance" construed.

Requirements for grant of assistance.

SEC. 2. Assistance may be granted only to an applicant who (a) is a citizen of the United States; (b) has attained the age of sixty-five years or upward; (c) has resided in the District of Columbia for five years or more within the nine years immediately preceding application for assistance, and who has resided therein continuously for one year immediately preceding the said application; (d) is not at the time of making application an inmate of any prison, jail, workhouse, insane asylum, or any other public reformatory or correctional institution; (e) is not a habitual tramp or beggar; (f) has no child or other person financially able to support him and legally responsible for his support; and (g) has not made a voluntary assignment or transfer of property for the purpose of qualifying for such assistance.

Recipient not to receive other relief.

During the continuance of the old-age assistance no recipient shall receive any other relief from the District of Columbia except for medical and surgical and nursing care.

Administration.

SEC. 3. The Board of Commissioners of the District of Columbia shall administer old-age assistance under this Act through such agent or agency as it may designate. It shall prescribe the form of and print and supply the blanks for applications, reports, and affidavits, and such other forms as it may deem advisable, and shall

Forms, reports, etc.

Regulations.

make rules and regulations necessary for the carrying out of the provisions of this Act, and shall make and render any and all reports required by the Federal Social Security Board or otherwise

Amount of assistance.

authorized or required by law. The amount of the assistance which any such person shall receive, and the manner of providing it, shall be determined by the Board of Commissioners or its designated agency, with due regard to the conditions existing in each case.

Admittance to Home for Aged in lieu of aid.

The Board of Commissioners may, in lieu of the assistance herein provided, refer any applicant to the Board of Public Welfare for admission to the Home for Aged and Infirm, whenever, in the judgment of the said Commissioners, such action may be in the public interest or in the best interest of the applicant. Any applicant for old-age assistance whose claim for initial relief or modification of relief is denied may apply to the agency designated by the Commissioners for the administration of this Act for hearing and review of said claim and the determination of the designated agency on such appeal shall be final except that the Commissioners of the District of Columbia in their discretion may grant a further review of the matters embraced in the aforesaid application.

Refusals may be reviewed by Commissioners.

If, in the opinion of the Board of Commissioners or its designated agency, the recipient is incapable of taking care of himself or his money, it may direct the payment to any responsible person for the benefit of the pensioner, or may suspend payment if deemed advisable.

Payments; exemption from process, etc.

SEC. 4. All assistance given under this Act shall be inalienable by any assignment or transfer and shall be exempt from levy or execution under the laws of the United States and the District of Columbia.

Funeral expenses.

SEC. 5. On the death of a recipient of old-age assistance such reasonable funeral expenses as the Board of Commissioners or its designated agency may deem necessary may be paid for the burial of such person.

Applications for assistance.

SEC. 6. A person requesting assistance under this Act shall make his application therefor to the Board of Commissioners or its designated agency. The person requesting assistance may apply in person, or the application may be made by another in his behalf. The application shall be made in writing and under oath.

SEC. 7. Upon the receipt of an application for assistance an investigation and record shall be promptly made of the circumstances of the applicant. The object of such investigation shall be to ascertain the facts supporting the application made under this Act and such other information as may be required by the rules hereunder formulated.

Investigation to be made.

SEC. 8. All assistance under this Act shall be reviewed from time to time as frequently as may be required by the rules hereunder formulated. After such further investigation as may be deemed necessary the amount and manner of assistance may be changed or the assistance may be withdrawn if it is found that the recipient's circumstances have changed sufficiently to warrant such action, and all cases in which relief is being extended shall be reviewed every six months. It shall be within the power of the Board of Commissioners or its designated agency at any time to cancel and revoke assistance and to suspend payments for such periods as it may deem proper.

Periodic reviews to ascertain recipient's circumstances.

Authority to cancel or suspend payments.

SEC. 9. If at any time the Board of Commissioners or its designated agency has reason to believe that any assistance has been improperly obtained, it shall cause special inquiry to be made. If, on inquiry, it appears that it was improperly obtained, it shall be canceled.

Assistance improperly obtained.

SEC. 10. Any person, who by means of a willfully false statement or representation, or by impersonation, or other fraudulent device, obtains or attempts to obtain, or aids or abets any person to obtain (a) assistance to which he is not justly entitled; (b) a larger amount of assistance than that to which he is justly entitled; (c) payment of any forfeited installment grant; (d) or aids or abets in the buying or in any way disposing of the property of an old-age assistance recipient, without the consent of the Board of Commissioners or its designated agency, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than \$500 or imprisoned for a period not to exceed six months, or both.

False representations, deemed a misdemeanor.

Punishment for.

SEC. 11. The kindred of any persons otherwise entitled to old-age assistance under the provisions of this Act, in line and degree of spouse, father, child, or grandchild living in the District of Columbia and of sufficient ability so to do shall be bound to support such person, in the order above named and in proportion to their respective ability. If at any time during the continuance of old-age assistance the Board of Commissioners or its designated agency has reason to believe that a spouse, father, child, or grandchild is reasonably able to assist him, it shall be empowered to bring suit, after notifying such person of the amount of old-age assistance, against such spouse, father, child, or grandchild to recover the amount of assistance provided under the Act, or such part thereof as such spouse, father, child, or grandchild was reasonably able to pay.

Responsibility of kindred.

Suit to recover amount of assistance.

SEC. 12. At the death of recipient of a old-age assistance, or of the last survivor of a recipient married couple, the total amount of assistance since the first grant, together with simple interest at the rate of 3 per centum per annum, shall be deducted and allowed by the proper courts out of the proceeds of his property as a preferred claim against the estate of the person so assisted, and refunded to the Treasurer of the United States to the credit of the District of Columbia, leaving the balance for distribution among the lawful heirs in accordance with law: *Provided*, That upon sufficient cause, such as mismanagement, failure to keep in repair, or the inability of any recipient of assistance properly to manage his property, the designated agency of the Commissioners may demand the assignment or transfer of

Estate of recipient, etc.

Aid received to be a preferred claim against.

*Proviso.* Conservation of property, etc.

- such property, or a proper part thereof, upon the first grant of such assistance, or at any time thereafter that it deems advisable for the purpose of safeguarding the interest of an applicant or for the protection of the funds of the District of Columbia. Such agency shall establish such rules and regulations regarding the care, management, transfer, and sale of such property as it deems advisable and shall provided<sup>1</sup> for the return of the balance of the claimant's property into his hands whenever the assistance is withdrawn or the claimant ceases to request it. If the District of Columbia collects from the estate of any recipient of old-age assistance any amount with respect to old-age assistance furnished him under this Act, one half of the net amount so collected shall be paid to the United States in accordance with the provisions of Title I of the Social Security Act.
- Rules.**
- Division of refunds.**
- Ante*, p. 620.
- Annual appropriations authorized.  
*Post*, pp. 1115, 1881.
- SEC. 13.** Congress shall appropriate annually and make available to the order of the Board of Commissioners of the District of Columbia such sums as may be needed to pay the share of the District of Columbia for old-age assistance, provided under this Act together with a sufficient sum to defray its share<sup>1</sup> administrative expenses to be incurred in connection therewith, and include such sums in the annual District of Columbia appropriation Act. Should the sums so appropriated, however, be expended or exhausted during the year for the purposes for which it was appropriated, additional sums shall be appropriated by Congress as occasion demands to carry out the provisions of this Act.
- Administrative expenses.**
- SEC. 14.** All necessary expenses incurred by the District of Columbia in carrying out the provision<sup>1</sup> of this Act shall be paid in the same manner as other expenses of the District of Columbia are paid.
- Federal Social Security Board.**
- Local cooperation with, directed.**
- SEC. 15.** The Board of Commissioners or its designated agency is hereby authorized and directed to cooperate in all necessary respects with the Social Security Board of the United States Government in the administration of this Act, and to accept any sums allotted or apportioned by such Board as are available under the provisions of the Social Security Act.
- Effective date.**
- SEC. 16.** This Act shall take effect ninety days after its passage.
- Approved, August 24, 1935.

## [CHAPTER 641.]

## AN ACT

To amend the Agricultural Adjustment Act, and for other purposes.

August 24, 1935.  
[H. R. 8492.]  
[Public, No. 320.]

Agricultural Adjustment Act, amendments.  
Vol. 48, p. 32; U. S. C., p. 155.

Declaration of policy; base periods for commodity prices.

Vol. 48, p. 32; U. S. C., p. 156.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) the first sentence of subsection (1) of section 2 of the Agricultural Adjustment Act, as amended, is amended by striking out the first word and inserting in lieu thereof the following: "Through the exercise of the powers conferred upon the Secretary of Agriculture under this title, to", and by inserting before the period at the end thereof a semicolon and the following: "and, in the case of all commodities for which the base period is the pre-war period, August 1909 to July 1914, will also reflect current interest payments per acre on farm indebtedness secured by real estate and tax payments per acre on farm real estate, as contrasted with such interest payments and tax payments during the base period".

(b) Section 2 of the Agricultural Adjustment Act, as amended, is amended by striking out subsections (2) and (3) and inserting in lieu thereof the following:

<sup>1</sup> So in original.

"(2) To protect the interest of the consumer by (a) approaching the level of prices which it is declared to be the policy of Congress to establish in subsection (1) of this section by gradual correction of the current level at as rapid a rate as the Secretary of Agriculture deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (b) authorizing no action under this title which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish in subsection (1) of this section."

Protection of consumer interest.

SEC. 2. Section 8 of the Agricultural Adjustment Act, as amended, is amended by striking out everything preceding subsection (2) and inserting in lieu thereof the following:

Vol. 48, p. 34; U. S. C., p. 157.  
Commodity benefits.

"(1) Whenever the Secretary of Agriculture has reason to believe that:

Investigations by Secretary of Agriculture.

"(a) The current average farm price for any basic agricultural commodity is less than the fair exchange value thereof, or the average farm price of such commodity is likely to be less than the fair exchange value thereof for the period in which the production of such commodity during the current or next succeeding marketing year is normally marketed, and

"(b) The conditions of and factors relating to the production, marketing, and consumption of such commodity are such that the exercise of any one or more of the powers conferred upon the Secretary under subsections (2) and (3) of this section would tend to effectuate the declared policy of this title,

he shall cause an immediate investigation to be made to determine such facts. If, upon the basis of such investigation, the Secretary finds the existence of such facts, he shall proclaim such determination and shall exercise such one or more of the powers conferred upon him under subsections (2) and (3) of this section as he finds, upon the basis of an investigation, administratively practicable and best calculated to effectuate the declared policy of this title.

Proclamation of findings.

Exercise of conferred powers.

"(2) Subject to the provisions of subsection (1) of this section, the Secretary of Agriculture shall provide, through agreements with producers or by other voluntary methods,

Agreements with producers.

"(a) For such adjustment in the acreage or in the production for market, or both, of any basic agricultural commodity, as he finds, upon the basis of the investigation made pursuant to subsection (1) of this section, will tend to effectuate the declared policy of this title, and to make such adjustment program practicable to operate and administer, and

Adjustments in acreage or production.

"(b) For rental or benefit payments in connection with such agreements or methods in such amounts as he finds, upon the basis of such investigation, to be fair and reasonable and best calculated to effectuate the declared policy of this title and to make such program practicable to operate and administer, to be paid out of any moneys available for such payments or, subject to the consent of the producer, to be made in quantities of one or more basic agricultural commodities acquired by the Secretary pursuant to this title.

Rental or benefit payments; amounts.

"(3) Subject to the provisions of subsection (1) of this section, the Secretary of Agriculture shall make payments, out of any moneys available for such payments, in such amounts as he finds, upon the basis of the investigation made pursuant to subsection (1) of this section, to be fair and reasonable and best calculated to effectuate the declared policy of this title:

Additional payments.

"(a) To remove from the normal channels of trade and commerce quantities of any basic agricultural commodity or product thereof;

“(b) To expand domestic or foreign markets for any basic agricultural commodity or product thereof;

“(c) In connection with the production of that part of any basic agricultural commodity which is required for domestic consumption.

Investigations.

“(4) Whenever, during a period during which any of the powers conferred in subsection (2) or (3) is being exercised, the Secretary of Agriculture has reason to believe that, with respect to any basic agricultural commodity:

When it appears that current average farm price not less than fair exchange value.

“(a) The current average farm price for such commodity is not less than the fair exchange value thereof, and the average farm price for such commodity is not likely to be less than the fair exchange value thereof for the period in which the production of such commodity during the current or next succeeding marketing year is normally marketed, or

When exercise of powers would not effectuate policy.

“(b) The conditions of and factors relating to the production, marketing, and consumption of such commodity are such that none of the powers conferred in subsections (2) and (3), and no combination of such powers, would, if exercised, tend to effectuate the declared policy of this title, he shall cause an immediate investigation to be made to determine such facts. If, upon the basis of such investigation, the Secretary finds the existence of such facts, he shall proclaim such determination, and shall not exercise any of such powers with respect to such commodity after the end of the marketing year current at the time when such proclamation is made and prior to a new proclamation under subsection (1) of this section, except insofar as the exercise of such power is necessary to carry out obligations of the Secretary assumed, prior to the date of such proclamation made pursuant to this subsection, in connection with the exercise of any of the powers conferred upon him under subsections (2) or (3) of this section.

Proclamation of findings.

Exercise of powers thereafter.

“(5) In the course of any investigation required to be made under subsection (1) or subsection (4) of this section, the Secretary of Agriculture shall hold one or more hearings, and give due notice and opportunity for interested parties to be heard.

Hearings; notice.

Restriction on payments.

“(6) No payment under this title made in an agricultural commodity acquired by the Secretary in pursuance of this title shall be made in a commodity other than that in respect of which the payment is being made. For the purposes of this subsection, hogs and field corn may be considered as one commodity.

Hogs and field corn.

Sugar beets or sugarcane.

Payments when returns to producers reduced by payment of processing tax or floor stocks tax.

Vol. 43, p. 676.

“(7) In the case of sugar beets or sugarcane, in the event that it shall be established to the satisfaction of the Secretary of Agriculture that returns to growers or producers, under the contracts for the 1933-1934 crop of sugar beets or sugarcane, entered into by and between the processors and producers and/or growers thereof, were reduced by reason of the payment of the processing tax, and/or the corresponding floor stocks tax, on sugar beets or sugarcane, in addition to the foregoing rental or benefit payments, the Secretary of Agriculture shall make such payments, representing in whole or in part such tax, as the Secretary deems fair and reasonable, to producers who agree, or have agreed, to participate in the program for reduction in the acreage or reduction in the production for market, or both, of sugar beets or sugarcane.

Agreement to curtail production required.

Rice.  
Agreements with producers to pledge right to rental or benefit payments.

Ante, p. 46.

“(8) In the case of rice, the Secretary of Agriculture, in exercising the power conferred upon him by subsection (2) of this section to provide for rental or benefit payments, is directed to provide in any agreement entered into by him with any rice producer pursuant to such subsection, upon such terms and conditions as the Secretary



determines will best effectuate the declared policy of this title, that the producer may pledge for production credit in whole or in part his right to any rental or benefit payments under the terms of such agreement and that such producer may designate therein a payee to receive such rental or benefit payments.

“(9) Under regulations of the Secretary of Agriculture requiring adequate facilities for the storage of any nonperishable 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.”

Benefit payment on stored nonperishable commodity.

Deduction of inspection and sealing costs.

SEC. 3. The first sentence of subsection (b) of section 12 of the Agricultural Adjustment Act, as amended, is amended to read as follows: “In addition to the foregoing, for the purpose of effectuating the declared policy of this title, a sum equal to the proceeds derived from all taxes imposed under this title is hereby appropriated to be available to the Secretary of Agriculture for (1) the acquisition of any agricultural commodity pledged as security for any loan made by any Federal agency, which loan was conditioned upon the borrower agreeing or having agreed to cooperate with a program of production adjustment or marketing adjustment adopted under the authority of this title, and (2) the following purposes under part 2 of this title: Administrative expenses, payments authorized to be made under section 8, and refunds on taxes.”

Vol. 48, p. 38; U. S. C., p. 162. Appropriation. Sum available.

Purposes.

SEC. 4. Subsection (2) of section 8 of the Agricultural Adjustment Act, as amended, is amended by designating said subsection as section 8b, by inserting said section at the end of section 8a, and by amending the first sentence thereof to read as follows: “In order to effectuate the declared policy of this title, the Secretary of Agriculture shall have the power, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof, only with respect to such handling as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof.”

Vol. 48, pp. 34, 528, 672; U. S. C., p. 158.

Marketing agreements; authority to enter.

SEC. 5. The Agricultural Adjustment Act, as amended, is amended by striking out section 8 (3) thereof and by adding after section 8b, the following new section:

Vol. 48, p. 35.

### “ORDERS

“SEC. 8c. (1) The Secretary of Agriculture shall, subject to the provisions of this section, issue, and from time to time amend, orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of this section. Such persons are referred to in this title as ‘handlers’. Such orders shall regulate, in the manner hereinafter in this section provided, only such handling of such agricultural commodity, or product thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof.

Orders.

Authority to issue.

“Handlers” construed.

Commodities to which orders applicable.

“COMMODITIES TO WHICH APPLICABLE

Enumeration.

“(2) Orders issued pursuant to this section shall be applicable only to the following agricultural commodities and the products thereof (except products of naval stores), or to any regional, or market classification of any such commodity or product: Milk, fruits (including pecans and walnuts but not including apples and not including fruits, other than olives, for canning), tobacco, vegetables (not including vegetables, other than asparagus, for canning), soybeans and naval stores as included in the Naval Stores Act and standards established thereunder (including refined or partially refined oleoresin).

Notice and hearing.

“NOTICE AND HEARING

“(3) Whenever the Secretary of Agriculture has reason to believe that the issuance of an order will tend to effectuate the declared policy of this title with respect to any commodity or product thereof specified in subsection (2) of this section, he shall give due notice of and an opportunity for a hearing upon a proposed order.

Finding and issue of order.

“FINDING AND ISSUANCE OF ORDER

“(4) After such notice and opportunity for hearing, the Secretary of Agriculture shall issue an order if he finds, and sets forth in such order, upon the evidence introduced at such hearing (in addition to such other findings as may be specifically required by this section) that the issuance of such order and all of the terms and conditions thereof will tend to effectuate the declared policy of this title with respect to such commodity.

Terms of orders.

“TERMS—MILK AND ITS PRODUCTS

Milk and its products.  
*Post*, p. 756.

“(5) In the case of milk and its products, orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)) no others:

Classification according to use; minimum price.

“(A) Classifying milk in accordance with the form in which or the purpose for which it is used, and fixing, or providing a method for fixing, minimum prices for each such use classification which all handlers shall pay, and the time when payments shall be made, for milk purchased from producers or associations of producers. Such prices shall be uniform as to all handlers, subject only to adjustments for (1) volume, market, and production differentials customarily applied by the handlers subject to such order, (2) the grade or quality of the milk purchased, and (3) the locations at which delivery of such milk, or any use classification thereof, is made to such handlers.

Price as to handlers; adjustments.

“(B) Providing:

Payment of uniform prices to producers.

“(i) for the payment to all producers and associations of producers delivering milk to the same handler of uniform prices for all milk delivered by them: *Provided*, That, except in the case of orders covering milk products only, such provision is approved or favored by at least three-fourths of the producers who, during a representative period determined by the Secretary of Agriculture, have been engaged in the production for market of milk covered in such order or by producers who, during such representative period, have produced at least three-fourths of the volume of such milk produced for market during such period; the approval required hereunder shall be separate and apart from any other approval or disapproval provided for by this section; or

*Proviso.*  
Approval of producers.

“(ii) for the payment to all producers and associations of producers delivering milk to all handlers of uniform prices for all milk so delivered, irrespective of the uses made of such milk by the individual handler to whom it is delivered; subject, in either case, only to adjustments for (a) volume, market, and production differentials customarily applied by the handlers subject to such order, (b) the grade or quality of the milk delivered, (c) the locations at which delivery of such milk is made, and (d) a further adjustment, equitably to apportion the total value of the milk purchased by any handler, or by all handlers, among producers and associations of producers, on the basis of their production of milk during a representative period of time.

“(C) In order to accomplish the purposes set forth in paragraphs (A) and (B) of this subsection (5), providing a method for making adjustments in payments, as among handlers (including producers who are also handlers), to the end that the total sums paid by each handler shall equal the value of the milk purchased by him at the prices fixed in accordance with paragraph (A) hereof.

“(D) Providing that, in the case of all milk purchased by handlers from any producer who did not regularly sell milk during a period of 30 days next preceding the effective date of such order for consumption in the area covered thereby, payments to such producer, for the period beginning with the first regular delivery by such producer and continuing until the end of two full calendar months following the first day of the next succeeding calendar month, shall be made at the price for the lowest use classification specified in such order, subject to the adjustments specified in paragraph (B) of this subsection (5).

“(E) Providing (i) except as to producers for whom such services are being rendered by a cooperative marketing association, qualified as provided in paragraph (F) of this subsection (5), for market information to producers and for the verification of weights, sampling, and testing of milk purchased from producers, and for making appropriate deductions therefor from payments to producers, and (ii) for assurance of, and security for, the payment by handlers for milk purchased.

“(F) Nothing contained in this subsection (5) is intended or shall be construed to prevent a cooperative marketing association qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the ‘Capper-Volstead Act’, engaged in making collective sales or marketing of milk or its products for the producers thereof, from blending the net proceeds of all of its sales in all markets in all use classifications, and making distribution thereof to its producers in accordance with the contract between the association and its producers: *Provided*, That it shall not sell milk or its products to any handler for use or consumption in any market at prices less than the prices fixed pursuant to paragraph (A) of this subsection (5) for such milk.

“(G) No marketing agreement or order applicable to milk and its products in any marketing area shall prohibit or in any manner limit, in the case of the products of milk, the marketing in that area of any milk or product thereof produced in any production area in the United States.

#### “ TERMS—OTHER COMMODITIES

“(6) In the case of fruits (including pecans and walnuts but not including apples and not including fruits, other than olives, for canning) and their products, tobacco and its products, vegetables (not including vegetables, other than asparagus, for canning) and their

Uniform prices irrespective of use.

Adjustments.

Total sums paid to equal value of delivered milk.

Payments to new producer during first three months of delivery.

Marketing information to producers; verification of weights.

Cooperative marketing associations: contracts with producers; rights continued.

Vol. 42, p. 388; U. S. C., p. 134.

*Proviso.*  
Minimum sale price.

Limitation on sales area.

Terms of orders.

Commodities generally.  
Terms and conditions.

Vol. 42, p. 1435; U. S. C., p. 115.	products, soybeans and their products, and naval stores as included in the Naval Stores Act and standards established thereunder (including refined or partially refined oleoresin), orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)) no others:
Limitation on total quantity marketed.	“(A) Limiting, or providing methods for the limitation of, the total quantity of any such commodity or product, or of any grade, size, or quality thereof, produced during any specified period or periods, which may be marketed in or transported to any or all markets in the current of interstate or foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodity or product thereof, during any specified period or periods by all handlers thereof.
Allotment of amount handler may purchase.	“(B) Allotting, or providing methods for allotting, the amount of such commodity or product, or any grade, size, or quality thereof, which each handler may purchase from or handle on behalf of any and all producers thereof, during any specified period or periods, under a uniform rule based upon the amounts produced or sold by such producers in such prior period as the Secretary determines to be representative, or upon the current production or sales of such producers, or both, to the end that the total quantity thereof to be purchased or handled during any specified period or periods shall be apportioned equitably among producers.
Uniform rule required.	“(C) Allotting, or providing methods for allotting, the amount of any such commodity or product, or any grade, size, or quality thereof, which each handler may market in or transport to any or all markets in the current of interstate or foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodity or product thereof, under a uniform rule based upon the amounts which each such handler has available for current shipment, or upon the amounts shipped by each such handler in such prior period as the Secretary determines to be representative, or both, to the end that the total quantity of such commodity or product, or any grade, size, or quality thereof, to be marketed in or transported to any or all markets in the current of interstate or foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodity or product thereof, during any specified period or periods shall be equitably apportioned among all of the handlers thereof.
Allotment of amount handler may market.	“(D) Determining, or providing methods for determining, the existence and extent of the surplus of any such commodity or product, or of any grade, size, or quality thereof, and providing for the control and disposition of such surplus, and for equalizing the burden of such surplus elimination or control among the producers and handlers thereof.
Uniform rule required.	“(E) Establishing, or providing for the establishment of, reserve pools of any such commodity or product, or of any grade, size, or quality thereof, and providing for the equitable distribution of the net return derived from the sale thereof among the persons beneficially interested therein.
Surpluses; determination of extent.	“TERMS COMMON TO ALL ORDERS
Control and disposition.	“(7) In the case of the agricultural commodities and the products thereof specified in subsection (2) orders shall contain one or more of the following terms and conditions:
Reserve pools; establishment.	“(A) Prohibiting unfair methods of competition and unfair trade practices in the handling thereof.
Distribution of net return from.	“(B) Providing that (except for milk and cream to be sold for consumption in fluid form) such commodity or product thereof, or
Terms common to all orders.	
Unfair methods of competition.	
Handlers' sale price.	

any grade, size, or quality thereof shall be sold by the handlers thereof only at prices filed by such handlers in the manner provided in such order.

“(C) Providing for the selection by the Secretary of Agriculture, or a method for the selection, of an agency or agencies and defining their powers and duties, which shall include only the powers:

Administrative agencies; selection; powers and duties.

“(i) To administer such order in accordance with its terms and provisions;

“(ii) To make rules and regulations to effectuate the terms and provisions of such order;

“(iii) To receive, investigate, and report to the Secretary of Agriculture complaints of violations of such order; and

“(iv) To recommend to the Secretary of Agriculture amendments to such order.

No person acting as a member of an agency established pursuant to this paragraph (C) shall be deemed to be acting in an official capacity, within the meaning of section 10 (g) of this title, unless such person receives compensation for his personal services from funds of the United States.

“(D) Incidental to, and not inconsistent with, the terms and conditions specified in subsections (5), (6), and (7) and necessary to effectuate the other provisions of such order.

Specified terms and conditions.  
Ante, p. 754.

#### “ORDERS WITH MARKETING AGREEMENT

“(8) Except as provided in subsection (9) of this section, no order issued pursuant to this section shall become effective until the handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the commodity or product thereof covered by such order) of not less than 50 per centum of the volume of the commodity or product thereof covered by such order which is produced or marketed within the production or marketing area defined in such order have signed a marketing agreement, entered into pursuant to section 8b of this title, which regulates the handling of such commodity or product in the same manner as such order, except that as to citrus fruits produced in any area producing what is known as California citrus fruits no order issued pursuant to this subsection (8) shall become effective until the handlers of not less than 80 per centum of the volume of such commodity or product thereof covered by such order have signed such a marketing agreement: *Provided*, That no order issued pursuant to this subsection shall be effective unless the Secretary of Agriculture determines that the issuance of such order is approved or favored:

Orders with marketing agreement.

When orders to be effective.  
Requirement of marketing agreement.

Citrus fruits.

*Proviso.*  
Requirement of approval by producers.

“(A) By at least two-thirds of the producers who (except that as to citrus fruits produced in any area producing what is known as California citrus fruits said order must be approved or favored by three-fourths of the producers), during a representative period determined by the Secretary, have been engaged, within the production area specified in such marketing agreement or order, in the production for market of the commodity specified therein, or who, during such representative period, have been engaged in the production of such commodity for sale in the marketing area specified in such marketing agreement, or order, or

“(B) By producers who, during such representative period, have produced for market at least two-thirds of the volume of such commodity produced for market within the production area specified in such marketing agreement or order, or who, during such representative period, have produced at least two-thirds of the volume of such commodity sold within the marketing area specified in such marketing agreement or order.

## " ORDERS WITH OR WITHOUT MARKETING AGREEMENT

Orders with or without marketing agreement.

Effectiveness of order on refusal of majority of handlers to sign agreement.

"(9) Any order issued pursuant to this section shall become effective in the event that, notwithstanding the refusal or failure of handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the commodity or product thereof covered by such order) of more than 50 per centum of the volume of the commodity or product thereof (except that as to citrus fruits produced in any area producing what is known as California citrus fruits said per centum shall be 80 per centum) covered by such order which is produced or marketed within the production or marketing area defined in such order to sign a marketing agreement relating to such commodity or product thereof, on which a hearing has been held, the Secretary of Agriculture, with the approval of the President, determines:

If refusal tends to prevent effectuation of declared policy.

"(A) That the refusal or failure to sign a marketing agreement (upon which a hearing has been held) by the handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the commodity or product thereof covered by such order) of more than 50 per centum of the volume of the commodity or product thereof (except that as to citrus fruits produced in any area producing what is known as California citrus fruits said per centum shall be 80 per centum) specified therein which is produced or marketed within the production or marketing area specified therein tends to prevent the effectuation of the declared policy of this title with respect to such commodity or product, and

If issuance advances producers' interests.

"(B) That the issuance of such order is the only practical means of advancing the interests of the producers of such commodity pursuant to the declared policy, and is approved or favored:

Approval of producers required.

"(i) By at least two-thirds of the producers (except that as to citrus fruits produced in any area producing what is known as California citrus fruits said order must be approved or favored by three-fourths of the producers) who, during a representative period determined by the Secretary, have been engaged, within the production area specified in such marketing agreement or order, in the production for market of the commodity specified therein, or who, during such representative period, have been engaged in the production of such commodity for sale in the marketing area specified in such marketing agreement, or order, or

"(ii) By producers who, during such representative period, have produced for market at least two-thirds of the volume of such commodity produced for market within the production area specified in such marketing agreement or order, or who, during such representative period, have produced at least two-thirds of the volume of such commodity sold within the marketing area specified in such marketing agreement or order.

Manner of regulation and applicability.

## " MANNER OF REGULATION AND APPLICABILITY

Advertising of commodities.

"(10) No order shall be issued under this section unless it regulates the handling of the commodity or product covered thereby in the same manner as, and is made applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held. No order shall be issued under this title prohibiting, regulating, or restricting the advertising of any commodity or product covered thereby, nor shall any marketing agreement contain any provision prohibiting, regulating, or restricting the advertising of any commodity or product covered by such marketing agreement.

## " REGIONAL APPLICATION

Regional application.

"(11) (A) No order shall be issued under this section which is applicable to all production areas or marketing areas, or both, of any commodity or product thereof unless the Secretary finds that the issuance of several orders applicable to the respective regional production areas or regional marketing areas, or both, as the case may be, of the commodity or product would not effectively carry out the declared policy of this title.

Issue of general order when several orders inadequate.

"(B) Except in the case of milk and its products, orders issued under this section shall be limited in their application to the smallest regional production areas or regional marketing areas, or both, as the case may be, which the Secretary finds practicable, consistently with carrying out such declared policy.

Application of orders to regional production areas.

"(C) All orders issued under this section which are applicable to the same commodity or product thereof shall, so far as practicable, prescribe such different terms, applicable to different production areas and marketing areas, as the Secretary finds necessary to give due recognition to the differences in production and marketing of such commodity or product in such areas.

Terms applicable to different areas.

## " COOPERATIVE ASSOCIATION REPRESENTATION

Cooperative association representation.

"(12) Whenever, pursuant to the provisions of this section, the Secretary is required to determine the approval or disapproval of producers with respect to the issuance of any order, or any term or condition thereof, or the termination thereof, the Secretary shall consider the approval or disapproval by any cooperative association of producers, bona fide engaged in marketing the commodity or product thereof covered by such order, or in rendering services for or advancing the interests of the producers of such commodity, as the approval or disapproval of the producers who are members of, stockholders in, or under contract with, such cooperative association of producers.

Action of association considered that of producers.

## " RETAILER AND PRODUCER EXEMPTION

Retailer and producer exemption.

"(13) (A) No order issued under subsection (9) of this section shall be applicable to any person who sells agricultural commodities or products thereof at retail in his capacity as such retailer, except to a retailer in his capacity as a retailer of milk and its products.

Inapplicability of orders.

"(B) No order issued under this title shall be applicable to any producer in his capacity as a producer.

## " VIOLATION OF ORDER

Violation of order.

"(14) Any handler subject to an order issued under this section, or any officer, director, agent, or employee of such handler, who violates any provision of such order (other than a provision calling for payment of a pro rata share of expenses) shall, on conviction, be fined not less than \$50 or more than \$500 for each such violation, and each day during which such violation continues shall be deemed a separate violation: *Provided*, That if the court finds that a petition pursuant to subsection (15) of this section was filed and prosecuted by the defendant in good faith and not for delay, no penalty shall be imposed under this subsection for such violations as occurred between the date upon which the defendant's petition was filed with the Secretary, and the date upon which notice of the Secretary's ruling thereon was given to the defendant in accordance with regulations prescribed pursuant to subsection (15).

Penalty provision.

Proviso. Postponement of penalty.

Petition by handler and review.

" PETITION BY HANDLER AND REVIEW

Filing.

"(15) (A) Any handler subject to an order may file a written petition with the Secretary of Agriculture, stating that any such order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary of Agriculture, with the approval of the President. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

Hearing.

Ruling.

Jurisdiction of courts to review.

"(B) The District Courts of the United States (including the Supreme Court of the District of Columbia) in any district in which such handler is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction in equity to review such ruling, provided a bill in equity for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the bill of complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to this subsection (15) shall not impede, hinder, or delay the United States or the Secretary of Agriculture from obtaining relief pursuant to section 8a (6) of this title. Any proceedings brought pursuant to section 8a (6) of this title (except where brought by way of counterclaim in proceedings instituted pursuant to this subsection (15)) shall abate whenever a final decree has been rendered in proceedings between the same parties, and covering the same subject matter, instituted pursuant to this subsection (15).

Time for filing petition. Service of process.

Remand of proceedings if ruling unlawful.

Proceedings and relief under section 8 (a). Vol. 48, pp. 34, 675. Post, p. 762.

Termination of orders and marketing agreements. Orders.

" TERMINATION OF ORDERS AND MARKETING AGREEMENTS

"(16) (A) The Secretary of Agriculture shall, whenever he finds that any order issued under this section, or any provision thereof, obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such order or such provision thereof.

Marketing agreements.

"(B) The Secretary shall terminate any marketing agreement entered into under section 8b, or order issued under this section, at the end of the then current marketing period for such commodity, specified in such marketing agreement or order, whenever he finds that such termination is favored by a majority of the producers who, during a representative period determined by the Secretary, have been engaged in the production for market of the commodity specified in such marketing agreement or order, within the production area specified in such marketing agreement or order, or who, during such representative period, have been engaged in the production of such commodity for sale within the marketing area specified in such marketing agreement or order: *Provided*, That such majority have, during such representative period, produced for market more than 50 per centum of the volume of such commodity produced for market within the production area specified in such marketing agreement or order, or have, during such representative period, produced more than 50 per centum of the volume of such commodity sold in the marketing area specified in such marketing agreement or order, but such termination shall be effective only if announced on or before

When termination favored by majority producers.

*Proviso.* Requirement that majority producers have produced more than 50 per centum of volume of commodity.



such date (prior to the end of the then current marketing period) as may be specified in such marketing agreement or order.

“(C) The termination or suspension of any order or amendment thereto or provision thereof, shall not be considered an order within the meaning of this section.

Termination not considered an order.

“PROVISIONS APPLICABLE TO AMENDMENTS

Provisions applicable to amendments.

“(17) The provisions of this section, section 8d, and section 8e applicable to orders shall be applicable to amendments to orders: *Provided*, That notice of a hearing upon a proposed amendment to any order issued pursuant to section 8c, given not less than three days prior to the date fixed for such hearing, shall be deemed due notice thereof.”

Post, p. 762.

*Proviso.*  
Notice of hearing.

SEC. 6. The Agricultural Adjustment Act, as amended, is further amended by striking out subsection (4) of section 8 thereof and adding after section 8c thereof the following new sections:

Vol. 48, p. 35; U. S. C., p. 158.

“BOOKS AND RECORDS

Books and records.

“SEC. 8d. (1) All parties to any marketing agreement, and all handlers subject to an order, shall severally, from time to time, upon the request of the Secretary, furnish him with such information as he finds to be necessary to enable him to ascertain and determine the extent to which such agreement or order has been carried out or has effectuated the declared policy of this title, and with such information as he finds to be necessary to determine whether or not there has been any abuse of the privilege of exemptions from the antitrust laws. Such information shall be furnished in accordance with forms of reports to be prescribed by the Secretary. For the purpose of ascertaining the correctness of any report made to the Secretary pursuant to this subsection, or for the purpose of obtaining the information required in any such report, where it has been requested and has not been furnished, the Secretary is hereby authorized to examine such books, papers, records, copies of income-tax reports, accounts, correspondence, contracts, documents, or memoranda, as he deems relevant and which are within the control (1) of any such party to such marketing agreement, or any such handler, from whom such report was requested or (2) of any person having, either directly or indirectly, actual or legal control of or over such party or such handler or (3) of any subsidiary of any such party, handler, or person.

Information from parties to marketing agreement.

Form of reports.  
Access to books, etc.

“(2) Notwithstanding the provisions of section 7, all information furnished to or acquired by the Secretary of Agriculture pursuant to this section shall be kept confidential by all officers and employees of the Department of Agriculture and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary of Agriculture, or to which he or any officer of the United States is a party, and involving the marketing agreement or order with reference to which the information so to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit (A) the issuance of general statements based upon the reports of a number of parties to a marketing agreement or of handlers subject to an order, which statements do not identify the information furnished by any person, or (B) the publication by direction of the Secretary, of the name of any person violating any marketing agreement or any order, together with a statement of the particular provisions

Confidential nature of information.

Issuance of general statements.

Publication of violations of marketing agreements.

Penalty for divulging information.

of the marketing agreement or order violated by such person. Any such officer or employee violating the provisions of this section shall upon conviction be subject to a fine of not more than \$1,000 or to imprisonment for not more than one year, or to both, and shall be removed from office.

Determination of base period.

“ DETERMINATION OF BASE PERIOD

When post-war period to be used as base period.

“ SEC. 8e. In connection with the making of any marketing agreement or the issuance of any order, if the Secretary finds and proclaims that, as to any commodity specified in such marketing agreement or order, the purchasing power during the base period specified for such commodity in section 2 of this title cannot be satisfactorily determined from available statistics of the Department of Agriculture, the base period, for the purposes of such marketing agreement or order, shall be the post-war period, August 1919–July 1929, or all that portion thereof for which the Secretary finds and proclaims that the purchasing power of such commodity can be satisfactorily determined from available statistics of the Department of Agriculture.”

Vol. 48, p. 35; U. S. C., p. 158.

Removal of commodity from warehouse without cancelation of receipt.

Vol. 48, p. 672.  
Sugar beets and sugarcane as basic agricultural commodity.

SEC. 7. Subsection (5) of section 8 of the Agricultural Adjustment Act, as amended, is further amended by designating said subsection as section 8f, by inserting said section at the end of section 8e, and by striking out the last sentence thereof.

SEC. 8. Subsection (1) of section 8a of the Agricultural Adjustment Act, as amended, is amended as follows:

(a) by striking out the word “handlers” wherever it appears and by inserting in lieu thereof the words “persons engaged in the handling”;

(b) by striking out the phrase “or in competition with” and the comma following such phrase in paragraph (B);

(c) by inserting the word “directly” before the words “to burden” in paragraph (B);

(d) by striking out the words “in any way” in paragraph (B).

Vol. 48, p. 675.  
Jurisdiction vested in district court.  
*Ante*, p. 760.

SEC. 9. Subsection (6) of section 8a of the Agricultural Adjustment Act, as amended, is amended by inserting the word “or” after the comma following the word “regulation,” and by striking out the words “or license”.

Vol. 48, p. 675.  
Enforcement proceedings.

Investigation of violation of provisions of order.

SEC. 10. Subsection (7) of section 8a of the Agricultural Adjustment Act, as amended, is amended by inserting at the end thereof the following new sentence: “Whenever the Secretary, or such officer or employee of the Department of Agriculture as he may designate for the purpose, has reason to believe that any handler has violated, or is violating, the provisions of any order or amendment thereto issued pursuant to this title, the Secretary shall have power to institute an investigation and, after due notice to such handler, to conduct a hearing in order to determine the facts for the purpose of referring the matter to the Attorney General for appropriate action.”

Hearing.

Vol. 48, pp. 35, 676;  
U. S. C., p. 160.  
Processing tax.

SEC. 11. (a) Subsection (a) of section 9 of the Agricultural Adjustment Act, as amended, is amended by striking out all of the second sentence preceding the semicolon and inserting in lieu thereof the following: “When the Secretary of Agriculture determines that any one or more payments authorized to be made under section 8 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”.

(b) The eighth sentence of such subsection (a) is amended by striking out "rental or benefit payments" and inserting in lieu thereof: "all payments authorized under section 8 which are in effect".

SEC. 12. Subsection (b) of section 9 of the Agricultural Adjustment Act, as amended, is amended to read as follows:

" TAX RATE GENERALLY

"(b) (1) 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, plus such percentage of such difference, not to exceed 20 per centum, as the Secretary of Agriculture may determine will result in the collection, in any marketing year with respect to which such rate of tax may be in effect pursuant to the provisions of this title, of an amount of tax equal to (A) the amount of credits or refunds which he estimates will be allowed or made during such period pursuant to section 15 (c) with respect to the commodity and (B) the amount of tax which he estimates would have been collected during such period upon all processings of such commodity which are exempt from tax by reason of the fact that such processings are done by or for a State, or a political subdivision or an institution thereof, had such processings been subject to tax. If, prior to the time the tax takes effect, or at any time thereafter, the Secretary has reason to believe that the tax at such rate, or at the then existing rate, on the processing of the commodity generally or for any designated use or uses, or on the processing of the commodity in the production of any designated product or products thereof for any designated use or uses, will cause or is causing 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 the Secretary shall cause an appropriate investigation to be made, and afford due notice and opportunity for hearing to interested parties. If thereupon the Secretary determines and proclaims that any such result will occur or is occurring, then the processing tax on the processing of the commodity generally or for any designated use or uses, or on the processing of the commodity in the production of any designated product or products thereof for any designated use or uses, shall be at such lower rate or rates as he determines and proclaims will prevent such accumulation of surplus stocks and depression of the farm price of the commodity, and the tax shall remain during its effective period at such lower rate until the Secretary, after due notice and opportunity for hearing to interested parties, determines and proclaims that an increase in the rate of such tax will not cause such accumulation of surplus stocks or depression of the farm price of the commodity. Thereafter the processing tax shall be at the highest rate which the Secretary determines will not cause such accumulation of surplus stocks or depression of the farm price of the commodity, but it shall not be higher than the rate provided in the first sentence of this paragraph.

" SPECIFIC TAX RATES

" (2) In the case of wheat, cotton, field corn, hogs, peanuts, tobacco, paper, and jute, and (except as provided in paragraph (8) of this subsection) in the case of sugarcane and sugar beets, the tax on the first domestic processing of the commodity generally or for any particular use, or in the production of any designated product for any designated use, shall be levied, assessed, collected, and

Termination of.

Vol. 48, p. 36; U. S. C., p. 160.  
Ante, p. 45.

Tax rate generally.

Computation.

When tax rate results in surplus stocks.

In depression of farm prices.

Investigation to be made.

Changing tax rate.

Specific tax rates.

Commodities designated.

paid at the rate prescribed by the regulations of the Secretary of Agriculture in effect on the date of the adoption of this amendment, during the period from such date to December 31, 1937, both dates inclusive.

Rate on rice.

“ SPECIFIC TAX RATE—RICE

“(3) For the period from April 1, 1935, to July 31, 1936, both inclusive, the processing tax with respect to rice shall be levied, assessed, collected, and paid at the rate of 1 cent per pound of rough rice.

On rye.

“ SPECIFIC TAX RATE—MARKETING YEAR—FLOOR STOCKS—RYE

“(4) For the period from September 1, 1935, to December 31, 1937, both inclusive, the processing tax with respect to rye shall be levied, assessed, collected, and paid at the rate of 30 cents per bushel of fifty-six pounds. In the case of rye, the first marketing year shall be considered to be the period commencing September 1, 1935, and ending June 30, 1936. Subsequent marketing years shall commence on July 1 and end on June 30 of the succeeding year. The provisions of section 16 of this title shall not apply in the case of rye.

Marketing year.

Vol. 48, pp. 40, 678, 1241; *Amt.*, p. 48; *Post*, pp. 768-769.

Rate on barley.

“ SPECIFIC TAX RATE—FLOOR STOCKS—BARLEY

“(5) If at any time prior to December 31, 1937, a tax with respect to barley becomes effective pursuant to proclamation as provided in subsection (a) of this section, such tax shall be levied, assessed, collected, and paid during the period from the date upon which such tax becomes effective to December 31, 1937, both inclusive, at the rate of 25 cents per bushel of forty-eight pounds. The provisions of section 16 of this title shall not apply in the case of barley.

Adjustment of rate.

“ ADJUSTMENT OF RATE

Decrease in rate to prevent accumulation of surplus.

“(6) (A) Any rate of tax which is prescribed in paragraph (2), (3), (4), or (5) of this subsection or which is established pursuant to this paragraph (6) on the processing of any commodity generally or for any designated use or uses, or on the processing of the commodity in the production of any designated product or products thereof for any designated use or uses, shall be decreased (including a decrease to zero) in accordance with the formulae, standards, and requirements of paragraph (1) of this subsection, in order to prevent such reduction in the quantity of such commodity or the products thereof domestically consumed as will result in the accumulation of surplus stocks of such commodity or the products thereof or in the depression of the farm price of the commodity, and shall thereafter be increased in accordance with the provisions of paragraph (1) of this subsection but subject to the provisions of subdivision (B) of this paragraph (6).

When increased rate authorized.

“(B) If the average farm price of any commodity, the rate of tax on the processing of which is prescribed in paragraph (2), (3), (4), or (5) of this subsection or is established pursuant to this paragraph (6), during any period of twelve successive months ending after July 1, 1935, consisting of the first ten months of any marketing year and the last two months of the preceding marketing year—

“(i) is equal to, or exceeds by 10 per centum or less, the fair exchange value thereof, or, in the case of tobacco, is less than the fair exchange value by not more than 10 per centum, the rate of such tax shall (subject to the provisions of subdivision (A) of this paragraph (6)) be adjusted, at the beginning of the next succeeding marketing year, to such rate as equals 20 per centum of the fair exchange value thereof.

“(ii) exceeds by more than 10 per centum, but not more than 20 per centum, the fair exchange value thereof, the rate of such tax shall (subject to the provisions of subdivision (A) of this paragraph (6)) be adjusted, at the beginning of the next succeeding marketing year, to such rate as equals 15 per centum of the fair exchange value thereof.

“(iii) exceeds by more than 20 per centum the fair exchange value thereof, the rate of such tax shall (subject to the provisions of subdivision (A) of this paragraph (6)) be adjusted, at the beginning of the next succeeding marketing year, to such rate as equals 10 per centum of the fair exchange value thereof.

“(C) Any rate of tax which has been adjusted pursuant to this paragraph (6) shall remain at such adjusted rate unless further adjusted or terminated pursuant to this paragraph (6), until December 31, 1937, or until July 31, 1936, in the case of rice.

Permanency of adjusted rate.  
In case of rice.

“(D) In accordance with the formulae, standards, and requirements prescribed in this title, any rate of tax prescribed in paragraph (2), (3), (4), or (5) of this subsection or which is established pursuant to this paragraph (6) shall be increased.

Increase of rates according to formulae, etc.

“(E) Any tax, the rate of which is prescribed in paragraph (2), (3), (4), or (5) of this subsection or which is established pursuant to this paragraph (6), shall terminate pursuant to proclamation as provided in section 9 (a) of this title or pursuant to section 13 of this title. Any such tax with respect to any basic commodity which terminates pursuant to proclamation as provided in section 9 (a) of this title shall again become effective at the rate prescribed in paragraph (2), (3), (4), or (5) of this subsection, subject however to the provisions of subdivisions (A) and (B) of this paragraph (6), from the beginning of the marketing year for such commodity next following the date of a new proclamation by the Secretary as provided in section 9 (a) of this title, if such marketing year begins prior to December 31, 1937, or prior to July 31, 1936, in the case of rice, and shall remain at such rate until altered or terminated pursuant to the provisions of section 9 or terminated pursuant to section 13 of this title.

Termination of tax.  
*Ante*, p. 763.

Reestablishment of rates.

“(F) After December 31, 1937 (in the case of the commodities specified in paragraphs (2), (4), and (5) of this subsection), and after July 31, 1936 (in the case of rice), rates of tax shall be determined by the Secretary of Agriculture in accordance with the formulae, standards, and requirements prescribed in this title but not in this paragraph (6), and shall, subject to such formulae, standards, and requirements, thereafter be effective.

Determination of rates after December 31, 1937.

“(G) If the applicability to any person or circumstances of any tax, the rate of which is fixed in pursuance of this paragraph (6), is finally held invalid by reason of any provision of the Constitution, or is finally held invalid by reason of the Secretary of Agriculture's exercise or failure to exercise any power conferred on him under this title, there shall be levied, assessed, collected, and paid (in lieu of all rates of tax fixed in pursuance of this paragraph (6) with respect to all tax liabilities incurred under this title on or after the effective date of each of the rates of tax fixed in pursuance of this paragraph (6)), rates of tax fixed under paragraph (2), (3), (4), or (5), and such rates shall be in effect (unless the particular tax is terminated pursuant to proclamation, as provided in section 9 (a) or pursuant to section 13) until altered by Act of Congress; except that, for any period prior to the effective date of such holding of invalidity, the amount of tax which represents the difference between the tax at the rate fixed in pursuance of this paragraph (6) and the tax at the rate fixed under paragraphs (2), (3), (4), and (5) shall not be levied, assessed, collected, or paid.

Tax rates if fixed rates held invalid.

Effectiveness of rates.

## Rice—special rule.

## "RICE—SPECIAL RULE

Weight to which tax rate to be applied.

"(7) In the case of rice, the weight to which the rate of tax shall be applied shall be the weight of rough rice when delivered to a processor, except that, where the producer processes his own rice, the weight to which the rate of tax shall be applied shall be the weight of rough rice when delivered to the place of processing.

## Sugar—special rule.

## "SUGAR—SPECIAL RULE

Tax rate applied to direct-consumption sugar.  
Vol. 48, p. 671.

"(8) In the case of sugar beets or sugarcane the rate of tax shall be applied to the direct-consumption sugar, resulting from the first domestic processing, translated into terms of pounds of raw value according to regulations to be issued by the Secretary of Agriculture, and in the event that the Secretary increases or decreases the rate of tax fixed by paragraph (2) of this subsection, pursuant to the provisions of paragraph (6) of this subsection, then the rate of tax to be so applied shall be the higher of the two following quotients: The difference between the current average farm price and the fair exchange value (A) of a ton of sugar beets and (B) of a ton of sugarcane, divided in the case of each commodity by the average extraction therefrom of sugar in terms of pounds of raw value (which average extraction shall be determined from available statistics of the Department of Agriculture); the rate of tax fixed by paragraph (2) of this subsection or adjusted pursuant to the provisions of paragraph (6) of this subsection shall in no event exceed the amount of the reduction by the President on a pound of sugar raw value of the rate of duty in effect on January 1, 1934, under paragraph 501 of the Tariff Act of 1930, as adjusted to the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on December 11, 1902, and/or the provisions of the Act of December 17, 1903, chapter 1.

## Higher rates.

## Wheat premiums.

## "WHEAT PREMIUMS

Computation of current average farm price.

"(9) In computing the current average farm price in the case of wheat, premiums paid producers for protein content shall not be taken into account."

Vol. 48, p. 36; U. S. C., p. 160.

SEC. 13. Subsection (c) of section 9 of the Agricultural Adjustment Act, as amended, is amended to read as follows:

"Fair exchange value" construed.

"(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, in the case of all commodities where the base period is the pre-war period, August 1909 to July 1914, will also reflect interest payments per acre on farm indebtedness secured by real estate and tax payments per acre on farm real estate, as contrasted with such interest payments and tax payments during said base period; 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. The rate of tax upon the processing of any commodity, in effect on the date on which this amendment is adopted, shall not be affected by the adoption of this amendment and shall not be required to be adjusted or altered, unless the Secretary of Agriculture finds that it is necessary to adjust or alter any such rate pursuant to section 9 (a) of this title."

Ascertainment of current average farm price and fair exchange value.

Current processing tax not affected hereby.

Vol. 48, p. 36; U. S. C., p. 160.  
"Processing" construed as to rye and barley.

SEC. 14. (a) Paragraph (1) of subsection (d) of section 9 of the Agricultural Adjustment Act, as amended, is amended by inserting following the word "wheat" in the two instances in which it occurs, a comma, and the following: "rye, barley,"

(b) Paragraph (5) of subsection (d) of section 9 of the Agricultural Adjustment Act, as amended, is hereby repealed. Vol. 48, p. 36; U. S. C., p. 160.

SEC. 15. Section 9 of the Agricultural Adjustment Act, as amended, is amended by adding at the end thereof the following new subsection: Vol. 48, p. 37.

“(g) Nothing contained in this title shall be construed to authorize any tax upon the processing of any commodity which processing results in the production of newsprint.” Processing tax on newsprint commodities.

SEC. 16. Subsection (b) of section 10 of the Agricultural Adjustment Act, as amended, is amended to read as follows: Vol. 48, p. 37; U. S. C., p. 161.

“(b) (1) 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 payments authorized to be made under section 8. The Secretary, in the administration of this title, shall accord such recognition and encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in existing Acts of Congress, and as will tend to promote efficient methods of marketing and distribution. Administrative agencies; establishment.

“(2) Each order issued by the Secretary under this title shall provide that each handler subject thereto shall pay to any authority or agency established under such order such handler's pro rata share (as approved by the Secretary) of such expenses as the Secretary may find will necessarily be incurred by such authority or agency, during any period specified by him, for the maintenance and functioning of such authority or agency, other than expenses incurred in receiving, handling, holding, or disposing of any quantity of a commodity received, handled, held, or disposed of by such authority or agency for the benefit or account of persons other than handlers subject to such order. Producers' cooperative associations as agents of members.

The pro rata share of the expenses payable by a cooperative association of producers shall be computed on the basis of the quantity of the agricultural commodity or product thereof covered by such order which is distributed, processed, or shipped by such cooperative association of producers. Any such authority or agency may maintain in its own name, or in the names of its members, a suit against any handler subject to an order for the collection of such handler's pro rata share of expenses. The several District Courts of the United States are hereby vested with jurisdiction to entertain such suits regardless of the amount in controversy. Agency expenses; payments by handlers.

SEC. 17. Subsection (e) of section 10 of the Agricultural Adjustment Act, as amended, is amended by striking out “rental or benefit payment” and inserting in lieu thereof “payment authorized to be made under section 8”. Computation of share of producers' cooperative associations.

SEC. 18. Section 10 of the Agricultural Adjustment Act, as amended, is amended by inserting at the end thereof the following new subsection: Collection of pro rata shares.

“(i) The Secretary of Agriculture upon the request of the duly constituted authorities of any State is directed, in order to effectuate the declared policy of this title and in order to obtain uniformity in the formulation, administration, and enforcement of Federal and State programs relating to the regulation of the handling of agricultural commodities or products thereof, to confer with and hold joint hearings with the duly constituted authorities of any State, and is authorized to cooperate with such authorities; to accept and utilize, with the consent of the State, such State and local officers and employees as may be necessary; to avail himself of the records and Jurisdiction of courts.

Vol. 48, p. 37; U. S. C., p. 161.

Review of determination of amount of payments.

Vol. 48, p. 33.

Cooperation with States.

Joint hearings.

facilities of such authorities; to issue orders (subject to the provisions of section 8c) complementary to orders or other regulations issued by such authorities; and to make available to such State authorities the records and facilities of the Department of Agriculture: *Provided*, That information furnished to the Secretary of Agriculture pursuant to section 8d (1) hereof shall be made available only to the extent that such information is relevant to transactions within the regulatory jurisdiction of such authorities, and then only upon a written agreement by such authorities that the information so furnished shall be kept confidential by them in a manner similar to that required of Federal officers and employees under the provisions of section 8d (2) hereof."

*Proviso.*  
Confidential nature  
of information fur-  
nished.  
*Ante*, p. 761.

Vol. 48, p. 38; U. S.  
C., p. 162.  
Appropriation avail-  
able for making pay-  
ments.

Vol. 48, pp. 39, 677;  
U. S. C., p. 162.  
Termination of pow-  
ers.

Vol. 48, p. 678.

Vol. 48, pp. 39, 1241;  
U. S. C., p. 162.  
Exemptions and  
compensating taxes.

SEC. 19. The first sentence of subsection (a) of section 12 of the Agricultural Adjustment Act, as amended, is amended by striking out "rental and benefit payments made with respect to reduction in acreage or reduction in production for market under part 2 of this title" and inserting in lieu thereof "payments authorized to be made under section 8".

SEC. 20. (a) The second sentence of section 13 of the Agricultural Adjustment Act, as amended, is amended by striking out "at the end of three years after the adoption of this amendment" and inserting in lieu thereof "on December 31, 1937".

(b) Subsection (c) of section 16 of the Agricultural Adjustment Act, as amended, is amended by striking out the last sentence thereof.

SEC. 21. Subsection (a) of section 15 of the Agricultural Adjustment Act, as amended, is amended by striking out the period at the end of the subsection and inserting in lieu thereof a comma and the following: "or shall credit against any tax due and payable under this title the amount of tax which would be refundable. During the period in which any certificate under this section is effective, the provisions of subsection (e) of this section shall be suspended with respect to all imported articles of the kind described in such certificate; and notwithstanding the provisions of section 21, any compensating taxes, which have heretofore, during the period in which any certificate under this section has been effective, become due and payable upon imported articles of the kind described in such certificate, shall be refunded by the Secretary of the Treasury if the same have been paid, or, if the same have not been paid the amount thereof shall be abated. Notwithstanding the provisions of section 21, the Secretary of the Treasury shall refund or credit any processing tax paid on or before June 12, 1934, with respect to such amount of cotton as was used in the manufacture of large cotton bags (as defined in the Certificate of the Secretary of Agriculture, dated June 12, 1934) between June 13 and July 7, 1934, both inclusive."

SEC. 22. Subsection (c) of section 15 of the Agricultural Adjustment Act, as amended, is amended by striking out the next to the last sentence, which reads as follows: "No refund shall be allowed under this section unless claim therefor is filed within six months after delivery of the products to the organization for charitable distribution, or use."

SEC. 23. The first sentence of subsection (d) of section 15 of the Agricultural Adjustment Act, as amended, is amended by adding after the word "processors" the words "or producers".

SEC. 24. Subsection (e) of section 15 of the Agricultural Adjustment Act, as amended, is amended by inserting after the words "with respect to domestic processing of such commodity" the following: "into such an article".

SEC. 25. Subsection (a) of section 16 of the Agricultural Adjustment Act, as amended, is amended by striking out subdivision (2) thereof and inserting in lieu thereof the following:

Vol. 48, p. 973.  
*Post*, p. 1753.

Refund of tax on  
products for charitable  
distribution.

Taxes causing disad-  
vantages in competi-  
tion.

Vol. 48, p. 39; U. S.  
C., p. 162.

Equalizing tax im-  
posed on imports.

Vol. 48, pp. 40, 676;  
U. S. C., p. 162.  
*Ante*, p. 48.

Vol. 48, pp. 40, 676;  
U. S. C., p. 163.  
Floor stocks.



"(2) Whenever the processing tax is wholly terminated, (A) there shall be refunded or credited in the case of a person holding such stocks with respect to which a tax under this title has been paid, or (B) there shall be credited or abated in the case of a person holding such stocks with respect to which a tax under this title is payable, where such person is the processor liable for the payment of such tax, or (C) there shall be refunded or credited (but not before the tax has been paid) in the case of a person holding such stocks with respect to which a tax under this title is payable, where such person is not the processor liable for the payment of such tax, a sum in an amount equivalent to the processing tax which would have been payable with respect to the commodity from which processed if the processing had occurred on such date: *Provided*, That in the case of any commodity with respect to which there was any increase, effective prior to June 1, 1934, in the rate of the processing tax, no such refund, credit, or abatement, shall be in an amount which exceeds the equivalent of the initial rate of the processing tax in effect with respect to such commodity."

Stocks on hand when processing tax terminates.

Sum to be refunded.

*Proviso.*  
Amount.

SEC. 26. The second sentence of subsection (b) of section 16 of the Agricultural Adjustment Act, as amended, is amended to read as follows: "Except as to flour and prepared flour, and cereal preparations made chiefly from wheat, as classified in Wheat Regulations, Series 1, Supplement 1, and as to any article processed wholly or in chief value from cotton, the tax refund, credit, or abatement provided in subsection (a) of this section shall not apply to the retail stocks of persons engaged in retail trade, nor to any article (except sugar) processed wholly or in chief value from sugar beets, sugarcane, or any product thereof, nor to any article (except flour, prepared flour and cereal preparations made chiefly from wheat, as classified in Wheat Regulations, Series 1, Supplement 1) processed wholly or in chief value from wheat, held on the date the processing tax is wholly terminated."

Tax adjustments on retail stocks of persons engaged in retail trade.  
Vol. 48, p. 40.

SEC. 27. (a) Paragraph (1) of subsection (e) of section 16 of the Agricultural Adjustment Act, as amended, is amended by inserting after the first word in the first sentence a comma and the following: "subsequent to June 26, 1934," by inserting in the proviso after the word "made", the following: "in the case of hogs"; and by inserting at the end of such paragraph the following: "In the case of wheat the provisions of this paragraph and of paragraph (2) of this subsection shall apply to flour, prepared flour and cereal preparations made chiefly from wheat, as classified in Wheat Regulations, Series 1, Supplement 1 only; in the case of sugarcane and sugar beets the provisions of this paragraph and of paragraph (2) of this subsection shall apply to sugar only."

Vol. 48, p. 1241; *Ante*, p. 48.  
Processing tax; adjustment of rates.  
*Post*, pp. 1404, 1740, 1753.

In case of hogs.  
Of wheat.

Of sugar beets and sugarcane.

Vol. 48, p. 40.  
Floor stocks.

(b) Section 16 of the Agricultural Adjustment Act, as amended, is amended by adding at the end thereof the following new subsection:

"(g) No refund, credit, or abatement of any amount of any tax shall be made or allowed under this section, unless, within one hundred and twenty days after the right to such refund, credit, or abatement accrued, or within one hundred and twenty days after the date of the adoption of this amendment, whichever is the later, a claim for such refund, credit, or abatement (conforming to such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe) is filed by the person entitled to such refund, credit, or abatement, and no such claim shall be allowed for an amount less than \$10."

Time for filing claims for refunds.  
*Post*, p. 1740.

Vol. 48, p. 676.  
Exportations.  
Refunds on goods ex-  
ported.

Payments.

SEC. 28. Subsection (a) of section 17 of the Agricultural Adjustment Act, as amended, is amended by striking out the first two sentences thereof and inserting in lieu thereof the following: "Upon the exportation to any foreign country (and/or to the Philippine Islands, the Virgin Islands, American Samoa, the Canal Zone, and the island of Guam) of any product processed wholly or partly from a commodity with respect to which product or commodity a tax has been paid or is payable under this title, the tax due and payable or due and paid shall be credited or refunded. Under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, the credit or refund shall be allowed to the consignor named in the bill of lading under which the product is exported or to the shipper or to the person liable for the tax provided the consignor waives any claim thereto in favor of such shipper or person liable for the tax."

Vol. 48, pp. 41, 1242;  
U. S. C., p. 164.  
Collection of taxes.

Postponements.

SEC. 29. (a) Subsection (b) of section 19 of the Agricultural Adjustment Act, as amended, is amended by inserting in the proviso, after the words "of the payment of" the following: "not exceeding three-fourths of the amount of the", and by adding at the end of the proviso the following: "but postponement of all taxes covered by returns under this title for a period not exceeding one hundred and eighty days may be permitted in cases in which the Secretary of the Treasury authorizes such taxes to be paid each month on the amount of the commodity marketed during the next preceding month".

Vol. 48, p. 41.  
Returns; filing.

(b) Section 19 of the Agricultural Adjustment Act, as amended, is amended by adding at the end thereof the following new subsection:

"(d) Under regulations made by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, any person required pursuant to the provisions of this title to file a return may be required to file such return and pay the tax shown to be due thereon to the collector of internal revenue for the district in which the processing was done or the liability was incurred. Whenever the Commissioner of Internal Revenue deems it necessary, he may require any person or class of persons handling or dealing in any commodity or product thereof, with respect to which a tax is imposed under the provisions of this title, to make a return, render under oath such statements, or to keep such records, as the Commissioner deems sufficient to show whether or not such person, or any other person, is liable for the tax."

Vol. 48, pp. 41, 677.

SEC. 30. The Agricultural Adjustment Act, as amended, is amended by adding after section 20 the following new section:

Prohibitions.  
Suits for recovery of  
taxes paid prior hereto;  
jurisdiction of courts.

"SEC. 21. (a) No suit, action, or proceeding (including probate, administration, receivership, and bankruptcy proceedings) shall be brought or maintained in any court if such suit, action, or proceeding is for the purpose or has the effect (1) of preventing or restraining the assessment or collection of any tax imposed or the amount of any penalty or interest accrued under this title on or after the date of the adoption of this amendment, or (2) of obtaining a declaratory judgment under the Federal Declaratory Judgments Act in connection with any such tax or such amount of any such interest or penalty. In probate, administration, receivership, bankruptcy, or other similar proceedings, the claim of the United States for any such tax or such amount of any such interest or penalty, in the amount assessed by the Commissioner of Internal Revenue, shall be allowed and ordered to be paid, but the right to claim the refund or credit thereof and to maintain such claim pursuant to the applicable provisions of law, including subsection (d) of this section, may be reserved in the court's order.

Claims of United  
States in bankruptcy,  
etc., proceedings.

“(b) The taxes imposed under this title, as determined, prescribed, proclaimed and made effective by the proclamations and certificates of the Secretary of Agriculture or of the President and by the regulations of the Secretary with the approval of the President prior to the date of the adoption of this amendment, are hereby legalized and ratified, and the assessment, levy, collection, and accrual of all such taxes (together with penalties and interest with respect thereto) prior to said date are hereby legalized and ratified and confirmed as fully to all intents and purposes as if each such tax had been made effective and the rate thereof fixed specifically by prior Act of Congress. All such taxes which have accrued and remain unpaid on the date of the adoption of this amendment shall be assessed and collected pursuant to section 19, and to the provisions of law made applicable thereby. Nothing in this section shall be construed to import illegality to any act, determination, proclamation, certificate, or regulation of the Secretary of Agriculture or of the President done or made prior to the date of the adoption of this amendment.

Taxes; imposition and collection.  
Legalization and ratification.

Collection of unpaid taxes.

Acts done prior hereto.

Rental and benefit payments; validation of.

“(c) The making of rental and benefit payments under this title, prior to the date of the adoption of this amendment, as determined, prescribed, proclaimed and made effective by the proclamations of the Secretary of Agriculture or of the President or by regulations of the Secretary, and the initiation, if formally approved by the Secretary of Agriculture prior to such date of adjustment programs under section 8 (1) of this title, and the making of agreements with producers prior to such date, and the adoption of other voluntary methods prior to such date, by the Secretary of Agriculture under this title, and rental and benefit payments made pursuant thereto, are hereby legalized and ratified, and the making of all such agreements and payments, the initiation of such programs, and the adoption of all such methods prior to such date are hereby legalized, ratified, and confirmed as fully to all intents and purposes as if each such agreement, program, method, and payment had been specifically authorized and made effective and the rate and amount thereof fixed specifically by prior Act of Congress.

Agreements with producers.

“(d) (1) No recovery, recoupment, set-off, refund, or credit shall be made or allowed of, nor shall any counter claim be allowed for, any amount of any tax, penalty, or interest which accrued before, on, or after the date of the adoption of this amendment under this title (including any overpayment of such tax), unless, after a claim has been duly filed, it shall be established, in addition to all other facts required to be established, to the satisfaction of the Commissioner of Internal Revenue, and the Commissioner shall find and declare of record, after due notice by the Commissioner to such claimant and opportunity for hearing, that neither the claimant nor any person directly or indirectly under his control or having control over him, has, directly or indirectly, included such amount in the price of the article with respect to which it was imposed or of any article processed from the commodity with respect to which it was imposed, or passed on any part of such amount to the vendee or to any other person in any manner, or included any part of such amount in the charge or fee for processing, and that the price paid by the claimant or such person was not reduced by any part of such amount. In any judicial proceeding relating to such claim, a transcript of the hearing before the Commissioner shall be duly certified and filed as the record in the case and shall be so considered by the court. The provisions of this subsection shall not apply to any refund or credit authorized by subsection (a) or (c) of section 15, section 16, or section 17 of this title, or to any refund or credit

Prohibition on making refunds of taxes accruing subsequent hereto.  
*Post*, p. 1747.

Consideration of claims.

Vol. 48, pp. 39, 676, 1241; *Anne*, pp. 48, 768.

Vol. 46, p. 696; U. S. C. p. 1107.

Refunds if imposition of tax held invalid.

*Ante*, p. 768.

Amount.

Conditions.

Claims; consideration of.

Time for filing.

Notification of disallowance.

Jurisdiction of courts.

Access to books, records, etc.  
*Post*, p. 1747.

to the processor of any tax paid by him with respect to the provisions of section 317 of the Tariff Act of 1930.

“(2) In the event that any tax imposed by this title is finally held invalid by reason of any provision of the Constitution, or is finally held invalid by reason of the Secretary of Agriculture’s exercise or failure to exercise any power conferred on him under this title, there shall be refunded or credited to any person (not a processor or other person who paid the tax) who would have been entitled to a refund or credit pursuant to the provisions of subsections (a) and (b) of section 16, had the tax terminated by proclamation pursuant to the provisions of section 13, and in lieu thereof, a sum in an amount equivalent to the amount to which such person would have been entitled had the Act been valid and had the tax with respect to the particular commodity terminated immediately prior to the effective date of such holding of invalidity, subject, however, to the following condition: Such claimant shall establish to the satisfaction of the Commissioner, and the Commissioner shall find and declare of record, after due notice by the Commissioner to the claimant and opportunity for hearing, that the amount of the tax paid upon the processing of the commodity used in the floor stocks with respect to which the claim is made was included by the processor or other person who paid the tax in the price of such stocks (or of the material from which such stocks were made). In any judicial proceeding relating to such claim, a transcript of the hearing before the Commissioner shall be duly certified and filed as the record in the case and shall be so considered by the court. Notwithstanding any other provision of law: (1) no suit or proceeding for the recovery, recoupment, set-off, refund or credit of any tax imposed by this title, or of any penalty or interest, which is based upon the invalidity of such tax by reason of any provision of the Constitution or by reason of the Secretary of Agriculture’s exercise or failure to exercise any power conferred on him under this title, shall be maintained in any court, unless prior to the expiration of six months after the date on which such tax imposed by this title has been finally held invalid a claim therefor (conforming to such regulations as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, may prescribe) is filed by the person entitled thereto; (2) no such suit or proceeding shall be begun before the expiration of one year from the date of filing such claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of five years from the date of the payment of such tax, penalty, or sum, unless suit or proceeding is begun within two years after the disallowance of the part of such claim to which such suit or proceeding relates. The Commissioner shall within 90 days after such disallowance notify the taxpayer thereof by mail.

“(3) The District Courts of the United States shall have jurisdiction of cases to which this subsection applies, regardless of the amount in controversy, if such courts would have had jurisdiction of such cases but for limitations under the Judicial Code, as amended, on jurisdiction of such courts based upon the amount in controversy.

“(e) In connection with the establishment, by any claimant, of the facts required to be established in subsection (d) of this section, the Commissioner of Internal Revenue is hereby authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda, relative to any matter affecting the findings to be made by the Commissioner pursuant to subsec-

tion (d) of this section, to require the attendance of the claimant or of any officer or employee of the claimant, or the attendance of any other person having knowledge in the premises, and to take, or cause to be taken, his testimony with reference to any such matter, with power to administer oaths to such person or persons. It shall be lawful for the Commissioner, or any collector designated by him, to summon witnesses on behalf of the United States or of any claimant to appear before the Commissioner, or before any person designated by him, at a time and place named in the summons, and to produce such books, papers, correspondence, memoranda, or other records as the Commissioner may deem relevant or material, and to give testimony or answer interrogatories, under oath, relating to any matter affecting the findings to be made by the Commissioner pursuant to subsection (d) of this section. The provisions of Revised Statutes 3174 and of Revised Statutes 3175 shall be applicable with respect to any summons issued pursuant to the provisions of this subsection. Any witness summoned under this subsection shall be paid, by the party on whose behalf such witness was summoned, the same fees and mileage as are paid witnesses in the courts of the United States. All information obtained by the Commissioner pursuant to this subsection shall be available to the Secretary of Agriculture upon written request therefor. Such information shall be kept confidential by all officers and employees of the Department of Agriculture, and any such officer or employee who violates this requirement shall, upon conviction, be subject to a fine of not more than \$1,000 or to imprisonment for not more than one year, or both, and shall be removed from office.

Attendance of claimant.

Witnesses.

R. S., sec. 3174, p. 609;  
U. S. C., p. 1191.

Witness fees and mileage.

Availability of information.

Confidential nature.

“(f) No refund, credit, or abatement shall be made or allowed of the amount of any tax, under section 15, or section 17, unless, within one year after the right to such refund, credit, or abatement has accrued, a claim for such refund, credit, or abatement (conforming to such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe) is filed by the person entitled to such refund, credit, or abatement, except that if the right to any such refund, credit, or abatement accrued prior to the date of the adoption of this amendment, then such one year period shall be computed from the date of this amendment. No interest shall be allowed or paid, or included in any judgment, with respect to any such claim for refund or credit.

Time for filing claim for refund.

*Ante*, p. 771.  
*Post*, p. 1740.

Interest payments.

“(g) The provisions of section 3226, Revised Statutes, as amended, are hereby extended to apply to any suit for the recovery of any amount of any tax, penalty, or interest, which accrued, before, on, or after the date of the adoption of this amendment under this title (whether an overpayment or otherwise), and to any suit for the recovery of any amount of tax which results from an error in the computation of the tax or from duplicate payments of any tax, or any refund or credit authorized by subsection (a) or (c) of section 15, section 16, or section 17 of this title or any refund or credit to the processor of any tax paid by him with respect to articles exported pursuant to the provisions of section 317 of the Tariff Act of 1930.”

R. S., sec. 3226, p. 619;  
U. S. C., p. 1202.

Recovery of taxes erroneously collected.  
*Post*, p. 1747.

SEC. 31. The Agricultural Adjustment Act, as amended, is amended by inserting after section 21 the following:

“IMPORTS

Imports.

“SEC. 22. (a) Whenever the President has reason to believe that any one or more articles are being imported into the United States under such conditions and in sufficient quantities as to render or tend to render ineffective or materially interfere with any program or

Investigations by Tariff Commission; authority of President to cause; when.

*Post*, p. 1152.

operation undertaken, or to reduce substantially the amount of any product processed in the United States from any commodity subject to and with respect to which an adjustment program is in operation, under this title, he shall cause an immediate investigation to be made by the United States Tariff Commission, which shall give precedence to investigations under this section to determine such facts. Such investigation shall be made after due notice and opportunity for hearing to interested parties and shall be conducted subject to such regulations as the President shall specify.

Notice required.

Proclamation imposing import restrictions.

“(b) If, on the basis of such investigation and report to him of findings and recommendations made in connection therewith, the President finds the existence of such facts, he shall by proclamation impose such limitations on the total quantities of any article or articles which may be imported as he finds and declares shown by such investigation to be necessary to prescribe in order that the entry of such article or articles will not render or tend to render ineffective or materially interfere with any program or operation undertaken, or will not reduce substantially the amount of any product processed in the United States from any commodity subject to and with respect to which an adjustment program is in operation, under this title: *Provided*, That no limitation shall be imposed on the total quantity of any article which may be imported from any country which reduces such permissible total quantity to less than 50 per centum of the average annual quantity of such article which was imported from such country during the period from July 1, 1928, to June 30, 1933, both dates inclusive.

*Proviso.*  
Total quantity of imports.

Effective date of import restriction.

“(c) No import restriction proclaimed by the President under this section nor any revocation, suspension, or modification thereof shall become effective until fifteen days after the date of such proclamation, revocation, suspension, or modification.

Finality of President's decision.

“(d) Any decision of the President as to facts under this section shall be final.

Suspension or modification of proclamation.

“(e) After investigation, report, finding, and declaration in the manner provided in the case of a proclamation issued pursuant to subsection (b) of this section, any proclamation or provision of such proclamation may be suspended by the President whenever he finds that the circumstances requiring the proclamation or provision thereof no longer exist, or may be modified by the President whenever he finds that changed circumstances require such modification to carry out the purposes of this section.”

Annual appropriation.  
Amount.  
*Post*, pp. 1151, 1755.

SEC. 32. There is hereby appropriated for each fiscal year beginning with the fiscal year ending June 30, 1936 an amount equal to 30 per centum of the gross receipts from duties collected under the customs laws during the period January 1 to December 31, both inclusive, preceding the beginning of each such fiscal year. Such sums shall be maintained in a separate fund and shall be used by the Secretary of Agriculture only to (1) encourage the exportation of agricultural commodities and products thereof by the payment of benefits in connection with the exportation thereof or of indemnities for losses incurred in connection with such exportation or by payments to producers in connection with the production of that part of any agricultural commodity required for domestic consumption; (2) encourage the domestic consumption of such commodities or products by diverting them, by the payment of benefits or indemnities or by other means, from the normal channels of trade and commerce; and (3) finance adjustments in the quantity planted or produced for market of agricultural commodities. The amounts appropriated under this section shall be expended for such of the above-specified purposes, and at such times, in such manner, and in such amounts as the Secretary of Agriculture finds will tend to increase the exportation of agricultural

Separate fund to be maintained; uses.

Expenditure.

commodities and products thereof, and increase the domestic consumption of agricultural commodities and products thereof: *Provided*, That no part of the funds appropriated by this section shall be expended pursuant to clause (3) hereof unless the Secretary of Agriculture determines that the expenditure of such part pursuant to clauses (1) and (2) is not necessary to effectuate the purposes of this section: *Provided further*, That no part of the funds appropriated by this section shall be used for the payment of benefits in connection with the exportation of unmanufactured cotton.

SEC. 33. Section 7 of Title 1 of the Agricultural Adjustment Act, as amended by section 221 of the National Industrial Recovery Act (48 Stat. 210, 15 U. S. C., art. 607), is amended by striking it out and inserting in lieu thereof the following:

"SEC. 7. The Secretary shall sell cotton held or acquired by him pursuant to authority of this Act at his discretion subject only to the conditions and limitations of Title 1 of this Act: *Provided*, That the Secretary shall have authority to enter into option contracts with producers of cotton to sell to or for the producers such cotton held and/or acquired by him in such amounts and at such prices and upon such terms and conditions as he, the Secretary, may deem advisable, and such option contracts may be transferred or assigned in such manner as the Secretary of Agriculture may prescribe.

"Notwithstanding any provisions contained in option contracts heretofore issued and/or any provision of law, assignments made prior to January 11, 1934, of option contracts exercised prior to January 18, 1934, shall be deemed valid upon determination by the Secretary that such assignment was an assignment in good faith of the full interest in such contract and for full value and is free from evidence of fraud or speculation by the assignee.

"Notwithstanding any provision 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."

SEC. 34. Section 6 of the Agricultural Adjustment Act, is hereby repealed.

SEC. 35. Section 4 (b) of Title 1 of the Agricultural Adjustment Act, as amended by the Emergency Appropriation Act, fiscal year 1935, is amended by striking out the words "to be available until March 1, 1936" and inserting at the end of said section a new sentence to read as follows: "This sum shall be available until the cotton acquired by the Secretary of Agriculture under authority of Title 1 of this Act, including cotton futures, shall have been finally marketed by any agency which may have been or may be established by the Secretary of Agriculture for the handling, carrying, insuring, or marketing of any cotton acquired by the Secretary of Agriculture."

SEC. 36. Section 4 (f) of Title 1 of the Agricultural Adjustment Act, as amended by the Emergency Appropriation Act, fiscal year 1935, is amended by adding at the end thereof a new paragraph to read as follows:

"The word 'obligation' when used in this section shall include (without being limited to) administrative expenses, warehouse charges, insurance, salaries, interest, costs, commissions, and other expenses incident to handling, carrying, insuring, and marketing of said cotton."

SEC. 37. There is hereby authorized to be appropriated the sum of \$40,000,000, of which sum \$10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of Agriculture, under rules and regulations to be promulgated by him and upon such terms as he may prescribe, to eliminate diseased dairy and beef cattle, including cattle suffer-

*Provisos.*  
Restrictions.

Vol. 48, p. 210; U. S. C., p. 157.  
Cotton option contracts.

Sale of cotton held by Secretary of Agriculture.

*Proviso.*  
Authority to make cotton option contracts.

Validity of contracts assigned prior to January 11, 1934.

Publication of information.

Vol. 48, p. 33; U. S. C., p. 157.

Vol. 48, p. 1058; *Ante*, p. 115.

Availability of appropriations.

Vol. 48, p. 1059; *Ante*, p. 115.

"Obligation" construed.

Diseased dairy and beef cattle.

Appropriation authorized for removal; sum available.

Rules and regulations.

*Post*, pp. 1152, 1456.

Experimentation;  
sums available.

Vol. 48, pp. 528, 805.

Sums to remain avail-  
able until June 30, 1936.  
Administrative ex-  
penses.

Vol. 48, pp. 528, 805.

Agreements and reme-  
dies not invalidated  
hereby.

Vol. 48, p. 34; *Anti*,  
p. 46.

*Proviso.*  
Adjustments in acre-  
age or production.

Bankhead Cotton  
Act (Cotton Control  
Act), amendments.

Vol. 48, p. 599.  
*Post*, p. 1106.  
Period of applicabil-  
ity of Act; cotton gin-  
ning tax.

ing from tuberculosis or Bang's disease, and to make payments to owners with respect thereto. The Secretary of Agriculture is authorized to use for scientific experimentation and efforts to eradicate disease in cattle, as much as he finds advisable of the funds appropriated by or in pursuance of the authorization contained in this section and the funds appropriated by the second paragraph of Public Resolution Numbered 27, Seventy-third Congress, approved May 25, 1934, to carry out section 6 of the Act entitled "An Act to amend the Agricultural Adjustment Act so as to include cattle and other products as basic agricultural commodities, and for other purposes", approved April 7, 1934. The sums appropriated or reappropriated by this section shall remain available until June 30, 1936, and such sums and the sums appropriated in pursuance of the authorization contained in this section shall be available to carry out the purposes of both this section and such section 6, and may be used for all necessary expenses in connection therewith, including the employment of persons and means in the District of Columbia and elsewhere. The unexpended balance of the funds appropriated by the second paragraph of such Public Resolution Numbered 27 to carry out the purposes of section 2 of such Act of April 7, 1934, shall remain available for the purposes of such section 2 until June 30, 1936.

SEC. 38. Nothing contained in this Act shall (a), invalidate any marketing agreement or license in existence on the date of the enactment hereof, or any provision thereof, or any act done pursuant thereto, either before or after the enactment of this Act, or (b) impair any remedy provided for on the date of the enactment thereof for the enforcement of any such marketing agreement or license, or (c) invalidate any agreement entered into pursuant to section 8 (1) of the Agricultural Adjustment Act prior to the enactment of this Act, or subsequent to the enactment of this Act in connection with a program the initiation of which has been formally approved by the Secretary of Agriculture under such section 8 (1) prior to the enactment of this Act, or any act done or agreed to be done or any payment made or agreed to be made in pursuance of any such agreement, either before or after the enactment of this Act, or any change in the terms and conditions of any such agreement, or any voluntary arrangements or further agreements which the Secretary finds necessary or desirable in order to complete or terminate such program pursuant to the declared policy of the Agricultural Adjustment Act: *Provided*, That the Secretary shall not prescribe, pursuant to any such agreement or voluntary arrangement, any adjustment in the acreage or in the production for market of any basic agricultural commodity to be made after July 1, 1937 except pursuant to the provisions of section 8 of the Agricultural Adjustment Act as amended by this Act.

#### AMENDMENTS TO BANKHEAD COTTON ACT

SEC. 39. (a) Section 2 and the first sentence of section 3 (a) of the Act entitled "An Act to place the cotton industry on a sound commercial basis, to prevent unfair competition and practices in putting cotton into the channels of interstate and foreign commerce, to provide funds for paying additional benefits under the Agricultural Adjustment Act, and for other purposes", approved April 21, 1934, as amended, are amended by inserting after the phrase "the crop year 1935-1936", wherever such phrase appears, the phrase "or the crop year 1936-1937 or the crop year 1937-1938".



(b) Section 3 (a) of such Act, as amended, is amended by adding at the end thereof the following new sentence: "In ascertaining the sentiment of the producers with respect to the crop year 1936-1937 or the crop year 1937-1938, the vote in favor of the compulsory tax features of this Act, by two-thirds of the producers voting, shall be deemed sufficient for the purposes of this subsection."

Ascertainment of sentiment of producers.  
Vol. 48, p. 599.

(c) Section 5 (a) of an Act entitled "An Act to place the cotton industry on a sound commercial basis, to prevent unfair competition and practices in putting cotton into the channels of interstate and foreign commerce, to provide funds for paying additional benefits under the Agricultural Adjustment Act, and for other purposes," approved April 21, 1934, as amended, is amended by inserting after the sentence "that no State shall receive an allotment of less than 200,000 bales of cotton if in any one year of five years prior to this date the production of the State equaled 250,000 bales" the following: "And be it further provided that after the year 1935 no State shall receive an allotment of less than 80,000 bales of cotton if in any one year of five years prior to the date of the passage of said Act the production of the State equaled 100,000 bales."

Vol. 48, p. 600.

*Ante*, p. 570.

Minimum allotment.

(d) The action of the Secretary of Agriculture in ascertaining and proclaiming, pursuant to section 3 (a) and (b) of such Act, as amended, 10,500,000 bales as the maximum amount of cotton of the crop harvested in the crop year 1935-1936 that may be marketed exempt from payment of the tax levied by such Act, as amended, is hereby legalized and ratified, and all apportionments and other action taken pursuant to such ascertainment and proclamation are legalized and ratified and confirmed as fully to all intents and purposes as if such amount had been fixed and such apportionments and action had been authorized and made effective specifically by Act of Congress.

Validation of act establishing maximum number of tax exempt bales in 1935-1936 crop year.  
Vol. 48, p. 599.

(e) Section 7 of such Act, as amended, is amended by adding at the end thereof the following new subsection:

Vol. 48, p. 601.

"(d) For each crop year subsequent to the crop year 1934-1935 in which this Act is in effect the Secretary of Agriculture shall make (1) to each farm with an established average production for the applicable base period of 956 pounds or less of lint cotton an allotment equal to the full amount of such production and (2) to each farm with an established average production for such base period of more than 956 pounds of lint cotton an allotment of not less than 956 pounds. For each crop year subsequent to the crop year 1935-1936, the amount of each such allotment (and for the crop year 1935-1936 and subsequent crop years, the additional amount required for apportionment under the provisions of the Public Resolution entitled "Public Resolution To provide for certain State allotments under the Cotton Control Act") which is in excess of the allotment which, without regard to this subsection or such Public Resolution, would have been made to any farm, shall be in addition to the national allotment and the allotments to the State and county in which such farm is situated. The first sentence of this subsection shall not be held to increase any allotment to any farm for the crop year 1935-1936 which allotment was made under regulations of the Secretary of Agriculture prior to the date of the adoption of this amendment, or to require any reallocation."

Allotments to individual farms.  
Crop year subsequent to 1934-1935.

1935-1936.

*Ante*, p. 570.

SEC. 40. Section 17 of such Act of April 21, 1934, as amended, is amended by inserting "(a)" before the first sentence thereof and by inserting at the end thereof the following new subsection:

Vol. 48, p. 605.  
Officers and employees.

"(b) Appropriations for administrative expenses under this Act are authorized to be made available to enable the Secretary of Agriculture to pay any person, who, in connection with the operation of

Appropriations for administrative expenses.

any cotton gin, incurred additional expenses in connection with the administration of this Act with respect to cotton ginned during the crop year 1935-1936 or any subsequent crop year in which this Act is in effect, and who applies to the Secretary therefor, compensation in the amount of such additional expenses, but not in excess of the rate of 25 cents per bale of such cotton ginned by such person, provided proof satisfactory to the Secretary of Agriculture is furnished that the additional expenses for which such person makes application have not been passed on in any manner whatsoever."

Vol. 48, p. 603.  
Exemption certificates; assignment.

SEC. 41. Section 9 (d) of such Act of April 21, 1934, as amended (relating to transfer of exemption certificates), is amended by inserting after the first sentence thereof the following new sentence. "No rule or regulation of the Secretary of Agriculture shall prohibit the transfer or assignment by a cotton producer of certificates issued or reissued to him if such transfer or assignment is to another cotton producer who is a resident of the same State."

Vol. 48, p. 599.  
Tax and exemptions.

SEC. 42. Section 4 of such Act of April 21, 1934, as amended, is amended by inserting at the end thereof the following new subsection:

Cotton retained for household use.

"(h) The Secretary of Agriculture is directed to exempt by regulation from the payment of the tax on the ginning of cotton as levied under authority of this Act, an amount of lint cotton not in excess of one hundred and ten pounds, produced by or for any producer and retained for domestic use in his household."

Kerr Tobacco Act (Tobacco Control Act), amendments.  
Vol. 48, p. 1275.  
Post, p. 1106.

#### AMENDMENTS TO KERR TOBACCO ACT

SEC. 43. The title of the Act entitled "An Act to place the tobacco-growing industry on a sound financial and economic basis, to prevent unfair competition and practices in the production and marketing of tobacco entering into the channels of interstate and foreign commerce, and for other purposes", approved June 28, 1934, is amended to read as follows:

Title.

"An Act to place the tobacco-growing industry on a sound financial and economic basis, to prevent unfair competition and practices in the production and marketing of tobacco entering into the channels of interstate and foreign commerce, to raise revenue, and for other purposes."

Definitions.

SEC. 44. Section 1 of said Act is amended by adding at the end thereof the following new subsections:

"Puerto Rican tobacco."

"(l) The term 'Puerto Rican tobacco' means all leaf tobacco classified as type 46 in the United States Department of Agriculture, Bureau of Agricultural Economics, Service and Regulatory Announcements Numbered 118."

"Cigar-wrapper tobacco."

"(m) The term 'cigar-wrapper tobacco' means all leaf tobacco classified in class 6 in the United States Department of Agriculture, Bureau of Agricultural Economics, Service and Regulatory Announcements Numbered 118."

Vol. 48, p. 1276.  
Declared policy.

SEC. 45. Section 2 of said Act is amended by inserting after the words "consumption of tobacco" a comma and the words "to raise revenue,".

Vol. 48, p. 1276.  
Imposition of tax; exemption.

SEC. 46. Subsection (b) of section 3 of said Act is amended by striking out the period and the remainder of the subsection following the first sentence and inserting in lieu thereof the following: "and to all tobacco harvested in the crop year 1935-1936, except Maryland tobacco, Puerto Rican tobacco, and cigar wrapper tobacco. Thereafter whenever the Secretary of Agriculture determines (1) that the imposition of the tax upon any particular type of tobacco is necessary for the orderly marketing of such tobacco in interstate and foreign

Authority to impose tax after 1935-1936 crop harvested.

commerce and to effectuate the declared policy of this Act, and (2) that two-thirds of the land engaged in the production of such type of tobacco during the crop year in which such determination is made is voted in favor of the levy of the tax upon the sale of such type of tobacco, he shall proclaim such determination at least sixty days prior to the next succeeding crop year, and the tax shall thereafter apply to the sale of tobacco of such type harvested during the crop year next following the date of such proclamation. All persons who have the right, during the crop year in which such determination is made, to sell or to receive a share of the proceeds derived from the sale of tobacco of any type produced by them, or produced on land owned or leased by them, shall be entitled to vote, and the proportion of all the votes cast in each county which are cast in favor of levying the tax upon the sale of such type of tobacco shall determine the proportion of the total amount of tobacco land in such county which shall be deemed to have been voted in favor of levying such tax. The tax provided for by subsection (a) of this section shall not apply to any tobacco harvested after April 30, 1939."

Producers' right to vote.

Duration of taxing provision.

Vol. 48, p. 1277.

SEC. 47. Subsection (a) of section 5 of said Act is amended by inserting after the designation "(a)" at the beginning thereof the following: "(1)"; and by inserting at the end of said subsection the following paragraph:

"(2) The Secretary of Agriculture shall issue to any person, who, because of religious or moral scruples, is unwilling or unable to become a contracting producer, similar tax-payment warrants covering the quantity of tobacco produced by such person: *Provided*, That the Secretary determines that such person has not planted a greater acreage of tobacco nor sold a greater quantity of tobacco than he could have planted or sold as a contracting producer."

Tax payment warrants; issue.

*Proviso.*  
Restriction.

Vol. 48, p. 1277.

SEC. 48. Subsection (b) of section 5 of said Act is amended by striking out the first sentence of said subsection and inserting in lieu thereof the following:

"There shall be available for issuance by the Secretary of Agriculture further warrants, covering an amount of tobacco of any type equal to 3 per centum of the amount of tobacco of such type covered by the warrants issuable or issued to all contracting producers under the provisions of subsection (a) of this section, to persons engaged in the production of tobacco of such type who do not enter into such contracts and as to whom the Secretary determines that no equitable allotment of tobacco acreage or production is possible under such tobacco contracts. Such warrants shall be issued, upon application therefor, upon such basis or classification as the Secretary deems will effectuate the declared policy of this Act and will be fair and just, and as will apply to all persons eligible to receive warrants under this subsection uniformly on the basis or classification adopted: *Provided*, That warrants covering two-thirds of the amount of any type of tobacco to cover which warrants are available under this subsection shall be issued, upon application therefor, only to persons who receive warrants covering one thousand five hundred pounds or less of any type of tobacco."

Warrants to persons not contracting producers.  
Limit on number.

Application for.

*Proviso.*  
Persons to whom may be issued.

Vol. 48, p. 1277.

SEC. 49. Subsection (d) of section 5 of said Act is amended to read as follows:

"If any tax-payment warrant is erroneously issued to any person, or if the Secretary of Agriculture determines pursuant to this subsection that any person to whom any tax-payment warrant is issued has failed to comply in any crop year with any provision of any agreement entered into by such person pursuant to the Agricultural Adjustment Act or has failed to comply with any rule or regulation issued by the Secretary of Agriculture pursuant to this Act or

Tax payment warrants; voiding and return.

When accepted in payment of tax; liability of person to whom issued.

the Agricultural Adjustment Act, any warrant issued during such crop year to such person shall be void upon demand in writing for the return of such warrant made by the Secretary of Agriculture to the person to whom such warrant was issued. If any tax-payment warrant which has been accepted in payment of the tax imposed by this Act upon the sale of tobacco becomes void pursuant to this subsection either before or after such acceptance, the person to whom such warrant was issued shall, notwithstanding such acceptance of such warrant, be liable for the full amount of the tax upon such sale."

Vol. 48, p. 1278.

SEC. 50. Section 8 of said Act is amended by striking out subsection (b) of that section and inserting in lieu thereof two new subsections as follows:

Returns respecting tobacco produced or sold; requirement.

"(b) All persons, in whatever capacity acting, including producers, warehousemen, processors of tobacco, and common carriers, having information with respect to tobacco produced or sold, may be required to make a return in regard thereto, setting forth the amount of tobacco produced, sold, or delivered, the name and address of the person who produced, sold, or delivered said tobacco, or to whom said tobacco was sold or delivered, the price paid on such sale, and any other and further information which the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury and the Secretary of Agriculture, shall by regulations prescribe as necessary for the proper administration and collection of the tax. Any person required to make any such return shall render a true and accurate return to the Commissioner of Internal Revenue.

Penalty on refusal to file.

"(c) Any person willfully failing or refusing to file any return required to be filed under this section, or filing willfully any false return, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000."

Vol. 48, p. 1278.

SEC. 51. Section 9 of said act is amended by adding at the end thereof the following new subsection:

Administrative agencies; powers.

"(c) Any person who is authorized in writing by the Secretary of Agriculture to act as his agent in the administration of this Act shall, while he is acting as such agent, have the power to administer oaths in connection with the execution of forms required by regulations issued pursuant to sections 7 and 8 of this Act, but no fee or compensation shall be charged or received by any such agent for administering such an oath."

Vol. 48, p. 1279.  
Appropriation available for rental and benefit payments.

SEC. 52. The first sentence of subsection (a) of section 10 of said Act is amended to read as follows: "The proceeds heretofore and hereafter derived from the tax are hereby appropriated to be available to the Secretary of Agriculture for rental and benefit payments under the Agricultural Adjustment Act to contracting producers, for administrative expenses, refunds of taxes, redemption of tax-payment warrants heretofore or hereafter received by contracting producers subsequent to the sale of the tobacco covered by said warrants and subsequent to payment of the tax imposed upon such sale by section 3 of this Act, and other payments under this Act."

Administrative expenses, etc.

Vol. 48, p. 1279.  
Refunds; presenting claims for.

SEC. 53. Subsection (a) of section 11 of said Act is amended effective as of the date of the enactment of the said Act by striking out the words "six months" and by inserting in lieu thereof the words "one year".

Vol. 48, p. 1280.

SEC. 54. Section 14 of said Act is amended to read as follows:

Offer to become contracting producer.

"The Secretary of Agriculture is directed not to refuse on the ground of lateness any offer by a tobacco producer to become a contracting producer, if such offer is filed with the Secretary of Agriculture within thirty days after the date of the proclamation by the Secretary of Agriculture, pursuant to subsection (b) of section 3 of this Act."

SEC. 55. There is hereby made available, out of any money appropriated by the Emergency Relief Appropriation Act of 1935, such amount as the President may allot for the development of a national program of land conservation and land utilization. The sums so allotted may be used, in the discretion and under the direction of the President, for the acquisition of submarginal lands and their use for such public purposes as the President shall prescribe.

In carrying out the provisions of this section, the President is authorized:

- (a) To make contracts and grants; and
- (b) To acquire, by purchase, any real property or any interest therein (with or without reservations) in accordance with the policy herein set forth.

#### ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

SEC. 56. It is hereby declared to be the policy of Congress to insure the maintenance of an adequate supply of anti-hog-cholera serum and hog-cholera virus by regulating the marketing of such serum and virus in interstate and foreign commerce, and to prevent undue and excessive fluctuations and unfair methods of competition and unfair trade practices in such marketing.

SEC. 57. In order to effectuate the policy declared in section 56 of this Act the Secretary of Agriculture shall have the power, after due notice and opportunity for hearing, to enter into marketing agreements with manufacturers and others engaged in the handling of anti hog-cholera serum and hog-cholera virus only with respect to such handling as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such serum and virus. Such persons are hereafter in this Act referred to as "handlers." 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.

SEC. 58. Marketing agreements entered into pursuant to section 57 of this Act shall contain such one or more of the following terms and conditions and no others as the Secretary finds, upon the basis of the hearing provided for in section 57, will tend to effectuate the policy declared in section 56 of this Act:

(a) One or more of the terms and conditions specified in subsection (7) of section 8c of the Agricultural Adjustment Act, as amended.

(b) Terms and conditions requiring each manufacturer to have available on May 1 of each year a supply of completed serum equivalent to not less than 40 per centum of his previous year's sales.

SEC. 59. Whenever all the handlers of not less than 75 per centum of the volume of anti-hog-cholera serum and hog-cholera virus which is handled in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce, have signed a marketing agreement entered into with the Secretary of Agriculture pursuant to section 57 of this Act, the Secretary of Agriculture shall issue an order which shall regulate only such handling in the same manner as, and contain only such terms and conditions as are contained in such marketing agreement, and shall from time to time amend such order in conformance with amendments to such marketing agreement. Such order shall terminate upon termination of such marketing agreement as provided in such marketing agreement.

Appropriations available.  
*Ante*, p. 115.

Acquisition of submarginal lands.

Powers of President.

Anti-hog-cholera serum and hog-cholera virus.  
Declaration of policy.  
*Post*, p. 1617.

Marketing agreements with manufacturers.

"Handlers" construed.  
Application of antitrust laws.

Terms and conditions in agreements.

Orders; issuance of; when.

Termination of.

Provisions made applicable to.  
Vol. 48, p. 675; *Ante*, pp. 753, 781.

SEC. 60. Subject to the policy declared in section 56 of this act, the provisions of subsections (6), (7), (8), and (9) of section 8a and of subsections (14) and (15) of section 8c of the Agricultural Adjustment Act, as amended, are hereby made applicable in connection with orders issued pursuant to section 59 of this Act, and the provisions of section 8d of the Agricultural Adjustment Act, as amended, are hereby made applicable in connection with marketing agreements entered into pursuant to section 57 and orders issued pursuant to section 59 of this Act. The provisions of subsections (a), (b) (2), (c), (f), (h), and (i) of section 10 of the Agricultural Adjustment Act, as amended, are hereby made applicable in connection with the administration of sections 56 to 60, inclusive, of this Act.

*Ante*, p. 767.

Potato Control Act of 1935.

#### POTATO CONTROL

Potatoes as basic agricultural commodity.  
Vol. 48, p. 38.

SEC. 61. Section 11 of the Agricultural Adjustment Act, as amended, is amended by adding after the word "rice" a comma and the word "potatoes" and by adding at the end of said section 11 a new sentence as follows: "As used in this title, the term 'potatoes' means all varieties of potatoes included in the species *Solanum tuberosum*."

"Potatoes" construed.

Base period.  
Vol. 48, p. 32.

SEC. 62. Subsection 1 of section 2 of the Agricultural Adjustment Act, as amended, is amended by adding after the word "tobacco", in both the second and third sentences of said subsection, the words "and potatoes".

Title II.

#### TITLE II

Definitions.

#### DEFINITIONS

*Post*, pp. 1106, 1163.

SEC. 201. When used in this title, unless the context otherwise requires—

"Person."

(a) The term "person" includes an individual, a corporation, a partnership, a business trust, a joint-stock company, an association, a syndicate, group, pool, joint venture, or any other unincorporated organization or group.

"Commissioner."

(b) The term "Commissioner" means the Commissioner of Internal Revenue.

"Collector."

(c) The term "collector" means a collector of internal revenue.

"Sale."

(d) The term "sale" includes any agreement or delivery whereby the seller transfers the property in, or right to consume, potatoes to another for a consideration, and any sum of money, services, property, or anything of value whatsoever, may constitute consideration for such transfer, but does not include the transfer of the right to consume potatoes to a member of the household of a producer of such potatoes or a transfer for consumption by the household of a person employed in the farming operations of the producer of such potatoes.

"Allotment year."

(e) The term "allotment year" means the period commencing December 1 and ending November 30: *Provided*, That the first allotment year shall commence December 1, 1935, and shall end November 30, 1936.

"Change in the form of potatoes."

(f) The term "change in the form of potatoes" means an intentionally effected change in the form of potatoes in preparation for the sale of such potatoes, or any product thereof, as such change is defined by rules and regulations prescribed by the Commissioner, with the approval of the Secretary of the Treasury.

"Tax stamp."

(g) The term "tax stamp" means an appropriate stamp or other means of identifying potatoes with respect to which a tax levied by this title has been paid.

(h) The term "tax-exemption stamp" means an appropriate stamp or other means of identifying potatoes with respect to which an exemption from a tax levied by this title has been established.

"Tax-exemption stamp."

(i) The term "potatoes" means all varieties of potatoes included in the species *Solanum tuberosum*.

"Potatoes."

(j) The term "producer" means a person who has the right to sell, or to receive a share of the proceeds derived from the sale of, potatoes cultivated by him, or on land owned or leased by him.

"Producer."

(k) The term "continental United States" means the several States of the United States and the District of Columbia and does not include any Territory or possession of the United States.

"Continental United States."

(l) The term "operator" means any person operating his own farm, any tenant operating a farm rented for cash or for a fixed-commodity payment, any crop-share tenant, and any crop-share landlord.

"Operator."

(m) The term "farm" means all the land operated by the producer as a single operating unit with work stock, farm machinery, and labor substantially separate from that of any other tract of land.

"Farm."

IMPOSITION OF THE TAX

Imposition of tax.

SEC. 202. (a) There is hereby levied and assessed upon each first sale of potatoes harvested on or after December 1, 1935, in the continental United States a tax, to be paid by the seller, at the rate of three-fourths of 1 cent per pound: *Provided*, That when there is a change in the form of potatoes harvested on or after December 1, 1935, in the continental United States prior to the first sale thereof, a tax at the rate of three-fourths of 1 cent per pound, to be paid by the owner at the time such change is effected, is hereby levied and assessed upon the effecting of such change, and no tax shall be levied upon the first sale of such potatoes or any product or products thereof.

Assessment; amount.

*Proviso.*  
When change in form prior to first sale.

Payment.

(b) If the Secretary of Agriculture finds at any time that the total apportionments to producers in any potato-producing region or regions (as established and defined pursuant to subsection (c) of section 209 of this title) are in excess of the probable supply of potatoes in the continental United States during the marketing periods for such region or regions, he shall proclaim such determination, and the provisions of this title shall not be operative during such marketing periods.

When apportionment exceeds supply in producing region.

(c) At least thirty days prior to the beginning of each allotment year after the first allotment year, the Secretary of Agriculture shall conduct a referendum which will afford to producers of potatoes a reasonable opportunity to vote in favor of or in opposition to continuing in effect with respect to potatoes produced during the succeeding allotment year the taxes levied by subsection (a) of this section. Each producer who is entitled to an allotment for the last allotment year for which such apportionments were made shall be entitled to one vote; and such taxes shall not be in effect and the provisions of this title shall not be operative with respect to potatoes produced in such succeeding year unless the majority of the votes cast in such referendum are cast in favor of continuing such taxes in effect.

Referendum at beginning of each allotment year.

Entitlement to vote.

(d) If the Secretary of Agriculture determines and proclaims that the taxes levied by subsection (a) of this section will at the rate therein specified for such taxes, (1) tend to adversely affect the orderly marketing of potatoes, or (2) tend to depress the farm price

Adjustment of tax rate.

of potatoes, or (3) tend to cause to producers of potatoes disadvantages in competition by reason of an excessive shift in consumption from potatoes to some other commodity or commodities, then the rate of such taxes shall for such period as the Secretary of Agriculture designates, be at the highest rate which is lower than three-fourths of 1 cent (not less than one-half of 1 cent per pound) as he finds and proclaims will not adversely affect such orderly marketing, or cause such depression of the farm price, or cause such disadvantages in competition.

Tax stamps; deposit of proceeds.

(e) The taxes levied by subsection (a) of this section shall be represented by tax stamps, and the proceeds of taxes levied under this title shall be paid into the Treasury of the United States as internal revenue collections.

Preparation.

(f) The Commissioner shall cause to be prepared, for the payment of such taxes, tax stamps of suitable denominations and shall furnish same to the collectors of internal revenue. The Commissioner shall also furnish to the Postmaster General without prepayment a suitable quantity of such stamps to be distributed to, and kept on sale by, the various postmasters in the United States. The Postmaster General may require each such postmaster to give additional or increased bond as postmaster for the value of the stamps so furnished, and each such postmaster shall deposit the receipts from the sale of such stamps to the credit of, and render accounts to, the Postmaster General at such times and in such form as he may by regulations prescribe. The Postmaster General shall at least once monthly transfer all collections from this source to the Treasury as internal revenue collections.

Distribution and sale.

Bond.

Accounting.

Transfer of collections.

Allotments.

ALLOTMENTS

Proclamation of production quantity for allotment year.

SEC. 203. The Secretary of Agriculture shall investigate probable production and market conditions for each allotment year and shall determine from available statistics of the Department of Agriculture and proclaim, at least thirty days prior to the beginning of each allotment year, the quantity of potatoes which, if produced during such year and sold during or after such year, will, in his opinion, tend to establish and maintain such balance between the production, sale, and consumption of potatoes and the marketing conditions therefor as will, in his opinion, tend to establish prices to potato producers at a level that would give potatoes a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of potatoes in the period August 1919–July 1929 without reducing the total net income of potato producers from potatoes below the largest probable income of potato producers from potatoes produced during such allotment year, and without tending to cause to producers of potatoes disadvantages in competition by reason of an excessive shift in consumption from potatoes to some other commodity or commodities; and the quantity so proclaimed shall, for each allotment year, be apportioned by the Secretary of Agriculture as hereinafter provided.

Apportionment of quantity.

Determination of apportionment to each State.

Formula.

SEC. 204. When a quantity is determined in accordance with section 203 of this title, the Secretary of Agriculture shall apportion such quantity among the several States. The apportionment to each State shall be determined on the basis of the ratio that the annual average acreage of the four years in which the highest potato acreage was harvested in such State in the years 1927–1934, inclusive, multiplied by the average yield per acre for the four years that the yield of potatoes per acre for such State was highest in the years 1927–1934, inclusive, multiplied by the average annual percentage of the crop



produced in such State during the years 1929-1934, inclusive, which was sold, bears to the sum of the products of such average acreages, such average yields, and such percentages of sales for all States: *Provided*, That if the Secretary of Agriculture finds that the application of the foregoing formula alone would, because of differences in production practices and marketing practices among the several States, result in an inequitable and unfair apportionment to any State or States, not in excess of 2 per centum of the quantity of potatoes determined in accordance with section 203 of this title may be deducted from such quantity and may be used by the Secretary of Agriculture to adjust on the basis of equity and fairness the apportionments made or to be made to any State or States.

*Proviso.*  
When apportionment found unfair to any State.

SEC. 204a. The quantity determined and proclaimed by the Secretary of Agriculture pursuant to Section 203, and the quantity apportioned to each State pursuant to Section 204, may at such intervals as the Secretary of Agriculture finds necessary to effectuate the declared policy and purposes of this Act be adjusted by him: *Provided*, That the quantity so determined and proclaimed shall not be increased or decreased by more than 5 per cent.

Adjustments authorized.

SEC. 205. Ninety-five per centum of the quantity of potatoes apportioned to any State pursuant to section 204 of this title shall be apportioned by the Secretary of Agriculture to farms on which potatoes have been grown within such State during any one or more years within the period 1932-1934, inclusive. Such apportionment to any farm shall be made upon application therefor and may, in order to secure equitable apportionments to producers, be made by the Secretary based upon either—

*Proviso.*  
Restriction.

Apportionment to farms.

Application therefor.

(1) A percentage of the average sales of potatoes produced on such farm for a representative base period, prescribed by the Secretary, of any two or more years during the years 1932-1934, inclusive, providing the operators of such farm for the allotment year for which the apportionment is made produced potatoes on such farm during at least one of the base-period years. The representative base period prescribed by the Secretary and the percentage applied to the average sales of potatoes produced during such period in establishing apportionments for each farm under this paragraph shall, so far as practicable, be uniform for farms similarly situated upon the basis or classification prescribed by the Secretary of Agriculture, but in the case of any farm for which such average sales are 300 pounds or less, such average sales shall be exempt from any percentage reduction thereof and such farm shall receive an apportionment equal to such average sales; or

Methods of making apportionment.

(2) Such basis as the Secretary of Agriculture deems fair and just and will apply to all farms to which an apportionment is made under this paragraph 2 uniformly on the basis or classification adopted. In making an apportionment to a farm under this paragraph, due consideration shall be given to the quantity of potatoes produced and sold in the past by the operators who will operate such farm for the allotment year for which the apportionment is made, the quantity of potatoes produced on such farm and sold in the past, and the acreage of the farm available for the production of potatoes and which the operators are currently equipped to devote to the production of potatoes.

SEC. 206. Not in excess of 5 per centum of the quantity of potatoes apportioned to any State pursuant to section 204 of this title shall, upon application therefor, be available for apportionment by the Secretary of Agriculture to farms operated by persons engaged or evidencing a desire to engage in the production and sale of potatoes

Percentage of quantity available for apportionment to farms otherwise ineligible.

in such State and which farms are ineligible to receive an apportionment under section 205 or in respect to which the Secretary of Agriculture determines that the apportionments made pursuant to section 205 are inequitable: *Provided*, That apportionments under this section shall be made upon such basis as the Secretary of Agriculture deems fair and just and which will, so far as practicable, apply to all such farms uniformly upon the basis or classification prescribed by the Secretary. Any quantity not apportioned under this section shall be available for apportionment under section 205 of this title.

*Proviso.*  
Basis of apportionments.

Continuation of apportionments.

SEC. 207. If an apportionment is made to a farm under section 206 of this title for any allotment year, for each succeeding allotment year that the operation of such farm is continued by the operators who operated it during the allotment year for which such apportionment was made, the apportionment to such farm shall be made upon the basis provided in section 206 of this title but shall be made from the quantity available for apportionment under section 205 of this title.

Apportionment of District of Columbia.

SEC. 208. For the purposes of the apportionments to be made pursuant to sections 204, 205, 206, and 207 of this title, the District of Columbia shall be considered as a part of the State of Maryland.

Tax-exemption stamps; issue.

SEC. 209. (a) The Secretary of Agriculture, or any agent or agency designated for such purpose by the Secretary of Agriculture, shall, upon application therefor, issue for each farm tax-exemption stamps for an amount of potatoes equal to the apportionment made to such farm pursuant to sections 205, 206, and 207 of this title: *Provided*, That under such regulations as the Secretary of Agriculture shall prescribe he shall refuse to issue such tax-exemption stamps to any applicant in any allotment year in which such applicant is not a bona fide producer of potatoes. Each such tax-exemption stamp, during the period of its validity as determined pursuant to subsection (c) of this section, shall establish an exemption from the taxes imposed by subsection (a) of section 202 of this title for the amount of potatoes stated on the face of each such stamp.

Tax-exemption stamps; right to.

(b) The right to tax-exemption stamps shall be evidenced in such manner as the Secretary of Agriculture may by regulations prescribe, and such tax-exemption stamps shall be issued in such form or forms, and under such terms and conditions as may be prescribed jointly by the Secretary of Agriculture and the Secretary of the Treasury.

Forms of.

Potato-producing regions; establishment.

(c) The Secretary of Agriculture shall establish and define potato-producing regions for the continental United States upon the basis of the marketing periods for potatoes produced in such regions during an allotment year, and shall from time to time by regulation and upon the basis of such marketing periods for each such region, determine and fix the period during which tax-exemption stamps issued, or pursuant to subsection (g) of this section transferred, to producers in such regions for any allotment year shall be valid, provided that all tax-exemption stamps shall be valid for a period of at least the allotment year for which they are issued.

Period of validity of tax-exemption stamps.

Return of stamps erroneously issued.

(d) If any tax-exemption stamp is erroneously issued, the person to whom such stamp is so issued shall, upon demand by the Secretary of Agriculture in writing and mailed to the last-known address of such person, be obligated to return such stamp or pay to the Secretary a sum equal to the amount of the taxes imposed by subsection (a) of section 202 of this title upon the amount of potatoes covered by such stamp, at the rate in effect at the time such stamp was issued.

Assignment, etc., of stamps not actually delivered.

(e) Any sale, assignment, pledge, or transfer, and any agreement or power of attorney to sell, assign, apply, pledge, or transfer made or entered into by any person of his right to or claim for tax-

exemption stamps or any part thereof not accompanied by actual delivery of such stamps shall, for all purposes, be null and void; except agreements between landlords and share-tenants or share-croppers which, in accordance with such regulations as the Secretary of Agriculture shall prescribe, provide for a division of the tax-exemption stamps received or to be received by any such landlord, any such share-tenant or any such share-cropper, or any or all of them, in accordance with their respective shares in the potatoes or the proceeds thereof to be produced by them.

Landlord and tenant agreements.

(f) Where a farm is operated by share-tenants, or with the aid of share-croppers, tax-exemption stamps issued for an apportionment made to such farm shall be used by the landlord, the share-tenants, and/or the share-croppers in accordance with their respective shares in the potatoes produced on such farm, during the allotment year for which such apportionment is made, or the proceeds of such potatoes, and the Secretary of Agriculture shall issue regulations protecting the interests of share-croppers and tenants in the issuance and use of such tax-exemption stamps.

Farms operated by share-tenants or share-croppers.

Regulations.

(g) If accompanied by delivery thereof, tax-exemption stamps may be transferred or assigned in such manner and upon such terms and conditions, including conditions governing the consideration which must be given therefor, as the Secretary of Agriculture may determine are reasonably necessary to prevent (1) transfers and assignments which would tend to depress the market price for potatoes produced in any potato-producing area, (2) speculation in tax-exemption stamps, or (3) fraud or coercion in the transfer of such stamps, or which the Secretary of Agriculture finds to be necessary or desirable to facilitate the identification of tax-paid or tax-exempt potatoes or which the Secretary of Agriculture finds to be necessary or desirable to protect the interests of tenants and share-croppers in the issuance and use of tax-exemption stamps.

Tax-exemption stamps; assignment. Regulations.

SEC. 210. Tax-exemption stamps issued to a person, and a person's right to and claim for, tax-exemption stamps shall be exempt from the claims of the creditors of such person and from any and all process for the enforcement of such claims. The Secretary of Agriculture shall by regulation provide for the issuance to, and/or use by, the person who by devise, bequest, or descent becomes the owner of potatoes planted by a person dying during an allotment year, of the tax-exemption stamps which have been, or would have been, issued to such deceased person for such allotment year.

Exemption from claims of creditors.

PACKAGING

SEC. 211. (a) To facilitate the collection of the tax upon the first sale of potatoes imposed by subsection (a) of section 202 of this title, all potatoes harvested on and after December 1, 1935, and sold in the continental United States, during any period such tax is in effect, shall, in accordance with such rules and regulations as the Commissioner with the approval of the Secretary of the Treasury shall prescribe, be packed in closed and marked containers to which shall be attached or affixed tax stamps or tax-exemption stamps equal in face value to the amount of tax per pound in effect on the potatoes contained therein: *Provided*, That, subject to such regulations as the Commissioner with the approval of the Secretary of the Treasury may prescribe, packaging may be postponed beyond the time of the first sale of potatoes which are to be stored in bulk, or which are to be graded, at such places as may be designated by regulations prescribed by the Commissioner with the approval of the Secretary of

Packaging.

Requirement.

Affixing stamps.

*Proviso.*  
Postponement.

Time and method of packaging, affixing stamps, and breaking packages.

Customs of the industry.

Identification of potatoes.

Rules and regulations.

Prescribing and publishing.

Authority of Secretary of Agriculture.

Returns; requirement of; filing.

Refusal to file; penalty.

Refunds.

Claims for; time for filing.

Recovery of tax erroneously collected; jurisdiction of courts.

the Treasury. The time and method of such packaging and the time and method of attaching or affixing such stamps and the time and circumstances under which packages may be broken shall be established in accordance with such regulations as the Commissioner, with the approval of the Secretary of the Treasury, may prescribe as desirable or necessary to facilitate the collection of the taxes levied by this title. In prescribing and approving rules and regulations for the packaging of potatoes and the attaching or affixing of stamps, the Commissioner and the Secretary of the Treasury shall give due weight to the customs of the industry.

(b) To facilitate the collection of the tax upon a change in the form of potatoes imposed by subsection (a) of section 202 of this title, the Commissioner, with the approval of the Secretary of the Treasury, is authorized by regulation to prescribe appropriate means of identifying potatoes, the change of form of which is subject to such tax, and for the identification of the products of such potatoes.

#### RULES AND REGULATIONS

SEC. 212. The Commissioner, with the approval of the Secretary of the Treasury, shall prescribe and publish such rules and regulations as he may deem needful in administering provisions of this title relating to the revenue including rules and regulations for the issue, sale, custody, production, cancelation, destruction, and disposition of tax stamps and the cancelation and destruction of tax-exemption stamps, and the substitution or replacement of tax stamps in cases of loss, destruction, or defacement thereof.

SEC. 213. The Secretary of Agriculture is authorized to make such rules and regulations as may be necessary to carry out the powers vested in him by the provisions of this title.

SEC. 214. (a) All producers, warehousemen, processors, carriers, retailers, factors, handlers, and any other person who the Commissioner has reason to believe to have information with respect to potatoes produced, or sold, or subject to a tax on a change in the form of potatoes, may be required, under regulations prescribed jointly by the Secretary of the Treasury and the Secretary of Agriculture, to make such returns, render such statements, give such information, and keep such records as they may deem necessary for the proper administration of this title.

(b) Any person willfully failing or refusing to file such a return, render such statement, give such information, or keep such records, or filing a willfully false return, or rendering or giving willfully false statements or information or willfully keeping false records, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment not exceeding one year, or both.

#### REFUNDS

SEC. 215. (a) No refund of any tax, penalty, interest, or sum of money paid shall be allowed under this title unless claim therefor is presented within one year after the date of payment of such tax, penalty, interest, or sum.

(b) No suit or proceeding shall be maintained in any court for the recovery of any tax under this title alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner illegally or wrongfully collected until a claim for refund or credit has been duly filed with the Commissioner according to the provisions of law in that regard and the regulations of the Secretary of the Treasury established in pur-

suance thereof. No suit or proceeding shall be begun before the expiration of six months from the date of filing such claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of two years from the date of payment of such tax, penalty, or sum, unless such suit or proceeding is begun within two years after the disallowance of the part of such claim to which such suit or proceeding relates. The Commissioner shall, within ninety days after such disallowance, notify the taxpayer thereof by registered mail.

(c) The amount of the taxes imposed by subsection (a) of section 202, paid by a person, which taxes would not have been paid had the tax-exemption stamps to which such person was entitled been delivered to such person prior to the payment of such taxes, shall be refunded to such person.

#### APPROPRIATION

SEC. 216. (a) The proceeds derived from the taxes imposed by this title are hereby authorized to be appropriated to be available to the Secretary of Agriculture for administrative expenses, for all purposes of the Agricultural Adjustment Act, as amended, for refunds of taxes and for other payments under this title. The Secretary of Agriculture and the Secretary of the Treasury shall estimate from time to time the amount of taxes which will be collected under this title during a period following any such estimate not in excess of four months, 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: *Provided*, That all taxes imposed by section 230 of this title, collected upon potatoes coming from the possessions or territories of the United States, 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 treasuries of the said possessions and territories, respectively, to be used and expended by the governments thereof for the benefit of agriculture.

(b) 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, periodicals, newspapers, and books of references, for contract stenographic reporting services, for the purchase or hire of vehicles, including motor vehicles, and for printing and paper in addition to allotments under the existing law.

(c) The Secretary of Agriculture may advance or transfer to the Treasury Department, to the Post Office Department, and to any other department or agency, out of funds available for administrative expenses under this title, such sums as are required to pay administrative expenses of, and refunds made by, such departments or agencies in the administration of this title.

(d) There is hereby authorized to be appropriated to be available to the Secretary of Agriculture such sums as may be necessary for administrative expenses, for refunds of taxes, and for other advances or payments under this title.

#### GENERAL AND PENAL PROVISIONS

SEC. 217. If at any time the Secretary of Agriculture finds that any product or products manufactured from potatoes is of such low value, considering the quantity of potatoes used for its manufacture, that the imposition of the taxes imposed by subsection (a) of section 202

Limitations.

Notification of disallowance.

Refunds allowed.

Appropriation.

Sum authorized for administrative expenses, refunds, etc.

Advance of estimated amount of taxes to be collected.

Deduction of advance.

*Proviso.*  
Taxes from possessions and territories; separate fund.

Expenditure.

Administrative expenses.

Transfer of funds.

Appropriations authorized.

General and penal provisions.

Potatoes or products of low value.

of this title would prevent wholly or in large part the use of potatoes in the manufacture of such product or products or that potatoes used for the feeding of livestock are of such low value that the imposition of such taxes would prevent wholly or in large part the sale of potatoes for any such use, the Secretary of Agriculture shall proclaim such finding and thereafter in accordance with regulations prescribed jointly by the Secretary of Agriculture and the Secretary of the Treasury, the sale, or change in form, of potatoes for such use or uses by the purchaser thereof shall be exempt from the provisions of subsection (a) of section 211, and from the taxes imposed by subsection (a) of section 202 of this title until such time as the Secretary of Agriculture, after further investigation and due notice and opportunity for hearing to the interested parties, revokes such proclamation: *Provided*, That the right to any such exemption shall be evidenced in such manner as joint regulations of the Secretary of Agriculture and the Secretary of the Treasury shall prescribe. If such purchaser uses any potatoes sold to him free of tax under this section or uses any product of such potatoes, for other than an exempt use as above specified, then he shall be liable for a tax in the same manner as if such potatoes were sold by him at a first sale.

SEC. 218. The Secretary of Agriculture is authorized, in order to carry out the provisions of this title, to appoint, without regard to the provisions of the civil-service law, such officers, agents, 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, agents, and employees so appointed.

SEC. 219. (a) For the more effective administration of the functions vested in him by this title, the Secretary of Agriculture is authorized to utilize committees and associations heretofore or hereafter established pursuant to subsection (b) of section 10 of the Agricultural Adjustment Act, as amended, and to establish regional, State, and local committees and associations of producers of potatoes.

(b) The Secretary of Agriculture, out of any funds appropriated for administrative expenses under this title, is authorized to advance funds to the proper fiscal officer of associations established or utilized pursuant to subsection (a) of section 219 of this title, for expenses incurred or to be incurred in the administration of this title, with the approval of the Secretary of Agriculture by such associations. Payment of such expenses of such associations shall be made upon such evidence and in such manner and at such time or times as the Secretary of Agriculture may direct, and the accounting therefor by the associations shall be solely administrative and to the Secretary of Agriculture only.

SEC. 220. Any person who knowingly sells, or offers for sale, or knowingly offers to buy, or buys, potatoes not packaged as required by this title, or any person who knowingly sells, or offers for sale, or who knowingly offers to buy, or buys, potatoes to the packages of which are not affixed or attached tax-exemption stamps or tax stamps as required by this title shall, upon conviction thereof, be fined not more than \$1,000. Any person convicted of a second offense under the provisions of this title may, in addition to such fine, be imprisoned for not more than one year.

SEC. 221. Any person who, in violation of the regulations made by the Secretary of Agriculture, speculates in tax-exemption stamps, and any person securing tax-exemption stamps from another person by fraud or coercion, shall, upon conviction thereof, be fined not

Exemptions. *Ante*, pp. 783, 787.

*Proviso*. Right to exemptions.

Tax-exempt potatoes otherwise used.

Administration. Appointment of officers, etc.

Cooperation of State officers.

Compensation.

Cooperative production associations; assistance of.

Vol. 48, p. 37; U. S. C., p. 161.

Producers' associations; establishment.

Advances for administrative expenses.

Payments.

Unlawful transactions; penalty.

Conviction of second offense.

Speculation in tax-exemption stamps; penalty.

more than \$1,000 or sentenced to not more than one year's imprisonment, or both.

SEC. 222. Whenever any potato container, to which are affixed tax stamps or tax-exemption stamps, is emptied, it shall be the duty of the person in whose hands the same is to destroy utterly the stamps affixed thereto. Any revenue officer may destroy the tax stamps or tax-exemption stamps affixed to any emptied potato package.

SEC. 223. Any person who willfully violates any provision of this title, or who willfully fails to pay, when due, any tax imposed under this title, or who, with intent to defraud, falsely makes, forges, orders,<sup>1</sup> or counterfeits any tax stamps or tax-exemption stamps made or used under this title or who uses, sells, or has in his possession any such forged, ordered,<sup>1</sup> or counterfeited tax stamps or tax-exemption stamps or any plate or die used, or which may be used in the manufacture thereof, or has in his possession any tax stamp or tax-exemption stamp which should have been destroyed as required by this title, or who makes, uses, sells, or has in his possession, any paper in imitation of the paper or other substance used in the manufacture of any such tax stamp or tax-exemption stamp, or who reuses any tax stamp or tax-exemption stamp required to be destroyed by this title, or who places any potatoes in any package which has been theretofore filled or stamped or otherwise identified under this title without destroying the tax stamps and tax-exemption stamps previously affixed to such package, or who gives away or accepts from another or who sells or buys any emptied package which had been previously filled and stamped or otherwise identified under this title without destroying the tax stamps and tax-exemption stamps previously affixed or attached to such package, or who makes any false statement in any application for tax-exemption stamps under this title, or who has in his possession any tax-exemption stamps or tax stamps, obtained by him otherwise than as provided in this title, shall, upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment for not exceeding six months, or both.

SEC. 224. Any person who willfully violates any regulation issued or approved pursuant to this title, for the violation of which a special penalty is not provided by law, shall, upon conviction thereof, be punished by a fine not exceeding \$200.

SEC. 225. All provisions of law, including penalties, applicable with respect to the taxes imposed by sections 600 and 800 of the Revenue Act of 1926, except section 1121 of the Revenue Act of 1926, and except section 614 of the Revenue Act of 1932, shall, insofar as applicable and not inconsistent with the provisions of this title, be applicable with respect to all taxes imposed by this title.

SEC. 226. In order to facilitate the making of apportionments and the collection of the taxes imposed by this title, every producer who sells potatoes during any allotment year, or who affects a change in the form of potatoes, shall keep such books and records as the Commissioner, with the joint approval of the Secretary of the Treasury and the Secretary of Agriculture, shall by regulations require and such books and records shall be open to inspection by any authorized agent of the Secretary of Agriculture or the Commissioner.

SEC. 227. Whenever any potatoes, upon the sale of which a tax is required to be paid, are sold, without the use of the proper stamps, or whenever a change in the form of potatoes upon which a tax is required to be paid occurs, without the payment of such tax, it shall be the duty of the Commissioner, within a period of not more than two years after such sale or change in the form, upon satisfactory

Destruction of stamps.

Unlawful acts.  
Default in tax payment.  
Counterfeiting.

Possession of stamps which should have been destroyed.

Reuse of stamp.  
Refilling stamped container.

Sale of stamped container.

False statements.

Penalty provision.

Regulations; violation of; penalty provision.

Provisions of laws made applicable.  
Vol. 44, pp. 93, 99, 121; U. S. C., pp. 1107, 1110, 1133, 1134.  
Vol. 47, p. 264; U. S. C., p. 1186.

Producer's books and records; requirement.

Inspection of.

Assessment of unpaid taxes.

<sup>1</sup> So in original.

proof, to estimate the amount of the tax which has been omitted to be paid, and to make the assessment therefor, and certify the same to a collector. The tax so assessed shall be in addition to the penalties imposed by law.

Assessment a d d i -  
tional to penalties.

Exports.

#### EXPORTS

Imposition of taxes  
waived when sold for  
export.

SEC. 228. Under such rules and regulations as the Commissioner, with the approval of the Secretary of the Treasury, may prescribe, the taxes imposed under subsection (a) of section 202 of this title shall not apply in respect to potatoes sold for export to any foreign country or for shipment to a possession or Territory of the United States, and in due course so exported or shipped. Under such rules and regulations the amount of any such tax erroneously or illegally collected in respect to such potatoes so exported or shipped may be refunded to the exporter or shipper of the potatoes instead of the taxpayer if the taxpayer waives any claim for the amount so to be refunded.

Refund of taxes erro-  
neously collected.

Imports.

#### IMPORTS

Authority of Secre-  
tary of Agriculture.

SEC. 229. In order to secure equality between domestic and foreign producers of potatoes and in order to prevent the taxes imposed by subsection (a) of section 202 from resulting in disadvantages to producers of potatoes in the continental United States, the Secretary of Agriculture is hereby authorized and directed to, from time to time by orders and regulations—

Quotas; establish-  
ment.

(a) For each allotment year or any part thereof that the taxes imposed by subsection (a) of section 202 of this title are in effect, establish quotas for the entry or the importation into the continental United States of potatoes produced in any Territory or possession of the United States, or any foreign country. Such quotas shall be based upon that percentage of the annual average quantity of such potatoes brought or imported into the continental United States during the years 1929-1934, inclusive, which is equal to the percentage that the quantity proclaimed by the Secretary of Agriculture under section 203 of this title is of the annual average of the quantities of potatoes sold in the continental United States during the years 1929-1934, inclusive; and

Tax on imports in  
excess of quotas.

SEC. 230. After such quotas have been established, potatoes imported or brought into the continental United States in excess of any such quotas shall, in addition to any import duties, be subject to an internal-revenue tax equal to the amount of the tax then in effect on the first sale of potatoes produced and sold in the continental United States. The tax levied by this section shall be represented by tax stamps and shall be paid by the owner or importer prior to release from customs custody and control, or entry into the continental United States.

Packaging of imports  
from possessions and  
territories.

SEC. 231. During any period the tax imposed by subsection (a) of section 202 is in effect all potatoes imported or brought into the continental United States from any possession or Territory of the United States or from any foreign country shall, prior to release from customs custody and control, in accordance with such rules and regulations as the Commissioner, with the approval of the Secretary of the Treasury, shall prescribe as necessary or desirable to facilitate the collection of the taxes levied by this title, be packed in closed and marked containers. The time and method of such packaging and the time and method of attaching or affixing the stamps required by the preceding section shall be established in accordance with such regulations as the Commissioner shall prescribe. All sales of such potatoes, after release thereof from customs custody and control or entry in the continental United States, shall be in packages in the

Time and method.



same manner and under the same terms and conditions as required for the sales of potatoes harvested and sold in the continental United States.

SEC. 232. The provisions of sections 229 and 230 shall not be applicable to potatoes produced in the Republic of Cuba and imported and entered for consumption into the continental United States during the period from December 1 to the last day of the following February, inclusive, in any years: *Provided*, That if the Secretary of Agriculture at any time finds that the importation of potatoes from the Republic of Cuba during such period is, or threatens to result in, unduly depressing the potato market in or for any potato-producing area of the continental United States, he shall proclaim such findings and the provisions of sections 229 and 230 shall be applicable to all potatoes thereafter imported into the continental United States from the Republic of Cuba.

SEC. 233. This title may be cited as the "Potato Act of 1935."

Approved, August 24, 1935.

Imports from Cuba.

*Proviso.*  
Application of provisions to.

Short title.

[CHAPTER 642.]

AN ACT

Requiring contracts for the construction, alteration, and repair of any public building or public work of the United States to be accompanied by a performance bond protecting the United States and by an additional bond for the protection of persons furnishing material and labor for the construction, alteration, or repair of said public buildings or public work.

August 24, 1935.  
[H. R. 8519.]  
[Public, No. 321.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) before any contract, exceeding \$2,000 in amount, for the construction, alteration, or repair of any public building or public work of the United States is awarded to any person, such person shall furnish to the United States the following bonds, which shall become binding upon the award of the contract to such person, who is hereinafter designated as "contractor":

Bonds of contractors for public buildings. Requirement, where contract exceeds \$2,000.

(1) A performance bond with a surety or sureties satisfactory to the officer awarding such contract, and in such amount as he shall deem adequate, for the protection of the United States.

Performance bond.

(2) A payment bond with a surety or sureties satisfactory to such officer for the protection of all persons supplying labor and material in the prosecution of the work provided for in said contract for the use of each such person. Whenever the total amount payable by the terms of the contract shall be not more than \$1,000,000 the said payment bond shall be in a sum of one-half the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract shall be more than \$1,000,000 and not more than \$5,000,000, the said payment bond shall be in a sum of 40 per centum of the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract shall be more than \$5,000,000 the said payment bond shall be in the sum of \$2,500,000.

Payment bond.

Purposes, amount, etc.

(b) The contracting officer in respect of any contract is authorized to waive the requirement of a performance bond and payment bond for so much of the work under such contract as is to be performed in a foreign country if he finds that it is impracticable for the contractor to furnish such bonds.

Contract work in a foreign country.

(c) Nothing in this section shall be construed to limit the authority of any contracting officer to require a performance bond or other security in addition to those, or in cases other than the cases specified in subsection (a) of this section.

Security for projects not herein designated.

Suit on payment bond permitted.

SEC. 2. (a) Every person who has furnished labor or material in the prosecution of the work provided for in such contract, in respect of which a payment bond is furnished under this Act and who has not been paid in full therefor before the expiration of a period of ninety days after the day on which the last of the labor was done or performed by him or material was furnished or supplied by him for which such claim is made, shall have the right to sue on such payment bond for the amount, or the balance thereof, unpaid at the time of institution of such suit and to prosecute said action to final execution and judgment for the sum or sums justly due him: *Provided, however,* That any person having direct contractual relationship with a subcontractor but no contractual relationship express or implied with the contractor furnishing said payment bond shall have a right of action upon the said payment bond upon giving written notice to said contractor within ninety days from the date on which such person did or performed the last of the labor or furnished or supplied the last of the material for which such claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the material was furnished or supplied or for whom the labor was done or performed. Such notice shall be served by mailing the same by registered mail, postage prepaid, in an envelop addressed to the contractor at any place he maintains an office or conducts his business, or his residence, or in any manner in which the United States marshal of the district in which the public improvement is situated is authorized by law to serve summons.

*Proniso.*  
Right of action of person having contractual relationship with subcontractor but not with contractor.

Service of notice.

Venue of suit.

Commencement of suit.

No Federal liability.

Certified copies of bond and contract.  
Availability, use, cost, etc.

(b) Every suit instituted under this section shall be brought in the name of the United States for the use of the person suing, in the United States District Court for any district in which the contract was to be performed and executed and not elsewhere, irrespective of the amount in controversy in such suit, but no such suit shall be commenced after the expiration of one year after the date of final settlement of such contract. The United States shall not be liable for the payment of any costs or expenses of any such suit.

SEC. 3. The Comptroller General is authorized and directed to furnish, to any person making application therefor who submits an affidavit that he has supplied labor or materials for such work and payment therefor has not been made or that he is being sued on any such bond, a certified copy of such bond and the contract for which it was given, which copy shall be prima facie evidence of the contents, execution, and delivery of the original, and, in case final settlement of such contract has been made, a certified statement of the date of such settlement, which shall be conclusive as to such date upon the parties. Applicants shall pay for such certified copies and certified statements such fees as the Comptroller General fixes to cover the cost of preparation thereof.

"Person" construed.

SEC. 4. The term "person" and the masculine pronoun as used throughout this Act shall include all persons whether individuals, associations, copartnerships, or corporations.

Effective date.

SEC. 5. This act shall take effect upon the expiration of sixty days after the date of its enactment, but shall not apply to any contract awarded pursuant to any invitation for bids issued on or before the date it takes effect, or to any persons or bonds in respect of any such contract. The Act entitled "An Act for the protection of persons furnishing materials and labor for the construction of public works", approved August 13, 1894, as amended (U. S. C., title 40, sec. 270), is repealed, except that such Act shall remain in force with respect to contracts for which invitations for bids have been issued on or before the date this Act takes effect, and to persons or bonds in respect of such contracts.

Vol. 28, p. 278; Vol. 36, p. 241; Vol. 33, p. 811; Vol. 44, p. 123; U. S. C., p. 1787.

Approved, August 24, 1935.

[CHAPTER 643.]

## AN ACT

To amend section 6 of the Act of February 28, 1925.

August 24, 1935.  
[H. R. 8790.]  
[Public, No. 322.]

*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 6 of the Act of February 28, 1925 (43 Stat. 1060; 39 U. S. C. 116), be amended to read as follows:

"That employees in the motor-vehicle service shall be classified as follows: Superintendents, \$2,400, \$2,600, \$2,800, \$3,000, \$3,400, \$3,600, \$3,800, and \$4,000 per annum: *Provided*, That at offices where the receipts are \$20,000,000 and up, the salaries shall be \$4,300 per annum; assistant superintendents, \$2,500, \$2,600, and \$2,800 per annum; chiefs of records, \$2,200, \$2,300, \$2,400, \$2,500, \$2,600, \$2,800, and \$3,000; chiefs of supplies, \$2,200, \$2,300, and \$2,400; chief dispatchers, \$2,300 and \$2,500; route supervisors, \$2,400, \$2,500, and \$2,600; dispatchers, \$2,100, \$2,200, and \$2,300; chief mechanics, \$2,400, \$2,500, \$2,600, \$2,800, and \$3,000; mechanics in charge, \$2,200, \$2,300, and \$2,400; and special mechanics, \$2,100, \$2,200, and \$2,300: *Provided*, That assistant superintendents shall not be authorized at offices where the salary of the superintendent is less than \$3,000 per annum."

Postal service.  
Vol. 43, p. 1060; U. S. C., p. 1716.Motor vehicle employees.  
Reclassification and pay.

Assistant superintendents; limitation.

Approved, August 24, 1935.

[CHAPTER 644.]

## AN ACT

To authorize the transfer of the Otter Cliffs Radio Station on Mount Desert Island in the State of Maine as an addition to the Acadia National Park, and for other purposes.

August 24, 1935.  
[H. R. 7938.]  
[Public, No. 323.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That upon the removal of the Otter Cliffs Radio Station and its relocation on lands within the Acadia National Park as authorized by the Act of April 22, 1932 (47 Stat. 91), the Secretary of the Navy be, and he is hereby, authorized and directed to transfer to the control and jurisdiction of the Secretary of the Interior as an addition to the Acadia National Park all that tract of land containing approximately twelve acres on Mount Desert Island in the State of Maine now occupied by and used by the Navy Department for the purposes of the said Otter Cliffs Radio Station, and the Secretary of the Interior shall be, and he is hereby, authorized and directed to transfer to the control and jurisdiction of the Secretary of the Navy for naval radio purposes the site of the relocated radio station, with the buildings and improvements thereon, and such surrounding area as may be agreed upon by the Secretary of the Interior and the Secretary of the Navy: *Provided*, That the Secretary of the Interior shall retain the right to approve the design of the buildings and structures to be placed thereon including any additions or alterations to the present radio station.

Otter Cliffs Radio Station, Mount Desert Island, Maine.  
Transfer of, as addition to Acadia National Park.  
Vol. 47, p. 126.

Jurisdiction.

*Proviso.*  
Approval of design of buildings, etc.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to construct or cause to be constructed in connection with and as a part of the road system of the Acadia National Park, a bridge or causeway and approaches thereto across the inlet or bay lying between the Otter Cliffs and the Black Woods, in the State of Maine, at a point which he may designate as most suitable to the interests of the Federal Government.

Bridge across the inlet to the Black Woods, authorized.

Approved, August 24, 1935.

[CHAPTER 645.]

AN ACT

August 24, 1935.

[H. R. 8345.]

[Public, No. 324.]

Authorizing the Secretary of the Navy to accept without cost to the United States certain lands in Duval County, State of Florida.

Duval County, Fla.  
Acceptance of certain  
lands in, authorized.

Description.

Proviso.  
Maintenance.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be, and he is hereby, authorized to accept on behalf of the United States, free of all encumbrances, and without cost to the United States, a title in fee simple to the following tract of land in Duval County, in the State of Florida, to wit: Lots 20 to 29, both inclusive, in block 1, central business addition to South Jacksonville, and the foot of Hendricks Avenue (formerly known as "Ferry Street") from Commerce Street to the Saint Johns River, together with all riparian rights thereunto belonging or in anywise appertaining: *Provided,* That the cost of maintaining same for the Naval Reserves shall be paid for by the State of Florida.

Approved, August 24, 1935.

[CHAPTER 646.]

AN ACT

August 24, 1935.

[S. 3123.]

[Public, No. 324.]

To provide for the relief of public-school districts and other public-school authorities, and for other purposes.

Public school dis-  
tricts, etc.  
Reconstruction Fi-  
nance Corporation to  
make loans for the  
benefit of certain.

Sums to be equally  
allocated.

Purpose of loans.

Terms and condi-  
tions.

Vol. 47, p. 6; U. S.  
C., p. 573.

Security.

Borrower not to as-  
sume further indebted-  
ness.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Reconstruction Finance Corporation is hereby authorized and empowered to make loans out of the funds of the Corporation in an aggregate amount not exceeding \$10,000,000 to or for the benefit of tax-supported public-school districts or other similar public-school authorities in charge of public schools, organized pursuant to the laws of the several States, Territories, and the District of Columbia. Such aggregate amount shall be allocated equitably among the several States and Territories, and the District of Columbia, on the basis of demonstrated need. Such loans shall be made for the purpose of enabling any such district or authority which, or any State, municipality, or other public body which, is authorized to incur indebtedness for the benefit of public schools (herein referred to as the "borrower") to reduce and refinance outstanding indebtedness or obligations which have been incurred prior to the enactment of this Act for the purpose of financing the construction, operation and/or maintenance of public-school facilities.

Such loans 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 loans shall not exceed thirty-three years; (2) each such loan shall, in the opinion of the Corporation, be reasonably and adequately secured, and, in respect to the type of security, shall be secured (a) by bonds, notes, or other obligations for the payment of which shall be pledged the full faith and credit and taxing power of the borrower or of such taxing authority as may be authorized pursuant to State law to levy assessments, taxes, or other charges for the benefit of public schools, and/or (b) by bonds, notes, or other obligations which are a lien on real property of the borrower, and/or (c) 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 obligations so secured, and insofar as it may lawfully do so, shall agree not to assume during such term any further indebtedness for the benefit of public schools, except with the consent of the Corpora-

tion; (4) the borrower shall agree, insofar as it may lawfully do so, that so long as any part of such loan shall remain unpaid the borrower will in each year apply to the repayment of such loan or to the purchase or redemption of the obligations issued to evidence such loan, an amount equal to the amount by which the assessments, taxes and other funds received by it for the benefit of public schools exceeds (a) the cost of operation and maintenance of the public-school facilities which are financed in whole or in part by such amount of assessments, taxes or other charges, received by it; (b) the debt charges on its outstanding obligations; and (c) provisions for such reasonable reserves as may be approved by the Corporation.

Repayment provisions.

No loan shall be made under this section until the Corporation (a) has caused an appraisal to be made of the taxpaying ability of the taxing district or other territory throughout which assessments, taxes, or other charges are authorized to be levied for the purpose of paying the costs of, or for the purpose of securing funds to repay indebtedness incurred to finance the construction, operation, and/or maintenance of the public-school facilities on account of which the indebtedness was incurred or obligations assumed which are to be reduced and refinanced in connection with a loan from the Corporation made under this section; (b) has been satisfied that an agreement has been entered into with the holders of outstanding bonds, notes, and/or other obligations incurred by or for the benefit of the tax-supported public-school district or other similar public-school authority in charge of public schools which indebtedness or obligations are to be reduced and refinanced in connection with a loan from the Corporation, under which agreement it will be possible to purchase, reduce, or refund all or a major portion of the aggregate of outstanding indebtedness and obligations incurred by or on behalf of such district or authority at a price determined by the Corporation to be reasonable after taking into consideration the average market price of the evidences of the indebtedness or obligations to be reduced and refinanced over the six months' period ending January 1, 1935, and under which a substantial reduction will be brought about in the aggregate of such outstanding indebtedness and obligations; and (c) has determined, in view of such appraisal of taxpaying ability and of such substantial reduction in the aggregate of such outstanding indebtedness and obligations, that the operation of the public-school facilities to refinance indebtedness or obligations incurred for the benefit of which a loan from the Corporation is applied for under this section, is economically sound and will promote the general welfare of the community.

Appraisal, etc., requirements.

Refinancing.

Finding of economic soundness.

When any loan is authorized pursuant to the provisions of this section and it shall then or thereafter appear that repairs and necessary extensions or improvements to the public-school facilities, to refinance the indebtedness or obligations incurred for the benefit of which such loan is authorized, are necessary or desirable for the further assurance of the ability of the borrower to repay such loan, the Corporation, within the limitation as to total amount provided in this section, may make an additional loan or loans to such borrower for such purposes.

Additional loans for repairs, etc.

The proceeds of any loan applied for by a borrower under this section may be paid either to such borrower or to the holders or representatives of the holders of the bonds, notes, and/or other obligations to be reduced and refinanced in connection with such loan, and such loans may be made upon promissory notes collateralized by such bonds, notes, and/or other obligations, or through the purchase of securities issued or to be issued by such borrower.

Use of proceeds of loans.

Not available for  
payment of teachers'  
salaries.  
Vol. 48, p. 1113.

SEC. 2. No loan shall be made by the Corporation under this Act where any part of the proceeds of such loan are to be used for purposes authorized by section 16 of the Act approved June 19, 1934 (Public, Numbered 417, Seventy-third Congress).

Approved, August 24, 1935.

[CHAPTER 647.]

JOINT RESOLUTION

To provide for the erection of a suitable memorial to the Fourth Division, American Expeditionary Forces.

August 24, 1935.  
[S. J. Res. 69.]  
[Pub. Res., No. 55.]

Fourth Division,  
American Expeditionary  
Forces.  
Erection of memorial  
to.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Director of the National Park Service be, and he is hereby, authorized and directed to grant permission to the Fourth Division Memorial Association, American Expeditionary Forces, through Major General George H. Cameron, United States Army, retired, president, or his successors in office, for the erection as a gift to the people of the United States on public grounds in the District of Columbia, a memorial to the Fourth Division: *Provided*, That the design and location for the memorial shall be approved by the National Commission of Fine Arts: *Provided further*, That such monument shall be erected under the supervision of the Director of the National Park Service, of the Department of the Interior, and that the United States shall be put to no expense in or by the erection of said monument.

*Provisos.*  
Approval of site and  
design required.  
Supervision.

Approved, August 24, 1935.

[CHAPTER 648.]

JOINT RESOLUTION

Authorizing the State of Arizona to transfer to the town of Benson without cost title to section 16, township 17 south, range 20 east, Gila and Salt River meridian, for school and park purposes.

August 24, 1935.  
[H. J. Res. 276.]  
[Pub. Res., No. 56.]

State of Arizona.  
May transfer certain  
land to town of Benson.  
Statutory restrictions  
waived.  
Vol. 36, p. 574.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That notwithstanding the provisions of section 28 of the Act of Congress approved June 20, 1910 (36 Stat. 557-572), the State of Arizona is authorized to transfer without cost to the town of Benson title to section 16, township 17 south, range 20 east, Gila and Salt River meridian for park purposes.

Approved, August 24, 1935.

[CHAPTER 680.]

AN ACT

To convey certain lands and buildings to the city of Reno, Nevada.

August 26, 1935.  
[S. 414.]  
[Public, No. 326.]

Reno, Nev.  
Conveyance of cer-  
tain lands and build-  
ings to, authorized.  
Description.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to convey, by quitclaim deed, on behalf of the United States, to the city of Reno, Nevada, the hereinafter described parcels of land, located in such city, together with such buildings as may be situated thereon: (1) Beginning at the intersection of the east side line of Virginia Street with the south side line of East Front Street, in the city of Reno, Nevada, and running thence easterly and along the south side line of such East Front Street one hundred and sixty feet, thence southerly and parallel with the east side line of such Virginia Street one hundred fifteen and eighty-seven one-hundredths feet, thence deflect right eighty-one degrees forty-six minutes for a distance of one hundred thirty-three and one-tenth feet, thence deflect left twenty-one degrees seventeen minutes for a distance of thirty-two

and thirty-three one-hundredths feet to the intersection of the east side line of such Virginia Street, thence northerly and along the east side line of such Virginia Street one hundred forty-four and thirty one-hundredths feet to the place of beginning; and (2) beginning at a point on the east side line of Virginia Street, in the city of Reno, Nevada, one hundred forty-four and thirty one-hundredths feet southerly from the intersection of the east side line of such Virginia Street with the south line of such East Front Street, and running thence easterly deflecting right sixty degrees twenty-nine minutes for a distance of thirty-two and thirty-three one-hundredths feet, thence deflect right twenty-one degrees seventeen minutes for a distance of one hundred thirty-three and one-tenth feet, thence southerly and parallel with the east side line of such Virginia Street sixty-five feet, more or less, to the northerly boundary of the Truckee River, thence westerly along the northerly boundary of the Truckee River to its intersection with the east side line of such Virginia Street, thence northerly and along the east side line of such Virginia Street, sixty and two one-hundredths feet, more or less, to the point of beginning.

The consideration for said conveyance is the sum of \$7,500, lawful money of the United States, to be paid by the city of Reno, Nevada, to the Secretary of the Treasury upon the execution and delivery of said conveyance.

Purchase price.

Approved, August 26, 1935.

[CHAPTER 681.]

AN ACT

To amend sections 3 and 4 of the Act of July 3, 1930, entitled "An Act for the rehabilitation of the Bitter Root irrigation project, Montana."

August 26, 1935.

[S. 946.]

[Public, No. 327.]

*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 negotiate and execute a contract with the Bitter Root Irrigation District, amending as provided herein articles 3 and 6 of the contract dated August 24, 1931, between the United States of America and said irrigation district. The amended contract shall segregate the district's obligation into two components: (1) All money advanced to the district under section 2, subsection (1) of the Act of July 3, 1930, for liquidating bonded and other outstanding indebtedness of said district; and (2) all money advanced or used under section 2, subsections (2) and (3) of said Act for construction, betterment, and repair work. All money advanced under component (1) shall be repaid to the United States within the period fixed in said contract, with interest at 4 per centum per annum until paid: *Provided*, That all interest now due and unpaid on component (1) shall be added to and merged with the principal sum advanced under that component. Nothing herein contained shall be construed as authorizing a modification in said amendatory contract of the interest charges heretofore paid by the district under the contract of August 24, 1931.

Bitter Root irrigation project, Mont.  
Segregation authorized of repayment obligation.  
Vol. 46, p. 852.

Liquidating outstanding indebtedness.

Advances for construction, etc.

Interest on first component.

*Proviso.*  
Unpaid, to be merged with principal.

Interest not modified.

District relieved of interest on component (2).

Vol. 46, p. 852.

Default cases excepted.

SEC. 2. The amended contract shall provide also that all money advanced or used under section 2, subsections (2) and (3) of the Act of July 3, 1930, shall be repaid to the United States without interest within the period fixed in said contract, and in the case of default in the payment when due of any installment fixed by the Secretary for repayment of money advanced or used under said section 2, subsections (2) and (3), there shall be added to the payment unpaid a penalty of one-half of 1 per centum of the amount unpaid on the 1st day of each month thereafter so long as such default shall continue.

Approved, August 26, 1935.

## [CHAPTER 682.]

## AN ACT

August 26, 1935.

[S. 1787.]

[Public, No. 328.]

To add certain lands to the Pisgah National Forest in the State of North Carolina.

Pisgah National For-  
est, N. C.  
Designated lands  
added to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the tract of land in Buncombe County, North Carolina, locally known as the "Grove Tract", acquired by the United States on December 19, 1927, for the use of the Veterans' Administration, being approximately four hundred and forty-two acres, be, and the same is hereby, added to the Pisgah National Forest and made subject to all laws and regulations relating to the use and administration of the national forests: *Provided, however,* That the tract shall be so managed as to conserve and protect the water thereon, which water shall remain available for the use of the Veterans' Administration.

*Proviso.*  
Water conservation.

Approved, August 26, 1935.

## [CHAPTER 683.]

## AN ACT

August 26, 1935.

[S. 2608.]

[Public, No. 329.]

To authorize an appropriation to pay non-Indian claimants whose claims have been extinguished under the Act of June 7, 1924, but who have been found entitled to awards under said Act as supplemented by the Act of May 31, 1933.

Indian pueblos in  
New Mexico.  
Payments to non-  
Indian claimants for  
certain extinguished  
claims.

Vol. 43, p. 636.

Post, p. 1765.

Vol. 43, p. 109.

Amounts found due.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That 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 whose claims have been extinguished under the Act of June 7, 1924 (43 Stat. L. 636), but who have been found by the Secretary of the Interior, in conformity with the proviso to section 3 of the Act of May 31, 1933 (48 Stat. L. 108, 109), to be entitled to increased compensation by reason of errors in the amount of award previously allowed, or entitled to original awards by reason of errors in the omission of legitimate claimants. The non-Indian claimants, or their successors, as found and reported by the Secretary of the Interior, to be compensated out of said appropriation to be disbursed under the direction of the Secretary of the Interior in the amounts found to be due them, as follows:

Within the pueblo of Isleta, \$1,876.72; within the pueblo of San Ildefonso, \$9,371.52; within the pueblo of San Juan, \$23,122.83; within the pueblo of Santa Clara, \$2,810.69; within the pueblo of Pojoaque, \$2,474.13; within the pueblo of Nambe, \$1,985; within the pueblo of Sandia, \$368.90; within the pueblo of Picuris, \$278.64; within the pueblo of Cochiti, \$1,088.90; within the pueblo of Jemez, \$2,000; in all, \$45,377.33.

Approved, August 26, 1935.

## [CHAPTER 684.]

## AN ACT

August 26, 1935.

[S. 2626.]

[Public, No. 330.]

To authorize the sale of Federal buildings.

Federal buildings and  
sites.  
Sale of abandoned,  
etc., authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to suitably dispose of certain Federal buildings and the sites thereof under the control of the Treasury Department, which have been supplanted by new structures, and for which the Secretary of the Treasury has determined there is no further Federal need, he is hereby authorized, in his discretion, if he deems it to be in the best interests of the Government, to sell such buildings and sites or parts of sites



to States, counties, municipalities, or other duly constituted political subdivisions of States for public use upon such terms, pursuant to such rules and regulations promulgated by him, as he deems proper, and to convey the same by the usual quitclaim deed, and he may enter into long-term contracts for the payment of the purchase price in such installments as he deems fair and reasonable and may furthermore waive any requirements for interest charges on deferred payments: *Provided*, That the total purchase price shall in no case be less than 50 per centum of the appraised value of the land, the appraisal to be made by the Treasury Department: *Provided further*, That the proceeds of the sales shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That in the event portions of any Federal building sites under the control of the Treasury Department are desired by municipalities by reason of any duly authorized, comprehensive street-widening program, the Secretary of the Treasury may deed to such municipalities, without cost, such areas needed for street uses as may be dedicated without jeopardy to the Federal interest.

Long-term contracts for payment permitted.

*Provisos.*  
Restriction on purchase price.

Proceeds covered in.

Donations for street purposes.

Approved, August 26, 1935.

[CHAPTER 685.]

AN ACT

To authorize the President to attach certain possessions of the United States to internal-revenue collection districts for the purpose of collecting processing taxes.

August 26, 1935.

[S. 2652.]

[Public, No. 331.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That subsection (f) of section 10 of the Agricultural Adjustment Act, as amended by section 7 of the Act of May 9, 1934 (48 Stat. 670), be further amended by adding at the end of such subsection the following: "The President is authorized to attach by Executive order any or all of such possessions to any internal-revenue collection district for the purpose of carrying out the provisions of this title with respect to the collection of taxes."

Internal revenue.  
Attachment of certain U. S. possessions to collection districts.  
Vol. 48, pp. 37, 675, amended.

Approved, August 26, 1935.

[CHAPTER 686.]

AN ACT

Conferring jurisdiction upon the Court of Claims to hear and determine claims of certain bands or tribes of Indians residing in the State of Oregon.

August 26, 1935.

[S. 2761.]

[Public, No. 332.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That jurisdiction is hereby conferred on the Court of Claims with the right of appeal to the Supreme Court of the United States by either party, as in other cases, to hear, examine, adjudicate, and render final judgment (a) in any and all legal and equitable claims, arising under or growing out of any treaty, agreement, Act of Congress, or Executive order, or for the failure of the United States to pay any money or other property due, which those Indian tribes or bands, or portions thereof, and their descendants, described in the ratified treaties of September 10, 1853 (10 Stat. 1018), September 19, 1853 (10 Stat. 1027), November 18, 1854 (10 Stat. 1122), November 25, 1854 (10 Stat. 1125), January 22, 1855 (10 Stat. 1143), and December 21, 1855 (12 Stat. 981), may have against the United States; and (b) any and all legal and equitable claims arising under or growing out of the original Indian title, claim, or rights in, to, or upon the whole or any part of the lands and their appurtenances occupied by the

Siletz, etc., Indians in Oregon.

Claims of, against United States submitted to Court of Claims.

Right of appeal.

Vol. 10, pp. 1018, 1027, 1122, 1125, 1143; Vol. 12, p. 981.

Rights referred to, in unratified treaties.

Indian tribes and bands described in the unratified treaties published in Senate Executive Document Numbered 25, Fifty-third Congress, first session (pp. 8 to 15), at and long prior to the dates thereof, except the Coos Bay, Lower Umpqua, and Siuslaw Tribes, it being the intention of this Act to include all the Indian tribes or bands and their descendants, with the exceptions named, residing in the then Territory of Oregon west of the Cascade Range at and long prior to the dates of the said unratified treaties, some of whom, in 1855, or later, were removed by the military authorities of the United States to the Coast Range, the Grande Ronde, and the Siletz Reservations in said Territory.

Tribes excepted.  
Vol. 45, p. 1256.  
Scope of Act defined.

Jurisdiction of court,  
regardless of lapse of  
time, etc.

Set-off permitted.

Vol. 48, p. 984.

Joint or separate pe-  
titions.

Evidence.

SEC. 2. That if any claim or claims be submitted to said courts hereunder they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding the lapse of time or the statutes of limitation; and any payment which may have been made under any claim or agreement shall not operate as an estoppel but may be pleaded as a set-off, and the United States shall be allowed to plead, and shall receive credit for all sums, including gratuities, paid to or expended for the benefit of the respective tribes or bands of Indians, but no expenditures for the benefit of these Indians made out of appropriations authorized by the Act of June 18, 1934 (48 Stat. L. 984), shall be considered as offsets. The claim or claims of each tribe or band may be presented separately or jointly by petition, subject, however, to amendment and consolidation in proper cases. Such action or actions shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant; and any nation, tribe, or band the court may deem necessary to a final determination of such suit or suits may be joined therein by order of the court.

The petition shall set forth all the facts upon which the claims are based and shall be signed and verified by the attorney or attorneys employed to prosecute such claim or claims and who are under contract with said Indians approved in accordance with existing law. Any and all claims against the United States within the purview of this Act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of the approval of this Act.

Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall allow the attorney or attorneys access to such treaties, papers, correspondence, or records as may be needed by said attorney or attorneys.

Attorney's fee by  
court decree.

SEC. 3. That upon the final determination of such suit, or suits, the Court of Claims shall decree such fees not exceeding 10 per centum of the amounts recovered as it shall find reasonable to be paid the attorney or attorneys employed therein by said Indians or bands of Indians, under contracts negotiated and approved as provided by existing law, together with all necessary and proper expenditures incurred in the preparation and prosecution of the suit or suits.

Deposit of judgment  
to credit of Indians,  
with interest.

SEC. 4. The proceeds of all amounts, if any, recovered for said Indians, less attorneys' fees and expenses, shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 4 per centum per annum from the date of the original judgment or decree and thereafter shall be subject to appropriation by Congress.

Approved, August 26, 1935.

[CHAPTER 687.]

## AN ACT

To provide for control and regulation of public-utility holding companies, and for other purposes.

August 26, 1935.  
[S. 2796.]  
[Public, No. 333.]

*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 "Public Utility Act of 1935".*

Public Utility Act of 1935.

## TITLE I—CONTROL OF PUBLIC-UTILITY HOLDING COMPANIES

Title I—Control of public-utility holding companies.

### NECESSITY FOR CONTROL OF HOLDING COMPANIES

SECTION 1. (a) Public-utility holding companies and their subsidiary companies are affected with a national public interest in that, among other things, (1) their securities are widely marketed and distributed by means of the mails and instrumentalities of interstate commerce and are sold to a large number of investors in different States; (2) their service, sales, construction, and other contracts and arrangements are often made and performed by means of the mails and instrumentalities of interstate commerce; (3) their subsidiary public-utility companies often sell and transport gas and electric energy by the use of means and instrumentalities of interstate commerce; (4) their practices in respect of and control over subsidiary companies often materially affect the interstate commerce in which those companies engage; (5) their activities extending over many States are not susceptible of effective control by any State and make difficult, if not impossible, effective State regulation of public-utility companies.

Necessity.

(b) Upon the basis of facts disclosed by the reports of the Federal Trade Commission made pursuant to S. Res. 83 (Seventieth Congress, first session), the reports of the Committee on Interstate and Foreign Commerce, House of Representatives, made pursuant to H. Res. 59 (Seventy-second Congress, first session) and H. J. Res. 572 (Seventy-second Congress, second session) and otherwise disclosed and ascertained, it is hereby declared that the national public interest, the interest of investors in the securities of holding companies and their subsidiary companies and affiliates, and the interest of consumers of electric energy and natural and manufactured gas, are or may be adversely affected—

Abuses; interest adversely affected by.

Vol. 47, p. 1544.

(1) when such investors cannot obtain the information necessary to appraise the financial position or earning power of the issuers, because of the absence of uniform standard accounts; when such securities are issued without the approval or consent of the States having jurisdiction over subsidiary public-utility companies; when such securities are issued upon the basis of fictitious or unsound asset values having no fair relation to the sums invested in or the earning capacity of the properties and upon the basis of paper profits from intercompany transactions, or in anticipation of excessive revenues from subsidiary public-utility companies; when such securities are issued by a subsidiary public-utility company under circumstances which subject such company to the burden of supporting an overcapitalized structure and tend to prevent voluntary rate reductions;

Enumeration of.

(2) when subsidiary public-utility companies are subjected to excessive charges for services, construction work, equipment, and materials, or enter into transactions in which evils result from an absence of arm's-length bargaining or from restraint of free and independent competition; when service, management, construction,

and other contracts involve the allocation of charges among subsidiary public-utility companies in different States so as to present problems of regulation which cannot be dealt with effectively by the States;

(3) when control of subsidiary public-utility companies affects the accounting practices and rate, dividend, and other policies of such companies so as to complicate and obstruct State regulation of such companies, or when control of such companies is exerted through disproportionately small investment;

(4) when the growth and extension of holding companies bears no relation to economy of management and operation or the integration and coordination of related operating properties; or

(5) when in any other respect there is lack of economy of management and operation of public-utility companies or lack of efficiency and adequacy of service rendered by such companies, or lack of effective public regulation, or lack of economies in the raising of capital.

Effect when wide-spread.

Declaration of policy.

Simplification and eliminations proposed.

(c) When abuses of the character above enumerated become persistent and wide-spread the holding company becomes an agency which, unless regulated, is injurious to investors, consumers, and the general public; and it is hereby declared to be the policy of this title, in accordance with which policy all the provisions of this title shall be interpreted, to meet the problems and eliminate the evils as enumerated in this section, connected with public-utility holding companies which are engaged in interstate commerce or in activities which directly affect or burden interstate commerce; and for the purpose of effectuating such policy to compel the simplification of public-utility holding-company systems and the elimination therefrom of properties detrimental to the proper functioning of such systems, and to provide as soon as practicable for the elimination of public-utility holding companies except as otherwise expressly provided in this title.

Definitions.

#### DEFINITIONS

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

"Person."

(1) "Person" means an individual or company.

"Company."

(2) "Company" means a corporation, a partnership, an association, a joint-stock company, a business trust, or an organized group of persons, whether incorporated or not; or any receiver, trustee, or other liquidating agent of any of the foregoing in his capacity as such.

"Electric utility company."

(3) "Electric utility company" means any company which owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale, other than sale to tenants or employees of the company operating such facilities for their own use and not for resale. The Commission, upon application, shall by order declare a company operating any such facilities not to be an electric utility company if the Commission finds that (A) such company is primarily engaged in one or more businesses other than the business of an electric utility company, and by reason of the small amount of electric energy sold by such company it is not necessary in the public interest or for the protection of investors or consumers that such company be considered an electric utility company for the purposes of this title, or (B) such company is one operating within a single State, and substantially all of its outstanding securities are owned directly or indirectly by another company to which such operating company sells or furnishes electric energy which it generates; such other company uses and

does not resell such electric energy, is engaged primarily in manufacturing (other than the manufacturing of electric energy or gas) and is not controlled by any other company; and by reason of the small amount of electric energy sold or furnished by such operating company to other persons it is not necessary in the public interest or for the protection of investors or consumers that it be considered an electric utility company for the purposes of this title. The filing of an application hereunder in good faith shall exempt such company (and the owner of the facilities operated by such company) from the application of this paragraph until the Commission has acted upon such application. As a condition to the entry of any such order, and as a part thereof, the Commission may require application to be made periodically for a renewal of such order, and may require the filing of such periodic or special reports regarding the business of the company as the Commission may find necessary or appropriate to insure that such company continues to be entitled to such exemption during the period for which such order is effective. The Commission, upon its own motion or upon application, shall revoke such order whenever it finds that the conditions specified in clause (A) or (B) are not satisfied in the case of such company. Any action of the Commission under the preceding sentence shall be by order. Application under this paragraph may be made by the company in respect of which the order is to be issued or by the owner of the facilities operated by such company. Any order issued under this paragraph shall apply equally to such company and such owner. The Commission may by rules or regulations conditionally or unconditionally provide that any specified class or classes of companies which it determines to satisfy the conditions specified in clause (A) or (B), and the owners of the facilities operated by such companies, shall not be deemed electric utility companies within the meaning of this paragraph.

(4) "Gas utility company" means any company which owns or operates facilities used for the distribution at retail (other than distribution only in enclosed portable containers, or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power. The Commission, upon application, shall by order declare a company operating any such facilities not to be a gas utility company if the Commission finds that (A) such company is primarily engaged in one or more businesses other than the business of a gas utility company, and (B) by reason of the small amount of natural or manufactured gas distributed at retail by such company it is not necessary in the public interest or for the protection of investors or consumers that such company be considered a gas utility company for the purposes of this title. The filing of an application hereunder in good faith shall exempt such company (and the owner of the facilities operated by such company) from the application of this paragraph until the Commission has acted upon such application. As a condition to the entry of any such order, and as a part thereof, the Commission may require application to be made periodically for a renewal of such order, and may require the filing of such periodic or special reports regarding the business of the company as the Commission may find necessary or appropriate to insure that such company continues to be entitled to such exemption during the period for which such order is effective. The Commission, upon its own motion or upon application, shall revoke such order whenever it finds that the conditions specified in clauses (A) and (B) are not satisfied in the case of such company. Any action of the Commission under the preceding sentence shall be by order.

"Gas utility company."

Application under this paragraph may be made by the company in respect of which the order is to be issued or by the owner of the facilities operated by such company. Any order issued under this paragraph shall apply equally to such company and such owner. The Commission may by rules or regulations conditionally or unconditionally provide that any specified class or classes of companies which it determines to satisfy the conditions specified in clauses (A) and (B), and the owners of the facilities operated by such companies, shall not be deemed gas utility companies within the meaning of this paragraph.

"Public-utility company."

(5) "Public-utility company" means an electric utility company or a gas utility company.

"Commission."

(6) "Commission" means the Securities and Exchange Commission.

"Holding company."

(7) "Holding company" means—

(A) any company which directly or indirectly owns, controls, or holds with power to vote, 10 per centum or more of the outstanding voting securities of a public-utility company or of a company which is a holding company by virtue of this clause or clause (B), unless the Commission, as hereinafter provided, by order declares such company not to be a holding company; and

(B) any person which the Commission determines, after notice and opportunity for hearing, directly or indirectly to exercise (either alone or pursuant to an arrangement or understanding with one or more other persons) such a controlling influence over the management or policies of any public-utility or holding company as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that such person be subject to the obligations, duties, and liabilities imposed in this title upon holding companies.

The Commission, upon application, shall by order declare that a company is not a holding company under clause (A) if the Commission finds that the applicant (i) does not, either alone or pursuant to an arrangement or understanding with one or more other persons, directly or indirectly control a public-utility or holding company either through one or more intermediary persons or by any means or device whatsoever, (ii) is not an intermediary company through which such control is exercised, and (iii) does not, directly or indirectly, exercise (either alone or pursuant to an arrangement or understanding with one or more other persons) such a controlling influence over the management or policies of any public-utility or holding company as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that the applicant be subject to the obligations, duties, and liabilities imposed in this title upon holding companies. The filing of an application hereunder in good faith by a company other than a registered holding company shall exempt the applicant from any obligation, duty, or liability imposed in this title upon the applicant as a holding company, until the Commission has acted upon such application. Within a reasonable time after the receipt of any application hereunder, the Commission shall enter an order granting, or, after notice and opportunity for hearing, denying or otherwise disposing of, such application. As a condition to the entry of any order granting such application and as a part of any such order, the Commission may require the applicant to apply periodically for a renewal of such order and to do or refrain from doing such acts or things, in respect of exercise of voting rights, control over proxies, designation of officers and directors, existence of interlocking officers, directors and other relationships, and submission of periodic or

special reports regarding affiliations or intercorporate relationships of the applicant, as the Commission may find necessary or appropriate to ensure that in the case of the applicant the conditions specified in clauses (i), (ii), and (iii) are satisfied during the period for which such order is effective. The Commission, upon its own motion or upon application of the company affected, shall revoke the order declaring such company not to be a holding company whenever in its judgment any condition specified in clause (i), (ii), or (iii) is not satisfied in the case of such company, or modify the terms of such order whenever in its judgment such modification is necessary to ensure that in the case of such company the conditions specified in clauses (i), (ii), and (iii) are satisfied during the period for which such order is effective. Any action of the Commission under the preceding sentence shall be by order.

(8) "Subsidiary company" of a specified holding company means—

"Subsidiary company." com-

(A) any company 10 per centum or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company (or by a company that is a subsidiary company of such holding company by virtue of this clause or clause (B)), unless the Commission, as hereinafter provided, by order declares such company not to be a subsidiary company of such holding company; and

(B) any person the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that such person be subject to the obligations, duties, and liabilities imposed in this title upon subsidiary companies of holding companies.

The Commission, upon application, shall by order declare that a company is not a subsidiary company of a specified holding company under clause (A) if the Commission finds that (i) the applicant is not controlled, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with one or more other persons) either through one or more intermediary persons or by any means or device whatsoever, (ii) the applicant is not an intermediary company through which such control of another company is exercised, and (iii) the management or policies of the applicant are not subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that the applicant be subject to the obligations, duties, and liabilities imposed in this title upon subsidiary companies of holding companies. The filing of an application hereunder in good faith shall exempt the applicant from any obligation, duty, or liability imposed in this title upon the applicant as a subsidiary company of such specified holding company until the Commission has acted upon such application. Within a reasonable time after the receipt of any application hereunder, the Commission shall enter an order granting, or, after notice and opportunity for hearing, denying or otherwise disposing of, such application. As a condition to the entry of, and as a part of, any order granting such application, the Commission may require the applicant to apply periodically for a renewal of such order and to file such periodic or

special reports regarding the affiliations or intercorporate relationships of the applicant as the Commission may find necessary or appropriate to enable it to determine whether in the case of the applicant the conditions specified in clauses (i), (ii), and (iii) are satisfied during the period for which such order is effective. The Commission, upon its own motion or upon application, shall revoke the order declaring such company not to be a subsidiary company whenever in its judgment any condition specified in clause (i), (ii), or (iii) is not satisfied in the case of such company, or modify the terms of such order whenever in its judgment such modification is necessary to ensure that in the case of such company the conditions specified in clauses (i), (ii), and (iii) are satisfied during the period for which such order is effective. Any action of the Commission under the preceding sentence shall be by order. Any application under this paragraph may be made by the holding company or the company in respect of which the order is to be entered, but as used in this paragraph the term "applicant" means only the company in respect of which the order is to be entered.

"Applicant."

"Holding-company system."

(9) "Holding-company system" means any holding company, together with all its subsidiary companies, and all mutual service companies (as defined in paragraph (13) of this subsection) of which such holding company or any subsidiary company thereof is a member company (as defined in paragraph (14) of this subsection).

"Associate company."

(10) "Associate company" of a company means any company in the same holding-company system with such company.

"Affiliate."

(11) "Affiliate" of a specified company means—

(A) any person that directly or indirectly owns, controls, or holds with power to vote, 5 per centum or more of the outstanding voting securities of such specified company;

(B) any company 5 per centum or more of whose outstanding voting securities are owned, controlled, or held with power to vote, directly or indirectly, by such specified company;

(C) any individual who is an officer or director of such specified company, or of any company which is an affiliate thereof under clause (A) of this paragraph; and

(D) any person or class of persons that the Commission determines, after appropriate notice and opportunity for hearing, to stand in such relation to such specified company that there is liable to be such an absence of arm's-length bargaining in transactions between them as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that such person be subject to the obligations, duties, and liabilities imposed in this title upon affiliates of a company.

"Registered holding company."

(12) "Registered holding company" means a person whose registration is in effect under section 5.

"Mutual service company."

(13) "Mutual service company" means a company approved as a mutual service company under section 13.

"Member company."

(14) "Member company" means a company which is a member of an association or group of companies mutually served by a mutual service company.

"Director."

(15) "Director" means any director of a corporation or any individual who performs similar functions in respect of any company.

"Security."

(16) "Security" means any note, draft, stock, treasury stock, bond, debenture, certificate of interest or participation in any profit-sharing agreement or in any oil, gas, other mineral royalty or lease, any collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust



certificate, certificate of deposit for a security, receiver's or trustee's certificate, 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, guaranty of, assumption of liability on, or warrant or right to subscribe to or purchase, any of the foregoing.

(17) "Voting security" means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company, or any security issued under or pursuant to any trust, agreement, or arrangement whereby a trustee or trustees or agent or agents for the owner or holder of such security are presently entitled to vote in the direction or management of the affairs of a company; and a specified per centum of the outstanding voting securities of a company means such amount of the outstanding voting securities of such company as entitles the holder or holders thereof to cast said specified per centum of the aggregate votes which the holders of all the outstanding voting securities of such company are entitled to cast in the direction or management of the affairs of such company.

"Voting security."

(18) "Utility assets" means the facilities, in place, of any electric utility company or gas utility company for the production, transmission, transportation, or distribution of electric energy or natural or manufactured gas.

"Utility assets."

(19) "Service contract" means any contract, agreement, or understanding whereby a person undertakes to sell or furnish, for a charge, any managerial, financial, legal, engineering, purchasing, marketing, auditing, statistical, advertising, publicity, tax, research, or any other service, information, or data.

"Service contract."

(20) "Sales contract" means any contract, agreement, or understanding whereby a person undertakes to sell, lease, or furnish, for a charge, any goods, equipment, materials, supplies, appliances, or similar property. As used in this paragraph the term "property" does not include electric energy or natural or manufactured gas.

"Sales contract."

(21) "Construction contract" means any contract, agreement, or understanding for the construction, extension, improvement, maintenance, or repair of the facilities or any part thereof of a company for a charge.

"Construction contract."

(22) "Buy", "acquire", "acquisition", or "purchase" includes any purchase, acquisition by lease, exchange, merger, consolidation, or other acquisition.

"Buy"; "acquire"; "acquisition"; "purchase."

(23) "Sale" or "sell" includes any sale, disposition by lease, exchange or pledge, or other disposition.

"Sale"; "sell."

(24) "State" means any State of the United States or the District of Columbia.

"State."

(25) "United States", when used in a geographical sense, means the States.

"United States."

(26) "State commission" means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State which under the law of such State has jurisdiction to regulate public-utility companies.

"State commission."

(27) "State securities commission" means any commission, board, agency, or officer, by whatever name designated, other than a State commission as defined in paragraph (26) of this subsection, which under the law of a State has jurisdiction to regulate, approve, or control the issue or sale of a security by a company.

"State securities commission."

(28) "Interstate commerce" means trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.

"Interstate commerce."

"Integrated public-utility system."

(29) "Integrated public-utility system" means—

(A) As applied to electric utility companies, a system consisting of one or more units of generating plants and/or transmission lines and/or distributing facilities, whose utility assets, whether owned by one or more electric utility companies, are physically interconnected or capable of physical interconnection and which under normal conditions may be economically operated as a single interconnected and coordinated system confined in its operations to a single area or region, in one or more States, not so large as to impair (considering the state of the art and the area or region affected) the advantages of localized management, efficient operation, and the effectiveness of regulation; and

(B) As applied to gas utility companies, a system consisting of one or more gas utility companies which are so located and related that substantial economies may be effectuated by being operated as a single coordinated system confined in its operations to a single area or region, in one or more States, not so large as to impair (considering the state of the art and the area or region affected) the advantages of localized management, efficient operation, and the effectiveness of regulation: *Provided*, That gas utility companies deriving natural gas from a common source of supply may be deemed to be included in a single area or region.

Order declaring person to be a holding company.

(b) No person shall be deemed to be a holding company under clause (B) of paragraph (7) of subsection (a), or a subsidiary company under clause (B) of paragraph (8) of such subsection, or an affiliate under clause (D) of paragraph (11) of such subsection, unless the Commission, after appropriate notice and opportunity for hearing, has issued an order declaring such person to be a holding company, a subsidiary company, or an affiliate, or declaring a class of which such person is a member to be affiliates. Such an order shall not become effective for at least thirty days after the mailing of a copy thereof to the person thereby declared to be a holding company, subsidiary company, or affiliate; or, in the case of determination of affiliates by classes, until at least thirty days after appropriate publication thereof in such manner as the Commission shall determine. Whenever the Commission, on its own motion or upon application by the person declared to be a holding company, subsidiary company, or affiliate, finds that the circumstances which gave rise to the issuance of any such order no longer exist, the Commission shall by order revoke such order.

Subsidiary company; affiliate.

Determination of affiliates by classes; publication.

Revocation of order.

Exemptions from provisions of title.

(c) No provision in this title shall apply to, or be deemed to include, the United States, a State, or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing, or any corporation which is wholly owned directly or indirectly by any one or more of the foregoing, or any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty, unless such provision makes specific reference thereto.

Particular exemptions regarding holding companies.

POWER TO MAKE PARTICULAR EXEMPTIONS REGARDING HOLDING COMPANIES, SUBSIDIARY COMPANIES, AND AFFILIATES

Power to make.

SEC. 3. (a) The Commission, by rules and regulations upon its own motion, or by order upon application, shall exempt any holding company, and every subsidiary company thereof as such, from any provision or provisions of this title, unless and except insofar as it finds the exemption detrimental to the public interest or the interest of investors or consumers, if—

Classes of companies exempted.

(1) such holding company, and every subsidiary company thereof which is a public-utility company from which such holding company derives, directly or indirectly, any material part of its income, are predominantly intrastate in character and carry on their business substantially in a single State in which such holding company and every such subsidiary company thereof are organized;

(2) such holding company is predominantly a public-utility company whose operations as such do not extend beyond the State in which it is organized and States contiguous thereto;

(3) such holding company is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company and (A) not deriving, directly or indirectly, any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public-utility company, or (B) deriving a material part of its income from any one or more such subsidiary companies, if substantially all the outstanding securities of such companies are owned, directly or indirectly, by such holding company;

(4) such holding company is temporarily a holding company solely by reason of the acquisition of securities for purposes of liquidation or distribution in connection with a bona fide debt previously contracted or in connection with a bona fide arrangement for the underwriting or distribution of securities; or

(5) such holding company is not, and derives no material part of its income, directly or indirectly, from any one or more subsidiary companies which are, a company or companies the principal business of which within the United States is that of a public-utility company.

(b) The Commission, by rules and regulations upon its own motion, or by order upon application, shall exempt any subsidiary company, as such, of a holding company from any provision or provisions of this title, the application of which to such subsidiary company the Commission finds is not necessary in the public interest or for the protection of investors, if such subsidiary company derives no material part of its income, directly or indirectly, from sources within the United States, and neither it nor any of its subsidiary companies is a public-utility company operating in the United States.

Duty of Commission to grant exemptions.

(c) Within a reasonable time after the receipt of an application for exemption under subsection (a) or (b), the Commission shall enter an order granting, or, after notice and opportunity for hearing, denying or otherwise disposing of such application. The filing of an application in good faith under subsection (a) by a person other than a registered holding company shall exempt the applicant from any obligation, duty, or liability imposed in this title upon the applicant as a holding company until the Commission has acted upon such application. The filing of an application in good faith under subsection (b) shall exempt the applicant from any obligation, duty, or liability imposed in this title upon the applicant as a subsidiary company until the Commission has acted upon such application. Whenever the Commission, on its own motion, or upon application by the holding company or any subsidiary company thereof exempted by any order issued under subsection (a), or by the subsidiary company exempted by any order issued under subsection (b), finds that the circumstances which gave rise to the issuance of such order no longer exist, the Commission shall by order revoke such order.

Order granting or denying application.

Exemption of applicants from obligations, etc., imposed by title.

Revocation of order.

(d) The Commission may, by rules and regulations, conditionally or unconditionally exempt any specified class or classes of persons from the obligations, duties, or liabilities imposed upon such persons

Rules and regulations granting exemptions.

as subsidiary companies or affiliates under any provision or provisions of this title, and may provide within the extent of any such exemption that such specified class or classes of persons shall not be deemed subsidiary companies or affiliates within the meaning of any such provision or provisions, if and to the extent that it deems the exemption necessary or appropriate in the public interest or for the protection of investors or consumers and not contrary to the purposes of this title.

Transactions by un-  
registered holding com-  
panies.  
Unlawful acts.

#### TRANSACTIONS BY UNREGISTERED HOLDING COMPANIES

SEC. 4. (a) After December 1, 1935, unless a holding company is registered under section 5, it shall be unlawful for such holding company, directly or indirectly—

(1) to sell, transport, transmit, or distribute, or own or operate any utility assets for the transportation, transmission, or distribution of, natural or manufactured gas or electric energy in interstate commerce;

(2) by use of the mails or any means or instrumentality of interstate commerce, to negotiate, enter into, or take any step in the performance of, any service, sales, or construction contract undertaking to perform services or construction work for, or sell goods to, any public-utility company or holding company;

(3) to distribute or make any public offering for sale or exchange of any security of such holding company, any subsidiary company or affiliate of such holding company, any public-utility company, or any holding company, by use of the mails or any means or instrumentality of interstate commerce, or to sell any such security having reason to believe that such security, by use of the mails or any means or instrumentality of interstate commerce, will be distributed or made the subject of a public offering;

(4) by use of the mails or any means or instrumentality of interstate commerce, to acquire or negotiate for the acquisition of any security or utility assets of any subsidiary company or affiliate of such holding company, any public-utility company, or any holding company;

(5) to engage in any business in interstate commerce; or

(6) to own, control, or hold with power to vote, any security of any subsidiary company thereof that does any of the acts enumerated in paragraphs (1) to (5), inclusive, of this subsection.

(b) Every holding company which has outstanding any security any of which, by use of the mails or any means or instrumentality of interstate commerce, has been distributed or made the subject of a public offering subsequent to January 1, 1925, and any of which security is owned or held on October 1, 1935 (or, if such company is not a holding company on that date, on the date such company becomes a holding company) by persons not resident in the State in which such holding company is organized, shall register under section 5 on or before December 1, 1935 or the thirtieth day after such company becomes a holding company, whichever date is later.

Registration of hold-  
ing companies having  
outstanding securities  
which were distributed  
interstatesince January  
1, 1925.

Registration of hold-  
ing companies.

Requirement.

#### REGISTRATION OF HOLDING COMPANIES

SEC. 5. (a) On or at any time after October 1, 1935, any holding company or any person purposing to become a holding company may register by filing with the Commission a notification of registration, in such form as the Commission may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers. A person shall be deemed to be registered upon receipt by the Commission of such notification of registration.

(b) It shall be the duty of every registered holding company to file with the Commission, within such reasonable time after registration as the Commission shall fix by rules and regulations or order, a registration statement in such form as the Commission shall by rules and regulations or order prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers. Such registration statement shall include—

Registration statement; duty to file.

Contents.

(1) such copies of the charter or articles of incorporation, partnership, or agreement, with all amendments thereto, and the bylaws, trust indentures, mortgages, underwriting arrangements, voting-trust agreements, and similar documents, by whatever name known, of or relating to the registrant or any of its associate companies as the Commission may by rules and regulations or order prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers;

(2) such information in such form and in such detail relating to, and copies of such documents of or relating to, the registrant and its associate companies as the Commission may by rules and regulations or order prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers in respect of—

(A) the organization and financial structure of such companies and the nature of their business;

(B) the terms, position, rights, and privileges of the different classes of their securities outstanding;

(C) the terms and underwriting arrangements under which their securities, during not more than the five preceding years, have been offered to the public or otherwise disposed of and the relations of underwriters to, and their interest in, such companies;

(D) the directors and officers of such companies, their remuneration, their interest in the securities of, their material contracts with, and their borrowings from, any of such companies;

(E) bonus and profit-sharing arrangements;

(F) material contracts, not made in the ordinary course of business, and service, sales, and construction contracts;

(G) options in respect of securities;

(H) balance sheets for not more than the five preceding fiscal years, certified, if required by the rules and regulations of the Commission, by an independent public accountant;

(I) profit and loss statements for not more than the five preceding fiscal years, certified, if required by the rules and regulations of the Commission, by an independent public accountant;

(3) such further information or documents regarding the registrant or its associate companies or the relations between them as the Commission may by rules and regulations or order prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers.

(c) The Commission by such rules and regulations or order as it deems necessary or appropriate in the public interest or for the protection of investors or consumers, may permit a registrant to file a preliminary registration statement without complying with the provisions of subsection (b); but every registrant shall file a complete registration statement with the Commission within such reasonable period of time as the Commission shall fix by rules and regulations or order, but not later than one year after the date of registration.

Preliminary registration statement; filing.

Withdrawal of registration; application for.

(d) Whenever the Commission, upon application, finds that a registered holding company has ceased to be a holding company, it shall so declare by order and upon the taking effect of such order the registration of such company shall, upon such terms and conditions as the Commission finds and in such order prescribes as necessary for the protection of investors, cease to be in effect. The denial of any such application by the Commission shall be by order.

Denial.

Security transactions by registered holding and subsidiary companies.

UNLAWFUL SECURITY TRANSACTIONS BY REGISTERED HOLDING AND SUBSIDIARY COMPANIES

Unlawful acts.  
*Post*, p. 815.

SEC. 6. (a) Except in accordance with a declaration effective under section 7 and with the order under such section permitting such declaration to become effective, it shall be unlawful for any registered holding company or subsidiary company thereof, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, directly or indirectly (1) to issue or sell any security of such company; or (2) to exercise any privilege or right to alter the priorities, preferences, voting power, or other rights of the holders of an outstanding security of such company.

Renewal of notes or drafts.

(b) The provisions of subsection (a) shall not apply to the issue, renewal, or guaranty by a registered holding company or subsidiary company thereof of a note or draft (including the pledge of any security as collateral therefor) if such note or draft (1) is not part of a public offering, (2) matures or is renewed for not more than nine months, exclusive of days of grace, after the date of such issue, renewal, or guaranty thereof, and (3) aggregates (together with all other then outstanding notes and drafts of a maturity of nine months or less, exclusive of days of grace, as to which such company is primarily or secondarily liable) not more than 5 per centum of the principal amount and par value of the other securities of such company then outstanding, or such greater per centum thereof as the Commission upon application may by order authorize as necessary or appropriate in the public interest or for the protection of investors or consumers. In the case of securities having no principal amount or no par value, the value for the purposes of this subsection shall be the fair market value as of the date of issue.

Conditions.

The Commission by rules and regulations or order, subject to such terms and conditions as it deems appropriate in the public interest or for the protection of investors or consumers, shall exempt from the provisions of subsection (a) the issue or sale of any security by any subsidiary company of a registered holding company, if the issue and sale of such security are solely for the purpose of financing the business of such subsidiary company and have been expressly authorized by the State commission of the State in which such subsidiary company is organized and doing business, or if the issue and sale of such security are solely for the purpose of financing the business of such subsidiary company when such subsidiary company is not a holding company, a public-utility company, an investment company, or a fiscal or financing agency of a holding company, a public utility company, or an investment company. The provisions of subsection (a) shall not apply to the issue, by a registered holding company or subsidiary company thereof, of a security issued pursuant to the terms of any security outstanding on January 1, 1935, giving the holder of such outstanding security the right to convert such outstanding security into another security of the same issuer or of another person, or giving the right to subscribe to another security of the same issuer or another issuer. Within ten days after any issue, sale, renewal, or guaranty exempted from the

Securities having no principal amount or no par value.

Securities issued and sold to finance business; exemption, rules.

Authorization required.

Securities issued under terms of security outstanding on January 1, 1935.

Issuance of exempt securities; notification.

application of subsection (a) by or under authority of this subsection, such holding company or subsidiary company thereof shall file with the Commission a certificate of notification in such form and setting forth such of the information required in a declaration under section 7 as the Commission may by rules and regulations or order prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers.

(c) It shall be unlawful, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, for any registered holding company or any subsidiary company thereof, directly or indirectly,—

Unlawful sales.

(1) to sell or offer for sale or to cause to be sold or offered for sale, from house to house, any security of such holding company;

House to house.

or

(2) to cause any officer or employee of any subsidiary company of such holding company to sell or cause to be sold any security of such holding company.

Sales by officers and employees.

As used in this subsection the term "house" shall not include an office used for business purposes.

"House" construed.

DECLARATIONS BY REGISTERED HOLDING AND SUBSIDIARY COMPANIES IN RESPECT OF SECURITY TRANSACTIONS

Declarations by registered holding and subsidiary companies respecting security transactions. Filing.

SEC. 7. (a) A registered holding company or subsidiary company thereof may file a declaration with the Commission, regarding any of the acts enumerated in subsection (a) of section 6, in such form as the Commission may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers. Such declaration shall include—

Contents.

(1) such of the information and documents which are required to be filed in order to register a security under section 7 of the Securities Act of 1933, as amended, as the Commission may by rules and regulations or order prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers; and

(2) such additional information, in such form and detail, and such documents regarding the declarant or any associate company thereof, the particular security and compliance with such State laws as may apply to the act in question as the Commission may by rules and regulations or order prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers.

(b) A declaration filed under this section shall become effective within such reasonable period of time after the filing thereof as the Commission shall fix by rules and regulations or order, unless the Commission prior to the expiration of such period shall have issued an order to the declarant to show cause why such declaration should become effective. Within a reasonable time after an opportunity for hearing upon an order to show cause under this subsection, unless the declarant shall withdraw its declaration, the Commission shall enter an order either permitting such declaration to become effective as filed or amended, or refusing to permit such declaration to become effective. Amendments to a declaration may be made upon such terms and conditions as the Commission may prescribe.

Effective date.

Order of Commission.

Amendments.

(c) The Commission shall not permit a declaration regarding the issue or sale of a security to become effective unless it finds that—

Requirements for effectiveness.

(1) such security is (A) a common stock having a par value and being without preference as to dividends or distribution over, and having at least equal voting rights with, any outstanding

Requirements—  
Continued.

security of the declarant; (B) a bond (i) secured by a first lien on physical property of the declarant, or (ii) secured by an obligation of a subsidiary company of the declarant secured by a first lien on physical property of such subsidiary company, or (iii) secured by any other assets of the type and character which the Commission by rules and regulations or order may prescribe as appropriate in the public interest or for the protection of investors; (C) a guaranty of, or assumption of liability on, a security of another company; or (D) a receiver's or trustee's certificate duly authorized by the appropriate court or courts; or

(2) such security is to be issued or sold solely (A) for the purpose of refunding, extending, exchanging, or discharging an outstanding security of the declarant and/or a predecessor company thereof or for the purpose of effecting a merger, consolidation, or other reorganization; (B) for the purpose of financing the business of the declarant as a public-utility company; (C) for the purpose of financing the business of the declarant, when the declarant is neither a holding company nor a public-utility company; and/or (D) for necessary and urgent corporate purposes of the declarant where the requirements of the provisions of paragraph (1) would impose an unreasonable financial burden upon the declarant and are not necessary or appropriate in the public interest or for the protection of investors or consumers; or

(3) such security is one the issuance of which was authorized by the company prior to January 1, 1935, and which the Commission by rules and regulations or order authorizes as necessary or appropriate in the public interest or for the protection of investors or consumers.

*Ante*, p. 815; *Post*, p. 817.

(d) If the requirements of subsections (c) and (g) are satisfied, the Commission shall permit a declaration regarding the issue or sale of a security to become effective unless the Commission finds that—

(1) the security is not reasonably adapted to the security structure of the declarant and other companies in the same holding-company system;

(2) the security is not reasonably adapted to the earning power of the declarant;

(3) financing by the issue and sale of the particular security is not necessary or appropriate to the economical and efficient operation of a business in which the applicant lawfully is engaged or has an interest;

(4) the fees, commissions, or other remuneration, to whomsoever paid, directly or indirectly, in connection with the issue, sale, or distribution of the security are not reasonable;

(5) in the case of a security that is a guaranty of, or assumption of liability on, a security of another company, the circumstances are such as to constitute the making of such guaranty or the assumption of such liability an improper risk for the declarant; or

(6) the terms and conditions of the issue or sale of the security are detrimental to the public interest or the interest of investors or consumers.

*Post*, p. 817.

(e) If the requirements of subsection (g) are satisfied, the Commission shall permit a declaration to become effective regarding the exercise of a privilege or right to alter the priorities, preferences, voting power, or other rights of the holders of an outstanding security unless the Commission finds that such exercise of such privilege or right will result in an unfair or inequitable distribution of voting power among holders of the securities of the declarant or is otherwise detrimental to the public interest or the interest of investors or consumers.



(f) Any order permitting a declaration to become effective may contain such terms and conditions as the Commission finds necessary to assure compliance with the conditions specified in this section.

(g) If a State commission or State securities commission, having jurisdiction over any of the acts enumerated in subsection (a) of section 6, shall inform the Commission, upon request by the Commission for an opinion or otherwise, that State laws applicable to the act in question have not been complied with, the Commission shall not permit a declaration regarding the act in question to become effective until and unless the Commission is satisfied that such compliance has been effected.

*Ante*, p. 814.

ACQUIRING INTEREST IN ELECTRIC AND GAS UTILITY COMPANIES SERVING SAME TERRITORY

Acquiring interest in electric and gas utility companies serving same territory.

SEC. 8. Whenever a State law prohibits, or requires approval or authorization of, the ownership or operation by a single company of the utility assets of an electric utility company and a gas utility company serving substantially the same territory, it shall be unlawful for a registered holding company, or any subsidiary company thereof, by use of the mails or any means or instrumentality of interstate commerce, or otherwise,—

Restriction on holding or subsidiary companies.

(1) to take any step, without the express approval of the State commission of such State, which results in its having a direct or indirect interest in an electric utility company and a gas utility company serving substantially the same territory; or

(2) if it already has any such interest, to acquire, without the express approval of the State commission, any direct or indirect interest in an electric utility company or gas utility company serving substantially the same territory as that served by such companies in which it already has an interest.

ACQUISITION OF SECURITIES AND UTILITY ASSETS AND OTHER INTERESTS

Acquisition of securities and utility assets and other interests.

SEC. 9. (a) Unless the acquisition has been approved by the Commission under section 10, it shall be unlawful—

(1) for any registered holding company or any subsidiary company thereof, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, to acquire, directly or indirectly, any securities or utility assets or any other interest in any business;

Restrictions on holding or subsidiary companies.

(2) for any person, by use of the mails or any means or instrumentality of interstate commerce, to acquire, directly or indirectly, any security of any public-utility company, if such person is an affiliate, under clause (A) of paragraph (11) of subsection (a) of section 2, of such company and of any other public utility or holding company, or will by virtue of such acquisition become such an affiliate.

(b) Subsection (a) shall not apply to—

Exceptions.

(1) the acquisition by a public-utility company of utility assets the acquisition of which has been expressly authorized by a State commission; or

(2) the acquisition by a public-utility company of securities of a subsidiary public-utility company thereof, provided that both such public-utility companies and all other public-utility companies in the same holding-company system are organized in the same State, that the business of each such company in such system is substantially confined to such State, and that the acquisition of such securities has been expressly authorized by the State commission of such State.

(c) Subsection (a) shall not apply to the acquisition by a registered holding company, or a subsidiary company thereof, of—

(1) securities of, or securities the principal or interest of which is guaranteed by, the United States, a State, or political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing, or any corporation which is wholly owned, directly or indirectly, by any one or more of the foregoing;

(2) such other readily marketable securities, within the limitation of such amounts, as the Commission may by rules and regulations prescribe as appropriate for investment of current funds and as not detrimental to the public interest or the interest of investors or consumers; or

(3) such commercial paper and other securities, within such limitations, as the Commission may by rules and regulations or order prescribe as appropriate in the ordinary course of business of a registered holding company or subsidiary company thereof and as not detrimental to the public interest or the interest of investors or consumers.

Approval of acquisition of securities and utility assets and other interests.

APPROVAL OF ACQUISITION OF SECURITIES AND UTILITY ASSETS AND OTHER INTERESTS

Application for filing.

SEC. 10. (a) A person may apply for approval of the acquisition of securities or utility assets, or of any other interest in any business, by filing an application in such form as the Commission may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors and consumers. Such application shall include—

Contents.

In the case of the acquisition of securities.

(1) in the case of the acquisition of securities, such information and copies of such documents as the Commission may by rules and regulations or order prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers in respect of—

(A) the security to be acquired, the consideration to be paid therefor, and compliance with such State laws as may apply in respect of the issue, sale, or acquisition thereof,

(B) the outstanding securities of the company whose security is to be acquired, the terms, position, rights, and privileges of each class and the options in respect of any such securities,

(C) the names of all security holders of record (or otherwise known to the applicant) owning, holding, or controlling 1 per centum or more of any class of security of such company, the officers and directors of such company, and their remuneration, security holdings in, material contracts with, and borrowings from such company and the offices or directorships held, and securities owned, held, or controlled, by them in other companies,

(D) the bonus, profit-sharing and voting-trust agreements, underwriting arrangements, trust indentures, mortgages, and similar documents, by whatever name known, of or relating to such company,

(E) the material contracts, not made in the ordinary course of business, and the service, sales, and construction contracts of such company,

(F) the securities owned, held, or controlled, directly or indirectly, by such company,

(G) balance sheets and profit and loss statements of such company for not more than the five preceding fiscal years, certified, if required by the rules and regulations of the Commission by an independent public accountant,

(H) any further information regarding such company and any associate company or affiliate thereof, or its relations with the applicant company, and

(I) if the applicant be not a registered holding company, any of the information and documents which may be required under section 5 from a registered holding company;

Of utility assets.

(2) in the case of the acquisition of utility assets, such information concerning such assets, the value thereof and consideration to be paid therefor, the owner or owners thereof and their relation to, agreements with, and interest in the securities of, the applicant or any associate company thereof as the Commission may by rules and regulations or order prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers; and

Of any other interest.

(3) in the case of the acquisition of any other interest in any business, such information concerning such business and the interest to be acquired, and the consideration to be paid, as the Commission may by rules and regulations or order prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers.

Approval of proposed acquisition.

(b) If the requirements of subsection (f) are satisfied, the Commission shall approve the acquisition unless the Commission finds that—

(1) such acquisition will tend towards interlocking relations or the concentration of control of public-utility companies, of a kind or to an extent detrimental to the public interest or the interest of investors or consumers;

(2) in case of the acquisition of securities or utility assets, the consideration, including all fees, commissions, and other remuneration, to whomsoever paid, to be given, directly or indirectly, in connection with such acquisition is not reasonable or does not bear a fair relation to the sums invested in or the earning capacity of the utility assets to be acquired or the utility assets underlying the securities to be acquired; or

(3) such acquisition will unduly complicate the capital structure of the holding-company system of the applicant or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of such holding-company system.

Conditional approval.

The Commission may condition its approval of the acquisition of securities of another company upon such a fair offer to purchase such of the other securities of the company whose security is to be acquired as the Commission may find necessary or appropriate in the public interest or for the protection of investors or consumers.

Acquisitions to be denied.

(c) Notwithstanding the provisions of subsection (b), the Commission shall not approve—

(1) an acquisition of securities or utility assets, or of any other interest, which is unlawful under the provisions of section 8 or is detrimental to the carrying out of the provisions of section 11; or

(2) the acquisition of securities or utility assets of a public-utility or holding company unless the Commission finds that such acquisition will serve the public interest by tending towards the economical and efficient development of an integrated public-utility system. This paragraph shall not apply to the acquisition of securities or utility assets of a public-utility company operating exclusively outside the United States.

Orders granting or denying approval.

Notice and hearing.

Amendment of applications.

Terms and conditions respecting acquisitions; authority of Commission to prescribe.

Approval denied until State laws complied with.

Exception.

Holding-company systems.

Duty of Commission to examine corporate structure of.

Purpose.

Duty of Commission to require limitation of operations to one integrated public-utility system.

*Proviso.*  
Exception upon specified findings by Commission; notice and hearing.

(d) Within such reasonable time after the filing of an application under this section as the Commission shall fix by rules and regulations or order, the Commission shall enter an order either granting or, after notice and opportunity for hearing, denying approval of the acquisition unless the applicant shall withdraw its application. Amendments to an application may be made upon such terms and conditions as the Commission may prescribe.

(e) The Commission, in any order approving the acquisition of securities or utility assets, may prescribe such terms and conditions in respect of such acquisition, including the price to be paid for such securities or utility assets, as the Commission may find necessary or appropriate in the public interest or for the protection of investors or consumers.

(f) The Commission shall not approve any acquisition as to which an application is made under this section unless it appears to the satisfaction of the Commission that such State laws as may apply in respect of such acquisition have been complied with, except where the Commission finds that compliance with such State laws would be detrimental to the carrying out of the provisions of section 11.

#### SIMPLIFICATION OF HOLDING-COMPANY SYSTEMS

SEC. 11. (a) It shall be the duty of the Commission to examine the corporate structure of every registered holding company and subsidiary company thereof, the relationships among the companies in the holding-company system of every such company and the character of the interests thereof and the properties owned or controlled thereby to determine the extent to which the corporate structure of such holding-company system and the companies therein may be simplified, unnecessary complexities therein eliminated, voting power fairly and equitably distributed among the holders of securities thereof, and the properties and business thereof confined to those necessary or appropriate to the operations of an integrated public-utility system.

(b) It shall be the duty of the Commission, as soon as practicable after January 1, 1938:

(1) To require by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such action as the Commission shall find necessary to limit the operations of the holding-company system of which such company is a part to a single integrated public-utility system, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system: *Provided, however,* That the Commission shall permit a registered holding company to continue to control one or more additional integrated public-utility systems, if, after notice and opportunity for hearing, it finds that—

(A) Each of such additional systems cannot be operated as an independent system without the loss of substantial economies which can be secured by the retention of control by such holding company of such system;

(B) All of such additional systems are located in one State, or in adjoining States, or in a contiguous foreign country; and

(C) The continued combination of such systems under the control of such holding company is not so large (considering the state of the art and the area or region affected) as to impair the advantages of localized management, efficient operation, or the effectiveness of regulation.

The Commission may permit as reasonably incidental, or economically necessary or appropriate to the operations of one or more integrated public-utility systems the retention of an interest in any business (other than the business of a public-utility company as such) which the Commission shall find necessary or appropriate in the public interest or for the protection of investors or consumers and not detrimental to the proper functioning of such system or systems.

Permissive retention of interests.

(2) To require by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in the holding-company system does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders, of such holding-company system. In carrying out the provisions of this paragraph the Commission shall require each registered holding company (and any company in the same holding-company system with such holding company) to take such action as the Commission shall find necessary in order that such holding company shall cease to be a holding company with respect to each of its subsidiary companies which itself has a subsidiary company which is a holding company. Except for the purpose of fairly and equitably distributing voting power among the security holders of such company, nothing in this paragraph shall authorize the Commission to require any change in the corporate structure or existence of any company which is not a holding company, or of any company whose principal business is that of a public-utility company.

Duty of Commission to require simplification of corporate structure.

The Commission may by order revoke or modify any order previously made under this subsection, if, after notice and opportunity for hearing, it finds that the conditions upon which the order was predicated do not exist. Any order made under this subsection shall be subject to judicial review as provided in section 24.

Revocation or modification of orders; notice and hearing.

(c) Any order under subsection (b) shall be complied with within one year from the date of such order; but the Commission shall, upon a showing (made before or after the entry of such order) that the applicant has been or will be unable in the exercise of due diligence to comply with such order within such time, extend such time for an additional period not exceeding one year if it finds such extension necessary or appropriate in the public interest or for the protection of investors or consumers.

Review.  
*Post*, p. 834.

Compliance with orders.

Extension of time for.

(d) The Commission may apply to a court, in accordance with the provisions of subsection (f) of section 18, to enforce compliance with any order issued under subsection (b). In any such proceeding, the court as a court of equity may, to such extent as it deems necessary for purposes of enforcement of such order, take exclusive jurisdiction and possession of the company or companies and the assets thereof, wherever located; and the court shall have jurisdiction, in any such proceeding, to appoint a trustee, and the court may constitute and appoint the Commission as sole trustee, to hold or administer under the direction of the court the assets so possessed. In any proceeding for the enforcement of an order of the Commission issued under subsection (b), the trustee with the approval of the court shall have power to dispose of any or all of such assets and, subject to such terms and conditions as the court may prescribe, may make such disposition in accordance with a fair and equitable reorganization plan which shall have been approved by the Commission after opportunity for hearing. Such reorganization plan may be

Enforcement of orders.  
*Post*, p. 832.  
Jurisdiction of court.

Trustee; appointment of.

Powers.

Reorganization plan.

Plan for simplification and elimination; submission of, after January 1, 1936.

*Ante*, p. 820.

Order approving plan.

Enforcement of.

*Post*, p. 832.

Jurisdiction of courts.

Appointment of trustee.

Commission as trustee or receiver; appointment.

Consent required.

Reorganization plan; effective date.

Approval required.

Proposal of.

Payment of fees; approval required.

proposed in the first instance by the Commission, or, subject to such rules and regulations as the Commission may deem necessary or appropriate in the public interest or for the protection of investors, by any person having a bona fide interest (as defined by the rules and regulations of the Commission) in the reorganization.

(e) In accordance with such rules and regulations or order as the Commission may deem necessary or appropriate in the public interest or for the protection of investors or consumers, any registered holding company or any subsidiary company of a registered holding company may, at any time after January 1, 1936, submit a plan to the Commission for the divestment of control, securities, or other assets, or for other action by such company or any subsidiary company thereof for the purpose of enabling such company or any subsidiary company thereof to comply with the provisions of subsection (b). If, after notice and opportunity for hearing, the Commission shall find such plan, as submitted or as modified, necessary to effectuate the provisions of subsection (b) and fair and equitable to the persons affected by such plan, the Commission shall make an order approving such plan; and the Commission, at the request of the company, may apply to a court, in accordance with the provisions of subsection (f) of section 18, to enforce and carry out the terms and provisions of such plan. If, upon any such application, the court, after notice and opportunity for hearing, shall approve such plan as fair and equitable and as appropriate to effectuate the provisions of section 11, the court as a court of equity may, to such extent as it deems necessary for the purpose of carrying out the terms and provisions of such plan, take exclusive jurisdiction and possession of the company or companies and the assets thereof, wherever located; and the court shall have jurisdiction to appoint a trustee, and the court may constitute and appoint the Commission as sole trustee, to hold or administer, under the direction of the court and in accordance with the plan theretofore approved by the court and the Commission, the assets so possessed.

(f) In any proceeding in a court of the United States, whether under this section or otherwise, in which a receiver or trustee is appointed for any registered holding company, or any subsidiary company thereof, the court may constitute and appoint the Commission as sole trustee or receiver, subject to the directions and orders of the court, whether or not a trustee or receiver shall theretofore have been appointed, and in any such proceeding the court shall not appoint any person other than the Commission as trustee or receiver without notifying the Commission and giving it an opportunity to be heard before making any such appointment. In no proceeding under this section or otherwise shall the Commission be appointed as trustee or receiver without its express consent. In any such proceeding a reorganization plan for a registered holding company or any subsidiary company thereof shall not become effective unless such plan shall have been approved by the Commission after opportunity for hearing prior to its submission to the court. Notwithstanding any other provision of law, any such reorganization plan may be proposed in the first instance by the Commission or, subject to such rules and regulations as the Commission may deem necessary or appropriate in the public interest or for the protection of investors, by any person having a bona fide interest (as defined by the rules and regulations of the Commission) in the reorganization. The Commission may, by such rules and regulations or order as it may deem necessary or appropriate in the public interest or for the protection of investors or consumers, require that any or all fees, expenses, and remuneration, to whomsoever paid, in connection

with any reorganization, dissolution, liquidation, bankruptcy, or receivership of a registered holding company or subsidiary company thereof, in any such proceeding, shall be subject to approval by the Commission.

(g) It shall be unlawful for any person to solicit or permit the use of his or its name to solicit, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, any proxy, consent, authorization, power of attorney, deposit, or dissent in respect of any reorganization plan of a registered holding company or any subsidiary company thereof under this section, or otherwise, or in respect of any plan under this section for the divestment of control, securities, or other assets, or for the dissolution of any registered holding company or any subsidiary company thereof, unless—

Solicitations respecting reorganization plans.

(1) the plan has been proposed by the Commission, or the plan and such information regarding it and its sponsors as the Commission may deem necessary or appropriate in the public interest or for the protection of investors or consumers has been submitted to the Commission by a person having a bona fide interest (as defined by the rules and regulations of the Commission) in such reorganization;

(2) each such solicitation is accompanied or preceded by a copy of a report on the plan which shall be made by the Commission after an opportunity for a hearing on the plan and other plans submitted to it, or by an abstract of such report made or approved by the Commission; and

(3) each such solicitation is made not in contravention of such rules and regulations or orders as the Commission may deem necessary or appropriate in the public interest or for the protection of investors or consumers.

Nothing in this subsection or the rules and regulations thereunder shall prevent any person from appearing before the Commission or any court through an attorney or proxy.

**INTERCOMPANY LOANS; DIVIDENDS; SECURITY TRANSACTIONS; SALE OF UTILITY ASSETS; PROXIES; OTHER TRANSACTIONS**

Transactions prohibited to registered holding companies.

SEC. 12. (a) It shall be unlawful for any registered holding company, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, directly or indirectly, to borrow, or to receive any extension of credit or indemnity, from any public-utility company in the same holding-company system or from any subsidiary company of such holding company, but it shall not be unlawful under this subsection to renew, or extend the time of, any loan, credit, or indemnity outstanding on the date of the enactment of this title.

Intercompany borrowing.

Renewals.

(b) It shall be unlawful for any registered holding company or subsidiary company thereof, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, directly or indirectly, to lend or in any manner extend its credit to or indemnify any company in the same holding-company system in contravention of such rules and regulations or orders as the Commission deems necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of this title or the rules, regulations, or orders thereunder.

Intercompany loans.

(c) It shall be unlawful for any registered holding company or any subsidiary company thereof, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, to declare or pay any dividend on any security of such company or to acquire, retire, or redeem any security of such company, in contravention of

Dividend payments.

such rules and regulations or orders as the Commission deems necessary or appropriate to protect the financial integrity of companies in holding-company systems, to safeguard the working capital of public-utility companies, to prevent the payment of dividends out of capital or unearned surplus, or to prevent the circumvention of the provisions of this title or the rules, regulations, or orders thereunder.

Intercompany security transactions.

(d) It shall be unlawful for any registered holding company, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, to sell any security which it owns of any public-utility company, or any utility assets, in contravention of such rules and regulations or orders regarding the consideration to be received for such sale, maintenance of competitive conditions, fees and commissions, accounts, disclosure of interest, and similar matters as the Commission deems necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of this title or the rules, regulations, or orders thereunder.

Solicitation of proxies.

(e) It shall be unlawful for any person to solicit or to permit the use of his or its name to solicit, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, any proxy, power of attorney, consent, or authorization regarding any security of a registered holding company or a subsidiary company thereof in contravention of such rules and regulations or orders as the Commission deems necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of this title or the rules, regulations, or orders thereunder.

Intercompany transactions not otherwise unlawful; rule-making power of Commission.

(f) It shall be unlawful for any registered holding company or subsidiary company thereof, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, to negotiate, enter into, or take any step in the performance of any transaction not otherwise unlawful under this title, with any company in the same holding-company system or with any affiliate of a company in such holding-company system in contravention of such rules and regulations or orders regarding reports, accounts, costs, maintenance of competitive conditions, disclosure of interest, duration of contracts, and similar matters as the Commission deems necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of this title or the rules and regulations thereunder.

Transactions of affiliates with parent company.

(g) It shall be unlawful for any affiliate of any public-utility company, by use of the mails or any means or instrumentality of interstate commerce, or for any affiliate of any public-utility company engaged in interstate commerce, or of any registered holding company or any subsidiary company thereof, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, to negotiate, enter into, or take any step in the performance of any transaction not otherwise unlawful under this title, with any such company of which it is an affiliate, in contravention of such rules and regulations or orders regarding reports, accounts, costs, maintenance of competitive conditions, disclosure of interest, duration of contracts, and similar matters as the Commission deems necessary or appropriate to prevent the circumvention of the provisions of this title.

Contributions to candidates for public office.

(h) It shall be unlawful for any registered holding company, or any subsidiary company thereof, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, directly or indirectly—



(1) to make any contribution whatsoever in connection with the candidacy, nomination, election or appointment of any person for or to any office or position in the Government of the United States, a State, or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing; or

(2) to make any contribution to or in support of any political party or any committee or agency thereof.

The term "contribution" as used in this subsection includes any gift, subscription, loan, advance, or deposit of money or anything of value, and includes any contract, agreement, or promise, whether or not legally enforceable, to make a contribution.

(i) It shall be unlawful for any person employed or retained by any registered holding company, or any subsidiary company thereof, to present, advocate, or oppose any matter affecting any registered holding company or any subsidiary company thereof, before the Congress or any Member or committee thereof, or before the Commission or Federal Power Commission, or any member, officer, or employee of either such Commission, unless such person shall file with the Commission in such form and detail and at such time as the Commission shall by rules and regulations or order prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers, a statement of the subject matter in respect of which such person is retained or employed, the nature and character of such retainer or employment, and the amount of compensation received or to be received by such person, directly or indirectly, in connection therewith. It shall be the duty of every such person so employed or retained to file with the Commission within ten days after the close of each calendar month during such retainer or employment, in such form and detail as the Commission shall by rules and regulations or order prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers, a statement of the expenses incurred and the compensation received by such person during such month in connection with such retainer or employment.

"Contribution" construed.

Persons retained to represent holding companies before the Congress, etc.

Statements to be filed.

Expenses incurred.

SERVICE, SALES, AND CONSTRUCTION CONTRACTS

Service, sales, and construction contracts.

SEC. 13. (a) After April 1, 1936, it shall be unlawful for any registered holding company, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, to enter into or take any step in the performance of any service, sales, or construction contract by which such company undertakes to perform services or construction work for, or sell goods to, any associate company thereof which is a public-utility or mutual service company. This provision shall not apply to such transactions, involving special or unusual circumstances or not in the ordinary course of business, as the Commission by rules and regulations or order may conditionally or unconditionally exempt as being necessary or appropriate in the public interest or for the protection of investors or consumers.

Prohibition respecting holding companies.

Exemptions.

(b) After April 1, 1936, it shall be unlawful for any subsidiary company of any registered holding company or for any mutual service company, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, to enter into or take any step in the performance of any service, sales, or construction contract by which such company undertakes to perform services or construction work for, or sell goods to, any associate company thereof except in accordance with such terms and conditions and subject to such limitations and prohibitions as the Commission by rules and regulations

Prohibition respecting subsidiary companies.

## Exemptions.

or order shall prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers and to insure that such contracts are performed economically and efficiently for the benefit of such associate companies at cost, fairly and equitably allocated among such companies. This provision shall not apply to such transactions as the Commission by rules and regulations or order may conditionally or unconditionally exempt as being necessary or appropriate in the public interest or for the protection of investors or consumers, if such transactions (1) are with any associate company which does not derive, directly or indirectly, any material part of its income from sources within the United States and which is not a public-utility company operating within the United States, or (2) involve special or unusual circumstances or are not in the ordinary course of business.

## Administrative authority of Commission.

(c) The rules and regulations and orders of the Commission under this section may prescribe, among other things, such terms and conditions regarding the determination of costs and the allocation thereof among specified classes of companies and for specified classes of service, sales, and construction contracts, the duration of such contracts, the making and keeping of accounts and cost-accounting procedures, the filing of annual and other periodic and special reports, the maintenance of competitive conditions, the disclosure of interests, and similar matters, as the Commission deems necessary or appropriate in the public interest or for the protection of investors or consumers.

## Mutual service companies; rules, etc., respecting.

(d) The rules and regulations and orders of the Commission under this section shall prescribe, among other things, such terms and conditions regarding the manner in which application may be made for approval as a mutual service company and the granting and continuance of such approval, the nature and enforcement of agreements for the sharing of expenses and distributing of revenues among member companies, and matters relating to such agreements, the nature and types of businesses and transactions in which mutual service companies may engage, and the manner of engaging therein, and the relations and transactions with member companies and affiliates, as the Commission deems necessary or appropriate in the public interest or for the protection of investors or consumers. The Commission shall not approve, or continue the approval of, any company as a mutual service company unless the Commission finds such company is so organized as to ownership, costs, revenues, and the sharing thereof as reasonably to insure the efficient and economical performance of service, sales, or construction contracts by such company for member companies, at cost fairly and equitably allocated among such member companies, at a reasonable saving to member companies over the cost to such companies of comparable contracts performed by independent persons. The Commission, upon its own motion or at the request of a member company or a State commission, may, after notice and opportunity for hearing, by order require a reallocation or reapportionment of costs among member companies of a mutual service company if it finds the existing allocation inequitable and may require the elimination of a service or services to a member company which does not bear its fair proportion of costs or which, by reason of its size or other circumstances, does not require such service or services. The Commission, after notice and opportunity for hearing, by order shall revoke, suspend, or modify the approval given any mutual service company if it finds that such company has persistently violated any provision of this section or any rule, regulation, or order thereunder.

## Applications for approval.

## Agreements of.

## Transactions of.

## Approval of applications by Commission.

Order requiring reallocation or reapportionment of costs among member companies.  
Notice and hearing.

## Revocation of approval; notice and hearing.

(e) It shall be unlawful for any affiliate of any public-utility company engaged in interstate commerce, or of any registered holding company or subsidiary company thereof, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, to enter into or take any step in the performance of any service, sales, or construction contract, by which such affiliate undertakes to perform services or construction work for, or sell goods to, any such company of which it is an affiliate, in contravention of such rules and regulations or orders regarding reports, accounts, costs, maintenance of competitive conditions, disclosure of interest, duration of contracts, and similar matters, as the Commission deems necessary or appropriate to prevent the circumvention of the provisions of this title or the rules, regulations, or orders thereunder.

Performance by affiliate of service in contravention of rules, etc., of Commission.

(f) It shall be unlawful for any person whose principal business is the performance of service, sales, or construction contracts for public-utility or holding companies, by use of the mails or any means or instrumentality of interstate commerce, to enter into or take any step in the performance of any service, sales, or construction contract with any public-utility company, or for any such person, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, to enter into or take any step in the performance of any service, sales, or construction contract with any public-utility company engaged in interstate commerce, or with any registered holding company or any subsidiary company of a registered holding company, in contravention of such rules and regulations or orders regarding reports, accounts, costs, maintenance of competitive conditions, disclosure of interest, duration of contracts, and similar matters as the Commission deems necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of this title or the rules, regulations, or orders thereunder.

Performance by persons of service in contravention of rules, etc., of Commission.

(g) The Commission, in order to obtain information to serve as a basis for recommending further legislation, shall from time to time conduct investigations regarding the making, performance, and costs of service, sales, and construction contracts with holding companies and subsidiary companies thereof and with public-utility companies, the economies resulting therefrom, and the desirability thereof. The Commission shall report to Congress, from time to time, the results of such investigations, together with such recommendations for legislation as it deems advisable. On the basis of such investigations the Commission shall classify the different types of such contracts and the work done thereunder, and shall make recommendations from time to time regarding the standards and scope of such contracts in relation to public-utility companies of different kinds and sizes and the costs incurred thereunder and economies resulting therefrom. Such recommendations shall be made available to State commissions, public-utility companies, and to the public in such form and at such reasonable charge as the Commission may prescribe.

Investigations regarding service, sales, and construction contracts.

Reports to Congress.

Classification of contracts.

Recommendations.

#### PERIODIC AND OTHER REPORTS

SEC. 14. Every registered holding company and every mutual service company shall file with the Commission such annual, quarterly, and other periodic and special reports, the answers to such specific questions and the minutes of such directors', stockholders', and other meetings, as the Commission may by rules and regulations or order prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers. Such reports, if

Periodic and other reports.

Requirement; rules and regulations.

Certification.

Contents.

required by the rules and regulations of the Commission, shall be certified by an independent public accountant, and shall be made and filed at such time and in such form and detail as the Commission shall prescribe. The Commission may require that there be included in reports filed with it such information and documents as it finds necessary or appropriate to keep reasonably current the information filed under section 5 or 13, and such further information concerning the financial condition, security structure, security holdings, assets, and cost thereof, wherever determinable, and affiliations of the reporting company and the associate companies, member companies, and affiliates thereof as the Commission deems necessary or appropriate in the public interest or for the protection of investors or consumers.

Accounts and records.

## ACCOUNTS AND RECORDS

Requirement; holding companies.

SEC. 15. (a) Every registered holding company and every subsidiary company thereof shall make, keep, and preserve for such periods, such accounts, cost-accounting procedures, correspondence, memoranda, papers, books, and other records as the Commission deems necessary or appropriate in the public interest or for the protection of investors or consumers or for the enforcement of the provisions of this title or the rules, regulations, or orders thereunder.

Affiliates.

(b) Every affiliate of a registered holding company or of any subsidiary company thereof, or of any public-utility company engaged in interstate commerce or not so engaged, shall make, keep, and preserve for such periods, such accounts, cost-accounting procedures, correspondence, memoranda, papers, books, and other records relating to any transaction of such affiliate which is subject to any provision of this title or any rule, regulation, or order thereunder, as the Commission deems necessary or appropriate in the public interest or for the protection of investors or consumers or for the enforcement of the provisions of this title or the rules, regulations, or orders thereunder.

Mutual service companies and affiliates.

(c) Every mutual service company, and every affiliate of a mutual service company as to any transaction of such affiliate which is subject to any provision of this title or any rule, regulation, or order thereunder, shall make, keep, and preserve for such periods, such accounts, cost-accounting procedures, correspondence, memoranda, papers, books, and other records, as the Commission deems necessary or appropriate in the public interest or for the protection of investors or consumers or for the enforcement of the provisions of this title or the rules, regulations, or orders thereunder.

Persons performing service, sales, or construction contracts.

(d) Every person whose principal business is the performance of service, sales, or construction contracts for public-utility or holding companies shall make, keep, and preserve for such periods, such accounts, cost-accounting procedures, correspondence, memoranda, papers, books, and other records, relating to any transaction by such person which is subject to any provision of this title or any rule, regulation, or order thereunder, as the Commission deems necessary or appropriate in the public interest or for the protection of investors or consumers or for the enforcement of the provisions of this title or the rules and regulations thereunder.

Prescribed form of keeping records, etc., to be followed.

(e) After the Commission has prescribed the form and manner of making and keeping accounts, cost-accounting procedures, correspondence, memoranda, papers, books, and other records to be kept by any person hereunder, it shall be unlawful for any such person to keep any accounts, cost-accounting procedures, correspondence, memoranda, papers, books, or other records other than those pre-

scribed or such as may be approved by the Commission, or to keep his or its accounts, cost-accounting procedures, correspondence, memoranda, papers, books, or other records in any manner other than that prescribed or approved by the Commission.

(f) All accounts, cost-accounting procedures, correspondence, memoranda, papers, books, and other records kept or required to be kept by persons subject to any provision of this section shall be subject at any time and from time to time to such reasonable periodic, special, and other examinations by the Commission, or any member or representative thereof, as the Commission may prescribe. The Commission, after notice and opportunity for hearing, may prescribe the account or accounts in which particular outlays, receipts, and other transactions shall be entered, charged, or credited and the manner in which such entry, charge, or credit shall be made, and may require an entry to be modified or supplemented so as properly to show the cost of any asset or any other cost.

Examination of accounts and records.

(g) It shall be the duty of every registered holding company and of every subsidiary company thereof and of every affiliate of a company insofar as such affiliate is subject to any provision of this title or any rule, regulation, or order thereunder, to submit the accounts, cost-accounting procedures, correspondence, memoranda, papers, books, and other records of such holding company, subsidiary company, or affiliate, as the case may be, to such examinations, in person or by duly appointed attorney, by the holder of any security of such holding company, subsidiary company, or affiliate, as the case may be, as the Commission deems necessary or appropriate in the public interest or for the protection of investors or consumers.

Submission of accounts and records to examination; holding and subsidiary companies and affiliates.

(h) It shall be the duty of every mutual service company, and of every affiliate of a mutual service company, and of every person whose principal business is the performance of service, sales, or construction contracts for public-utility or holding companies, insofar as such affiliate or such person is subject to any provision of this title or any rule, regulation, or order thereunder, to submit the accounts, cost-accounting procedures, correspondence, memoranda, papers, books, and other records of such mutual service company, affiliate, or person to such examinations, in person or by duly appointed attorney, by member companies of such mutual service company and by public-utility or holding companies for which such person performs service, sales, or construction contracts as the Commission deems necessary or appropriate in the public interest or for the protection of investors or consumers.

Mutual service companies.  
Persons performing service, sales, or construction contracts.

(i) The Commission, by such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors or consumers may prescribe for persons subject to the provisions of subsection (a), (b), (c), or (d) of this section uniform methods for keeping accounts required under any provision of this section, including, among other things, the manner in which the cost of all assets, whenever determinable, shall be shown, the methods of classifying and segregating accounts, and the manner in which cost-accounting procedures shall be maintained.

Uniform methods of keeping accounts.

#### LIABILITY FOR MISLEADING STATEMENTS

Misleading statements.

SEC. 16. (a) Any person who shall make or cause to be made any statement in any application, report, registration statement, or document filed pursuant to any provision of this title, or any rule, regulation, or order thereunder, which statement was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact shall be liable in the

Liability for.

same manner, to the same extent, and subject to the same limitations as provided in section 18 of the Securities Exchange Act of 1934 with respect to an application, report, or document filed pursuant to the Securities Exchange Act of 1934.

Vol. 48, p. 897.

Rights and remedies. (b) The rights and remedies provided by this title, except as provided in section 17 (b), shall be in addition to any and all other

Vol. 48, pp. 74, 881;  
U. S. C., p. 525.

rights and remedies that may exist under the Securities Act of 1933, as amended, or the Securities Exchange Act of 1934, or otherwise at law or in equity; but no person permitted to maintain a suit for damages under the provisions of this title shall recover, through satisfaction of judgment in one or more actions, a total amount in excess of his actual damages on account of the act complained of.

Amount of recovery.

Officers, directors,  
and other affiliates.

#### OFFICERS, DIRECTORS, AND OTHER AFFILIATES

Statements to be  
filed.

SEC. 17. (a) Every person who is an officer or director of a registered holding company shall file with the Commission in such form as the Commission shall prescribe (1) at the time of the registration of such holding company, or within ten days after such person becomes an officer or director, a statement of the securities of such registered holding company or any subsidiary company thereof of which he is, directly or indirectly, the beneficial owner, and (2) within ten days after the close of each calendar month thereafter, if there has been any change in such ownership during such month, a statement of such ownership as of the close of such calendar month and of the changes in such ownership that have occurred during such calendar month.

Security transactions  
by; profits.

(b) For the purpose of preventing the unfair use of information which may have been obtained by any such officer or director by reason of his relationship to such registered holding company or any subsidiary company thereof, any profit realized by any such officer or director from any purchase and sale, or any sale and purchase, of any security of such registered holding company or any subsidiary company thereof within any period of less than six months, unless such security was acquired in good faith in connection with a debt previously contracted, shall inure to and be recoverable by the holding company or subsidiary company in respect of the security of which such profit was realized, irrespective of any intention on the part of such officer or director in entering into such transaction to hold the security purchased or not to repurchase the security sold

Suit to recover prof-  
its.

for a period of more than six months. Suit to recover such profit may be instituted at law or in equity in any court of competent jurisdiction by the company entitled thereto or by the owner of any security of such company in the name and in the behalf of such company if such company shall fail or refuse to bring such suit within sixty days after request or shall fail diligently to prosecute the same thereafter; but no such suit shall be brought more than two

Exempt transactions.

years after the date such profit was realized. This subsection shall not cover any transaction where such person was not an officer or director at the times of the purchase and sale, or the sale and purchase, of the security involved, or any transaction or transactions which the Commission by rules and regulations may, as necessary or appropriate in the public interest or for the protection of investors or consumers, exempt as not comprehended within the purpose of this subsection. Nothing in this subsection shall be construed to give a remedy in the case of any transaction in respect of which a remedy is given under subsection (b) of section 16 of the Securities Exchange Act of 1934,

Vol. 48, p. 896.

(c) After one year from the date of the enactment of this title, no registered holding company or any subsidiary company thereof shall have, as an officer or director thereof, any executive officer, director, partner, appointee, or representative of any bank, trust company, investment banker, or banking association or firm, or any executive officer, director, partner, appointee, or representative of any corporation a majority of whose stock, having the unrestricted right to vote for the election of directors, is owned by any bank, trust company, investment banker, or banking association or firm, except in such cases as rules and regulations prescribed by the Commission may permit as not adversely affecting the public interest or the interest of investors or consumers.

Interlocking directorates; prohibition on.

INVESTIGATIONS; INJUNCTIONS, ENFORCEMENT OF TITLE, AND PROSECUTION OF OFFENSES

Administrative provisions.

SEC. 18. (a) The Commission, in its discretion, may investigate any facts, conditions, practices, or matters which it may deem necessary or appropriate to determine whether any person has violated or is about to violate any provision of this title or any rule or regulation thereunder, or to aid in the enforcement of the provisions of this title, in the prescribing of rules and regulations thereunder, or in obtaining information to serve as a basis for recommending further legislation concerning the matters to which this title relates. The Commission may require or permit any person to file with it a statement in writing, under oath or otherwise as it shall determine, as to any or all facts and circumstances concerning a matter which may be the subject of investigation. The Commission, in its discretion, may publish, or make available to State commissions, information concerning any such subject.

Investigations by Commission.

(b) The Commission upon its own motion or at the request of a State commission may investigate, or obtain any information regarding the business, financial condition, or practices of any registered holding company or subsidiary company thereof or facts, conditions, practices, or matters affecting the relations between any such company and any other company or companies in the same holding-company system.

(c) For the purpose of any investigation or any other proceeding under this title, any member of the Commission, or any officer thereof designated by it, is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which the Commission deems relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in any State or in any Territory or other place subject to the jurisdiction of the United States at any designated place of hearing.

Authority of Commission.

(d) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. And such court may issue an order requiring such person to appear before the Commission or member or officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a

Refusal of witness to obey subpoena.

Service of process.

contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. Any person who, without just cause, shall fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records, if in his or its power so to do, in obedience to the subpoena of the Commission, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or both.

Privilege of witnesses.

(e) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, contracts, agreements, or other records and 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 subject to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Injunctions; restraining orders.

(f) 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, regulation, or order thereunder, it may in its discretion bring an action in the proper district court of the United States, the Supreme Court of the District of Columbia, or the United States courts of any Territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices and to enforce compliance with this title or any rule, regulation, or order thereunder, and upon a proper showing a permanent or temporary injunction or decree 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, in his discretion, may institute the appropriate criminal proceedings under this title.

Writs of mandamus.

(g) Upon application of the Commission, the district courts of the United States, the Supreme Court of the District of Columbia, and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this title or any rule, regulation, or order of the Commission thereunder.

Hearings.

#### HEARINGS BY COMMISSION

Power of Commission to hold.

SEC. 19. Hearings may be public and may be held before the Commission, any member or members thereof, or any officer or officers of the Commission designated by it, and appropriate records thereof shall be kept. In any proceeding before the Commission, the Commission, in accordance with such rules and regulations as it may prescribe, shall admit as a party any interested State, State commission, State securities commission, municipality, or other political subdivision of a State, and may admit as a party any representative of interested consumers or security holders, or any other person whose participation in the proceedings may be in the public interest or for the protection of investors or consumers.

Right of interested party.



## RULES, REGULATIONS, AND ORDERS

SEC. 20. (a) The Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as it may deem necessary or appropriate to carry out the provisions of this title, including rules and regulations defining accounting, technical, 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 information required in any statement, declaration, application, report, or other document filed with the Commission shall be set forth, the items or details to be shown in balance sheets, profit and loss statements, and surplus accounts, the manner in which the cost of all assets, whenever determinable, shall be shown in regard to such statements, declarations, applications, reports, and other documents filed with the Commission, or accounts required to be kept by the rules, regulations, or orders of the Commission, and the methods to be followed in the keeping of accounts and cost-accounting procedures and the preparation of reports, in the segregation and allocation of costs, in the determination of 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 keeping or preparation, where the Commission deems it necessary or appropriate, of separate or consolidated balance sheets or profit and loss statements for any companies in the same holding-company system.

(b) In the case of the accounts of any company whose methods of accounting are prescribed under the provisions of any law of the United States or of any State, the rules and regulations or orders of the Commission in respect of accounts shall not be inconsistent with the requirements imposed by such law or any rule or regulation thereunder; nor shall anything in this title relieve any public-utility company from the duty to keep the accounts, books, records, or memoranda which may be required to be kept by the law of any State in which it operates or by the State commission of any such State. But this provision shall not prevent the Commission from imposing such additional requirements regarding reports or accounts as it may deem necessary or appropriate in the public interest or for the protection of investors or consumers.

(c) The rules and regulations of the Commission shall be effective upon publication in the manner which the Commission shall prescribe. For the purpose of its rules, regulations, or orders the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters. Orders of the Commission under this title shall be issued only after opportunity for hearing.

(d) The Commission, by such rules and regulations or order as it deems necessary or appropriate in the public interest or for the protection of investors or consumers, may authorize the filing of any information or documents required to be filed with the Commission under this title, or under the Securities Act of 1933, as amended, or under the Securities Exchange Act of 1934, by incorporating by reference any information or documents theretofore or concurrently filed with the Commission under this title or either of such Acts. No provision of this title imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or order of the Commission, notwithstanding that such rule, regulation, or order may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

Rules, regulations, and orders.

Authority of Commission to make and issue.

Forms to be prescribed.

Conflicts in accounting systems.

Effective date of rules, regulations, and orders.

Hearing.

Vol. 48, pp. 74, 881.

Effect on existing law.

EFFECT ON EXISTING LAW

Vol. 48, pp. 74, 881.

SEC. 21. Nothing in this title shall affect (1) the jurisdiction of the Commission under the Securities Act of 1933, as amended, or the Securities Exchange Act of 1934 over any person, security, or contract, or (2) the rights, obligations, duties, or liabilities of any person under such Acts; nor shall anything in this title affect the jurisdiction of any other commission, board, agency, or officer of the United States or of any State or political subdivision of any State, over any person, security, or contract, insofar as such jurisdiction does not conflict with any provision of this title or any rule, regulation, or order thereunder.

Information filed with the Commission.

INFORMATION FILED WITH THE COMMISSION

Availability to public.

SEC. 22. (a) When in the judgment of the Commission the disclosure of such information would be in the public interest or the interest of investors or consumers, the information contained in any statement, application, declaration, report, or other document filed with the Commission shall be available to the public, and copies thereof may be furnished to any person at such reasonable charge and under such reasonable limitations as the Commission may prescribe: *Provided, however,* That nothing in this title shall be construed to require, or to authorize the Commission to require, the revealing of trade secrets or processes in any application, declaration, report, or document filed with the Commission under this title.

*Proviso.*  
Trade secrets.

Objections to disclosure; filing.

(b) Any person filing such application, declaration, report, or document may make written objection to the public disclosure of information contained therein, stating the grounds for such objection, and the Commission is authorized to hear objections in any such case where it finds it advisable.

Unauthorized disclosures prohibited.

(c) It shall be unlawful for any member, officer, or employee of the Commission to disclose to any person other than a member, officer, or employee of the Commission, or to use for personal benefit, any information contained in any application, declaration, report, or document filed with the Commission which is not made available to the public pursuant to this section.

Annual reports of Commission.

ANNUAL REPORTS OF COMMISSION

Submission to Congress.

SEC. 23. The Commission shall submit annually a report to the Congress covering the work of the Commission for the preceding year and including such information, data, and recommendations for further legislation in connection with the matters covered by this title as it may find advisable.

Review of orders.

COURT REVIEW OF ORDERS

Filing petition with court.

SEC. 24. (a) Any person or party aggrieved by an order issued by the Commission under this title 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 United States Court of Appeals for 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 set aside in whole or in part. A copy of such petition shall be forthwith served upon any member of the Commission, or upon any officer thereof designated by the Commission for that purpose, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court

Service of copy.

Certification and filing transcript of record.

shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission or unless there were reasonable grounds for failure so to do. The findings of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If application is made to the court for leave to adduce additional evidence, and it is shown 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 proceeding 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 with the court such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court affirming, modifying, or setting aside, in whole or in part, any such 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.

#### JURISDICTION OF OFFENSES AND SUITS

SEC. 25. The District Courts of the United States, the Supreme Court of the District of Columbia, and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction of violations of this title or the rules, regulations, or orders thereunder, and, concurrently with State and Territorial courts, of all suits in equity and actions at law brought to enforce any liability or duty created by, or to enjoin any violation of, this title or the rules, regulations, or orders thereunder. Any criminal proceeding may be brought in the district wherein any act or transaction constituting the violation occurred. Any suit or action to enforce any liability or duty created by, or to enjoin any violation of, this title or rules, regulations, or orders thereunder, may be brought in any such district or in the district wherein the defendant is an inhabitant or transacts business, and process in such cases may be served in any district of which the defendant is an inhabitant or transacts business 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), and section 7, as amended, of the Act entitled "An Act to establish a court of appeals for the District of Columbia", approved February 9, 1893 (D. C. Code, title 18, sec. 26). No costs shall be assessed for or against the Commission in any proceeding under this title brought by or against the Commission in any court.

#### VALIDITY OF CONTRACTS

SEC. 26. (a) Any condition, stipulation, or provision binding any person to waive compliance with any provision of this title or with any rule, regulation, or order thereunder shall be void.

Consideration of objections.

Findings of fact.

Additional evidence.

Modification of findings of fact.

Finality of judgment or decree.

U. S. C., p. 1271.

Commencement of proceedings not to act as stay.

Offenses and suits.

Jurisdiction of courts.

Criminal proceedings.

Suits to enforce liability or to enjoin violations.

Service of process.

Review of judgments or decrees.

U. S. C., pp. 1259, 1272.  
Vol. 27, p. 434.

Costs.

Validity of contracts.

Waiver of compliance with provisions, etc., of Act.

Violating provisions of act, etc.

(b) Every contract made in violation of any provision of this title or of any rule, regulation, or order thereunder, and every contract heretofore or hereafter made, the performance of which involves the violation of, or the continuance of any relationship or practice in violation of, any provision of this title, or any rule, regulation, or order thereunder, shall be void (1) as regards the rights of any person who, in violation of any such provision, rule, regulation, or order, shall have made or engaged in the performance of any such contract, and (2) as regards the rights of any person who, not being a party to such contract, shall have acquired any right thereunder with actual knowledge of the facts by reason of which the making or performance of such contract was in violation of any such provision, rule, regulation, or order.

Limitation on application of title.

(c) Nothing in this title shall be construed (1) to affect the validity of any loan or extension of credit (or any extension or renewal thereof) made or of any lien created prior or subsequent to the enactment of this title, unless at the time of the making of such loan or extension of credit (or extension or renewal thereof) or the creating of such lien, the person making such loan or extension of credit (or extension or renewal thereof) or acquiring such lien shall have actual knowledge of facts by reason of which the making of such loan or extension of credit (or extension or renewal thereof) or the acquisition of such lien is a violation of the provisions of this title or any rule or regulation thereunder, or (2) to afford a defense to the collection of any debt or obligation or the enforcement of any lien by any person who shall have acquired such debt, obligation, or lien in good faith for value and without actual knowledge of the violation of any provision of this title or any rule or regulation thereunder affecting the legality of such debt, obligation, or lien.

#### LIABILITY OF CONTROLLING PERSONS; PREVENTING COMPLIANCE WITH TITLE

Liability of controlling persons.

SEC. 27. (a) It shall be unlawful for any person, directly or indirectly, to cause to be done any act or thing through or by means of any other person which it would be unlawful for such person to do under the provisions of this title or any rule, regulation, or order thereunder.

Liability for preventing compliance with provisions hereof.

(b) It shall be unlawful for any person without just cause to hinder, delay, or obstruct the making, filing, or keeping of any information, document, report, record, or account required to be made, filed, or kept under any provision of this title or any rule, regulation, or order thereunder.

Unlawful representations.

#### UNLAWFUL REPRESENTATIONS

Liability for.

SEC. 28. It shall be unlawful for any person in issuing, selling, or offering for sale any security of a registered holding company or subsidiary company thereof, to represent or imply in any manner whatsoever that such security has been guaranteed, sponsored, or recommended for investment by the United States or any agency or officer thereof.

Penalties.

#### PENALTIES

False statements.

SEC. 29. Any person who willfully violates any provision of this title or any rule, regulation, or order thereunder (other than an order of the Commission under subsection (b), (d), (e), or (f) of section 11), or any person who willfully makes any statement or entry in any application, report, document, account, or record filed or kept or required to be filed or kept under the provisions

of this title or any rule, regulation, or order thereunder, knowing such statement or entry to be false or misleading in any material respect, or any person who willfully destroys (except after such time as may be prescribed under any rules or regulations under this title), mutilates, alters, or by any means or device falsifies any account, correspondence, memorandum, book, paper, or other record kept or required to be kept under the provisions of this title or any rule, regulation, or order thereunder, shall upon conviction be fined not more than \$10,000 or imprisoned not more than two years, or both, except that in the case of a violation of a provision of subsection (a) or (b) of section 4 by a holding company which is not an individual, the fine imposed upon such holding company shall be a fine not exceeding \$200,000; but no person shall be convicted under this section for the violation of any rule, regulation, or order if he proves that he had no knowledge of such rule, regulation, or order.

Falsification of accounts, etc.

#### STUDY OF PUBLIC-UTILITY AND INVESTMENT COMPANIES

SEC. 30. The Commission is authorized and directed to make studies and investigations of public-utility companies, the territories served or which can be served by public-utility companies, and the manner in which the same are or can be served, to determine the sizes, types, and locations of public-utility companies which do or can operate most economically and efficiently in the public interest, in the interest of investors and consumers, and in furtherance of a wider and more economical use of gas and electric energy; upon the basis of such investigations and studies the Commission shall make public from time to time its recommendations as to the type and size of geographically and economically integrated public-utility systems which, having regard for the nature and character of the locality served, can best promote and harmonize the interests of the public, the investor, and the consumer. The Commission is authorized and directed to make a study of the functions and activities of investment trusts and investment companies, the corporate structures, and investment policies of such trusts and companies, the influence exerted by such trusts and companies upon companies in which they are interested, and the influence exerted by interests affiliated with the management of such trusts and companies upon their investment policies, and to report the results of its study and its recommendations to the Congress on or before January 4, 1937.

Public-utility and investment companies.

Studies and investigations.

Recommendations.

Investment trusts.

#### EMPLOYEES OF THE COMMISSION

SEC. 31. For the purposes of this title, the Commission may select, employ, and fix the compensation of such attorneys, examiners, and other experts as shall be necessary for the transaction of the business of the Commission in respect of this title without regard to the provisions of other laws applicable to the employment and compensation of officers or employees of the United States; and the Commission may, subject to the civil-service laws, appoint such other officers and employees as are necessary in the execution of the functions of the Commission and fix their salaries in accordance with the Classification Act of 1923, as amended.

Commission employees.

Appointment.

#### SEPARABILITY OF PROVISIONS

SEC. 32. If any provision of this title or the application of such provision to any person or circumstances shall be held invalid, the remainder of the title and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Separability of provisions.

Short title.

SHORT TITLE

SEC. 33. This title may be cited as the "Public Utility Holding Company Act of 1935".

Federal Power Act. **TITLE II—AMENDMENTS TO FEDERAL WATER POWER ACT**

Vol. 41, p. 1063; U. S. C., p. 694.

SECTION 201. Section 3 of the Federal Water Power Act, as amended, is amended to read as follows:

Definitions.

"SEC. 3. The words defined in this section shall have the following meanings for purposes of this Act, to wit:

"Public lands."

"(1) 'public lands' means such lands and interest in lands owned by the United States as are subject to private appropriation and disposal under public land laws. It shall not include 'reservations', as hereinafter defined;

"Reservations."

"(2) 'reservations' means national forests, tribal lands embraced within Indian reservations, military reservations, and other lands and interests in lands owned by the United States, and withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws; also lands and interests in lands acquired and held for any public purposes; but shall not include national monuments or national parks;

"Corporation."

"(3) 'corporation' means any corporation, joint-stock company, partnership, association, business trust, organized group of persons, whether incorporated or not, or a receiver or receivers, trustee or trustees of any of the foregoing. It shall not include 'municipalities' as hereinafter defined;

"Person."

"(4) 'person' means an individual or a corporation;

"Licensee."

"(5) 'licensee' means any person, State, or municipality licensed under the provisions of section 4 of this Act, and any assignee or successor in interest thereof;

"State."

"(6) 'State' means a State admitted to the Union, the District of Columbia, and any organized Territory of the United States;

"Municipality."

"(7) 'municipality' means a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power;

"Navigable waters."

"(8) 'navigable waters' means those parts of streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, and which either in their natural or improved condition notwithstanding interruptions between the navigable parts of such streams or waters by falls, shallows, or rapids compelling land carriage, are used or suitable for use for the transportation of persons or property in interstate or foreign commerce, including therein all such interrupting falls, shallows, or rapids, together with such other parts of streams as shall have been authorized by Congress for improvement by the United States or shall have been recommended to Congress for such improvement after investigation under its authority;

"Municipal purposes."

"(9) 'municipal purposes' means and includes all purposes within municipal powers as defined by the constitution or laws of the State or by the charter of the municipality;

"Government dam."

"(10) 'Government dam' means a dam or other work constructed or owned by the United States for Government purposes with or without contribution from others;

"Project."

"(11) 'project' means complete unit of improvement or development, consisting of a power house, all water conduits, all dams and appurtenant works and structures (including navigation structures)

which are a part of said unit, and all storage, diverting, or forebay reservoirs directly connected therewith, the primary line or lines transmitting power therefrom to the point of junction with the distribution system or with the interconnected primary transmission system, all miscellaneous structures used and useful in connection with said unit or any part thereof, and all water-rights, rights-of-way, ditches, dams, reservoirs, lands, or interest in lands the use and occupancy of which are necessary or appropriate in the maintenance and operation of such unit;

"(12) 'project works' means the physical structures of a project;

"Project works."

"(13) 'net investment' in a project means the actual legitimate original cost thereof as defined and interpreted in the 'classification of investment in road and equipment of steam roads, issue of 1914, Interstate Commerce Commission', plus similar costs of additions thereto and betterments thereof, minus the sum of the following items properly allocated thereto, if and to the extent that such items have been accumulated during the period of the license from earnings in excess of a fair return on such investment: (a) Unappropriated surplus, (b) aggregate credit balances of current depreciation accounts, and (c) aggregate appropriations of surplus or income held in amortization, sinking fund, or similar reserves, or expended for additions or betterments or used for the purposes for which such reserves were created. The term 'cost' shall include, insofar as applicable, the elements thereof prescribed in said classification, but shall not include expenditures from funds obtained through donations by States, municipalities, individuals, or others, and said classification of investment of the Interstate Commerce Commission shall insofar as applicable be published and promulgated as a part of the rules and regulations of the Commission;

"Net investment."

"(14) 'Commission' and 'Commissioner' means the Federal Power Commission, and a member thereof, respectively;

"Commission";  
"Commissioner."

"(15) 'State commission' means the regulatory body of the State or municipality having jurisdiction to regulate rates and charges for the sale of electric energy to consumers within the State or municipality;

"State commission."

"(16) 'security' means any note, stock, treasury stock, bond, debenture, or other evidence of interest in or indebtedness of a corporation subject to the provisions of this Act."

"Security."

SEC. 202. Section 4 of the Federal Water Power Act, as amended, is amended to read as follows:

Vol. 41, p. 1065; U. S. C., p. 695.

"SEC. 4. The Commission is hereby authorized and empowered—

Powers of Commission.  
Investigations.

"(a) To make investigations and to collect and record data concerning the utilization of the water resources of any region to be developed, the water-power industry and its relation to other industries and to interstate or foreign commerce, and concerning the location, capacity, development costs, and relation to markets of power sites, and whether the power from Government dams can be advantageously used by the United States for its public purposes, and what is a fair value of such power, to the extent the Commission may deem necessary or useful for the purposes of this Act.

"(b) To determine the actual legitimate original cost of and the net investment in a licensed project, and to aid the Commission in such determinations, each licensee shall, upon oath, within a reasonable period of time to be fixed by the Commission, after the construction of the original project or any addition thereto or betterment thereof, file with the Commission in such detail as the Commission may require, a statement in duplicate showing the actual legitimate original cost of construction of such project, addition, or betterment, and of the price paid for water rights, rights-of-way, lands, or

Information to be furnished by licensee.

Facilities to be available to Commission.

Statement of original cost of project and revisions; filing.

Cooperation with executive departments; information and assistance furnished Commission.

Publication of information.

Annual report to Congress.

Vol. 46, p. 798.

Issue of licenses for constructing, etc., power facilities.

Provisos. Construction within reservations.

Construction on navigable waters.

Government dams.

interest in lands. The licensee shall grant to the Commission or to its duly authorized agent or agents, at all reasonable times, free access to such project, addition, or betterment, and to all maps, profiles, contracts, reports of engineers, accounts, books, records, and all other papers and documents relating thereto. The statement of actual legitimate original cost of said project, and revisions thereof as determined by the Commission, shall be filed with the Secretary of the Treasury.

“(c) To cooperate with the executive departments and other agencies of State or National Governments in such investigations; and for such purpose the several departments and agencies of the National Government are authorized and directed upon the request of the Commission to furnish such records, papers, and information in their possession as may be requested by the Commission, and temporarily to detail to the Commission such officers or experts as may be necessary in such investigations.

“(d) To make public from time to time the information secured hereunder and to provide for the publication of its reports and investigations in such form and manner as may be best adapted for public information and use. The Commission, on or before the 3d day of January of each year, shall submit to Congress for the fiscal year preceding a classified report showing the permits and licenses issued under this Part, and in each case the parties thereto, the terms prescribed, and the moneys received if any, or account thereof. Such report shall contain the names and show the compensation of the persons employed by the Commission.

“(e) To issue licenses to citizens of the United States, or to any association of such citizens, or to any corporation organized under the laws of the United States or any State thereof, or to any State or municipality for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation and for the development, transmission, and utilization of power across, along, from, or in any of the streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam, except as herein provided: *Provided*, That licenses shall be issued within any reservation only after a finding by the Commission that the license will not interfere or be inconsistent with the purpose for which such reservation was created or acquired, and shall be subject to and contain such conditions as the Secretary of the department under whose supervision such reservation falls shall deem necessary for the adequate protection and utilization of such reservation: *Provided further*, That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of War. Whenever the contemplated improvement is, in the judgment of the Commission, desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, a finding to that effect shall be made by the Commission and shall become a part of the records of the Commission: *Provided further*, That in case the Commission shall find that any Government dam may be advantageously used by the United States for public purposes



in addition to navigation, no license therefor shall be issued until two years after it shall have reported to Congress the facts and conditions relating thereto, except that this provision shall not apply to any Government dam constructed prior to June 10, 1920: *And provided further*, That upon the filing of any application for a license which has not been preceded by a preliminary permit under subsection (f) of this section, notice shall be given and published as required by the proviso of said subsection.

Publication of application for license.

“(f) To issue preliminary permits for the purpose of enabling applicants for a license hereunder to secure the data and to perform the acts required by section 9 hereof: *Provided, however*, That upon the filing of any application for a preliminary permit by any person, association, or corporation the Commission, before granting such application, shall at once give notice of such application in writing to any State or municipality likely to be interested in or affected by such application; and shall also publish notice of such application once each week for four weeks in a daily or weekly newspaper published in the county or counties in which the project or any part thereof or the lands affected thereby are situated.

Issue of preliminary permits.

*Proviso.*  
Notice required.

Publication of application.

“(g) Upon its own motion to order an investigation of any occupancy of, or evidenced intention to occupy, for the purpose of developing electric power, public lands, reservations, or streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States by any person, corporation, State, or municipality and to issue such order as it may find appropriate, expedient, and in the public interest to conserve and utilize the navigation and water-power resources of the region.”

Investigation of occupancy of power sites on waters over which Congress has jurisdiction.

SEC. 203. Section 5 of the Federal Water Power Act, as amended, is amended to read as follows:

Vol. 41, p. 1067;  
U. S. C., p. 696.

“SEC. 5. Each preliminary permit issued under this Part shall be for the sole purpose of maintaining priority of application for a license under the terms of this Act for such period or periods, not exceeding a total of three years, as in the discretion of the Commission may be necessary for making examinations and surveys, for preparing maps, plans, specifications, and estimates, and for making financial arrangements. Each such permit shall set forth the conditions under which priority shall be maintained. Such permits shall not be transferable, and may be canceled by order of the Commission upon failure of permittees to comply with the conditions thereof or for other good cause shown after notice and opportunity for hearing.”

Preliminary permits; purpose of issue.

Nontransferability; cancellation.

SEC. 204. Section 6 of the Federal Water Power Act, as amended, is amended to read as follows:

Vol. 41, p. 1067;  
U. S. C., p. 696.

“SEC. 6. Licenses under this Part shall be issued for a period not exceeding fifty years. Each such license shall be conditioned upon acceptance by the licensee of all the terms and conditions of this Act and such further conditions, if any, as the Commission shall prescribe in conformity with this Act, which said terms and conditions and the acceptance thereof shall be expressed in said license. Licenses may be revoked only for the reasons and in the manner prescribed under the provisions of this Act, and may be altered or surrendered only upon mutual agreement between the licensee and the Commission after thirty days' public notice. Copies of all licenses issued under the provisions of this Part and calling for the payment of annual charges shall be deposited with the General Accounting Office, in compliance with section 3743, Revised Statutes, as amended (U. S. C., title 41, sec. 20).”

Licenses; duration.  
Conditions.

Revocation.  
Alteration or surrender.

Deposit of copies.  
R. S., sec. 3743, p. 738;  
U. S. C., p. 1806.

Vol. 28, p. 210.

Vol. 41, p. 1067;  
U. S. C., p. 696.

Preferences in issuing  
preliminary permits or  
licenses.

SEC. 205. Section 7 of the Federal Water Power Act, as amended, is amended to read as follows:

"SEC. 7. (a) In issuing preliminary permits hereunder or licenses where no preliminary permit has been issued and in issuing licenses to new licensees under section 15 hereof the Commission shall give preference to applications therefor by States and municipalities, provided the plans for the same are deemed by the Commission equally well adapted, or shall within a reasonable time to be fixed by the Commission be made equally well adapted, to conserve and utilize in the public interest the water resources of the region; and as between other applicants, the Commission may give preference to the applicant the plans of which it finds and determines are best adapted to develop, conserve, and utilize in the public interest the water resources of the region, if it be satisfied as to the ability of the applicant to carry out such plans.

Development of wa-  
ter resources by United  
States.

"(b) Whenever, in the judgment of the Commission, the development of any water resources for public purposes should be undertaken by the United States itself, the Commission shall not approve any application for any project affecting such development, but shall cause to be made such examinations, surveys, reports, plans, and estimates of the cost of the proposed development as it may find necessary, and shall submit its findings to Congress with such recommendations as it may find appropriate concerning such development."

Vol. 41, p. 1068;  
U. S. C., p. 697.

Licenses, conditions  
of.

SEC. 206. Section 10 of the Federal Water Power Act, as amended, is amended to read as follows:

"SEC. 10. All licenses issued under this Part shall be on the following conditions:

Adaptability of proj-  
ect to comprehensive  
plan.

"(a) That the project adopted, including the maps, plans, and specifications, shall be such as in the judgment of the Commission will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes; and if necessary in order to secure such plan the Commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval.

Modification of proj-  
ect.

Alteration of ap-  
proved project works;  
approval required.

"(b) That except when emergency shall require for the protection of navigation, life, health, or property, no substantial alteration or addition not in conformity with the approved plans shall be made to any dam or other project works constructed hereunder of an installed capacity in excess of one hundred horsepower without the prior approval of the Commission; and any emergency alteration or addition so made shall thereafter be subject to such modification and change as the Commission may direct.

Maintenance of proj-  
ect works.

"(c) That the licensee shall maintain the project works in a condition of repair adequate for the purposes of navigation and for the efficient operation of said works in the development and transmission of power, shall make all necessary renewals and replacements, shall establish and maintain adequate depreciation reserves for such purposes, shall so maintain and operate said works as not to impair navigation, and shall conform to such rules and regulations as the Commission may from time to time prescribe for the protection of life, health, and property. Each licensee hereunder shall be liable for all damages occasioned to the property of others by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto, constructed under the license, and in no event shall the United States be liable therefor.

Depreciation re-  
serves.

Liability of licensee  
for damages.

“(d) That after the first twenty years of operation, out of surplus earned thereafter, if any, accumulated in excess of a specified reasonable rate of return upon the net investment of a licensee in any project or projects under license, the licensee shall establish and maintain amortization reserves, which reserves shall, in the discretion of the Commission, be held until the termination of the license or be applied from time to time in reduction of the net investment. Such specified rate of return and the proportion of such surplus earnings to be paid into and held in such reserves shall be set forth in the license.

Maintenance of  
amortization reserves.

“(e) That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the Commission for the purpose of reimbursing the United States for the costs of the administration of this Part; for recompensing it for the use, occupancy, and enjoyment of its lands or other property; and for the expropriation to the Government of excessive profits until the respective States shall make provision for preventing excessive profits or for the expropriation thereof to themselves, or until the period of amortization as herein provided is reached, and in fixing such charges the Commission shall seek to avoid increasing the price to the consumers of power by such charges, and any such charges may be adjusted from time to time by the Commission as conditions may require: *Provided*, That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations the Commission shall, subject to the approval of the Secretary of the Interior in the case of such dams or structures in reclamation projects and, in the case of such tribal lands, subject to the approval of the Indian tribe having jurisdiction of such lands as provided in section 16 of the Act of June 18, 1934 (48 Stat. 984), fix a reasonable annual charge for the use thereof, and such charges may with like approval be readjusted by the Commission at the end of twenty years after the project is available for service and at periods of not less than ten years thereafter upon notice and opportunity for hearing: *Provided further*, That licenses for the development, transmission, or distribution of power by States or municipalities shall be issued and enjoyed without charge to the extent such power is sold to the public without profit or is used by such State or municipality for State or municipal purposes, except that as to projects constructed or to be constructed by States or municipalities primarily designed to provide or improve navigation, licenses therefor shall be issued without charge; and that licenses for the development, transmission, or distribution of power for domestic, mining, or other beneficial use in projects of not more than one hundred horsepower installed capacity may be issued without charge, except on tribal lands within Indian reservations; but in no case shall a license be issued free of charge for the development and utilization of power created by any Government dam and that the amount charged therefor in any license shall be such as determined by the Commission. In the event an overpayment of any charge due under this section shall be made by a licensee, the Commission is authorized to allow a credit for such overpayment when charges are due for any subsequent period.

Annual charges paid  
by licensee.

*Provided*.  
Licenses involving  
use of Government  
dams, etc.

Licenses for develop-  
ment, etc., of power by  
States, etc.

Credits for overpay-  
ments.

“(f) That whenever any licensee hereunder is directly benefited by the construction work of another licensee, a permittee, or of the United States of a storage reservoir or other headwater improvement, the Commission shall require as a condition of the license that the licensee so benefited shall reimburse the owner of such reservoir or other improvements for such part of the annual charges for interest, maintenance, and depreciation thereon as the Commission may deem

Reimbursement by  
licensee when benefi-  
ted by project of  
another licensee.

Costs of determining benefits.

equitable. The proportion of such charges to be paid by any licensee shall be determined by the Commission. The licensees or permittees affected shall pay to the United States the cost of making such determination as fixed by the Commission.

Assessment when benefited by improvement constructed by United States. Post, p. 845.

"Whenever such reservoir or other improvement is constructed by the United States the Commission shall assess similar charges against any licensee directly benefited thereby, and any amount so assessed shall be paid into the Treasury of the United States, to be reserved and appropriated as a part of the special fund for headwater improvements as provided in section 17 hereof.

Benefits to unlicensed power project.

"Whenever any power project not under license is benefited by the construction work of a licensee or permittee, the United States or any agency thereof, the Commission, after notice to the owner or owners of such unlicensed project, shall determine and fix a reasonable and equitable annual charge to be paid to the licensee or permittee on account of such benefits, or to the United States if it be the owner of such headwater improvement.

Other conditions.

"(g) Such other conditions not inconsistent with the provisions of this Act as the Commission may require.

Monopolistic combinations, etc., prohibited.

"(h) That combinations, agreements, arrangements, or understandings, express or implied, to limit the output of electrical energy, to restrain trade, or to fix, maintain, or increase prices for electrical energy or service are hereby prohibited.

Waiver of conditions, provisions, etc.

"(i) In issuing licenses for a minor part only of a complete project, or for a complete project of not more than one hundred horsepower installed capacity, the Commission may in its discretion waive such conditions, provisions, and requirements of this Part, except the license period of fifty years, as it may deem to be to the public interest to waive under the circumstances: *Provided*, That the provisions hereof shall not apply to annual charges for use of lands within Indian reservations."

Proviso. Lands within Indian reservations.

Vol. 41, p. 1071; U. S. C., p. 698.

SEC. 207. Section 14 of the Federal Water Power Act, as amended, is amended to read as follows:

Right of Government to take over and operate projects.

"SEC. 14. Upon not less than two years' notice in writing from the Commission the United States shall have the right upon or after the expiration of any license to take over and thereafter to maintain and operate any project or projects as defined in section 3 hereof, and covered in whole or in part by the license, or the right to take over upon mutual agreement with the licensee all property owned and held by the licensee then valuable and serviceable in the development, transmission, or distribution of power and which is then dependent for its usefulness upon the continuance of the license, together with any lock or locks or other aids to navigation constructed at the expense of the licensee, upon the condition that before taking possession it shall pay the net investment of the licensee in the project or projects taken, not to exceed the fair value of the property taken, plus such reasonable damages, if any, to property of the licensee valuable, serviceable, and dependent as above set forth but not taken, as may be caused by the severance therefrom of property taken, and shall assume all contracts entered into by the licensee with the approval of the Commission. The net investment of the licensee in the project or projects so taken and the amount of such severance damages, if any, shall be determined by the Commission after notice and opportunity for hearing. Such net investment shall not include or be affected by the value of any lands, rights-of-way, or other property of the United States licensed by the Commission under this Act, by the license or by good will, going value, or prospective revenues; nor shall the values allowed for water rights, rights-of-way, lands, or interest in lands be in excess of the actual reason-

Aide, p. 838.

Compensation.

Assumption of contracts.

Determination of amount of compensation.

able cost thereof at the time of acquisition by the licensee: *Provided*, That the right of the United States or any State or municipality to take over, maintain, and operate any project licensed under this Act at any time by condemnation proceedings upon payment of just compensation is hereby expressly reserved."

*Proviso.*  
Condemnation pro-  
ceedings.

SEC. 208. Section 17 of the Federal Water Power Act, as amended, is amended to read as follows:

Vol. 41, p. 1072;  
U. S. C., p. 699.

"SEC. 17. (a) All proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. All other charges arising from licenses hereunder, except charges fixed by the Commission for the purpose of reimbursing the United States for the costs of administration of this Part, shall be paid into the Treasury of the United States, subject to the following distribution: 12½ per centum thereof is hereby appropriated to be paid into the Treasury of the United States and credited to 'Miscellaneous receipts'; 50 per centum of the charges arising from licenses hereunder for the occupancy and use of public lands and national forests shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the Act of Congress known as the Reclamation Act, approved June 17, 1902; and 37½ per centum of the charges arising from licenses hereunder for the occupancy and use of national forests and public lands from development within the boundaries of any State shall be paid by the Secretary of the Treasury to such State; and 50 per centum of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States. The proceeds of charges made by the Commission for the purpose of reimbursing the United States for the costs of the administration of this Part shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

Charges arising from  
licenses; disposition.

"(b) In case of delinquency on the part of any licensee in the payment of annual charges a penalty of 5 per centum of the total amount so delinquent may be added to the total charges which shall apply for the first month or part of month so delinquent with an additional penalty of 3 per centum for each subsequent month until the total of the charges and penalties are paid or until the license is canceled and the charges and penalties satisfied in accordance with law."

Penalty charge for  
delinquent payment.

SEC. 209. Section 18 of the Federal Water Power Act, as amended, is amended to read as follows:

Vol. 41, p. 1073;  
U. S. C., p. 699.

"SEC. 18. The Commission shall require the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of War, and such fishways as may be prescribed by the Secretary of Commerce. The operation of any navigation facilities which may be constructed as a part of or in connection with any dam or diversion structure built under the provisions of this Act, whether at the expense of a licensee hereunder or of the United States, shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by such dam or diversion structure as may be made from time to time by the Secretary of War; and for willful failure to comply with any such rule or regulation such licensee shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 316 hereof."

Maintenance of  
lights and signals, fish-  
ways.

Navigation facilities.

Rules and regula-  
tions.

Penalty for violation.  
Post, p. 862.

Vol. 41, p. 1075;  
U. S. C., p. 700.

SEC. 210. Section 23 of the Federal Water Power Act, as amended, is amended to read as follows:

Preservation of rights  
vested prior hereto.

"SEC. 23. (a) The provisions of this Part shall not be construed as affecting any permit or valid existing right-of-way heretofore granted or as confirming or otherwise affecting any claim, or as affecting any authority heretofore given pursuant to law, but any person, association, corporation, State, or municipality holding or possessing such permit, right-of-way, or authority may apply for a license hereunder, and upon such application the Commission may issue to any such applicant a license in accordance with the provisions of this Part and in such case the provisions of this Act shall apply to such applicant as a licensee hereunder: *Provided*, That when application is made for a license under this section for a project or projects already constructed the fair value of said project or projects determined as provided in this section, shall for the purposes of this Part and of said license be deemed to be the amount to be allowed as the net investment of the applicant in such project or projects as of the date of such license, or as of the date of such determination, if license has not been issued. Such fair value shall be determined by the Commission after notice and opportunity for hearing.

Application for li-  
cense.

*Proviso.*  
Determination of fair  
value.

Unlawful construc-  
tion.

"(b) It shall be unlawful for any person, State, or municipality, for the purpose of developing electric power, to construct, operate, or maintain any dam, water conduit, reservoir, power house, or other works incidental thereto across, along, or in any of the navigable waters of the United States, or upon any part of the public lands or reservations of the United States (including the Territories), or utilize the surplus water or water power from any Government dam, except under and in accordance with the terms of a permit or valid existing right-of-way granted prior to June 10, 1920, or a license granted pursuant to this Act. Any person, association, corporation, State, or municipality intending to construct a dam or other project works across, along, over, or in any stream or part thereof, other than those defined herein as navigable waters, and over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States shall before such construction file declaration of such intention with the Commission, whereupon the Commission shall cause immediate investigation of such proposed construction to be made, and if upon investigation it shall find that the interests of interstate or foreign commerce would be affected by such proposed construction, such person, association, corporation, State, or municipality shall not construct, maintain, or operate such dam or other project works until it shall have applied for and shall have received a license under the provisions of this Act. If the Commission shall not so find, and if no public lands or reservations are affected, permission is hereby granted to construct such dam or other project works in such stream upon compliance with State laws."

Declaration of inten-  
tion to construct; fil-  
ing.

Investigation by  
Commission.

Approval required.

Vol. 41, p. 1075;  
U. S. C., p. 700.

SEC. 211. Section 24 of the Federal Water Power Act, as amended, is amended to read as follows:

Reservation of lands  
included in proposed  
projects.

"SEC. 24. Any lands of the United States included in any proposed project under the provisions of this Part shall from the date of filing of application therefor be reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress. Notice that such application has been made, together with the date of filing thereof and a description of the lands of the United States affected thereby, shall be filed in the local land office for the district in which such

Notice to be filed.

lands are located. Whenever the Commission shall determine that the value of any lands of the United States so applied for, or heretofore or hereafter reserved or classified as power sites, will not be injured or destroyed for the purposes of power development by location, entry, or selection under the public land laws, the Secretary of the Interior, upon notice of such determination, shall declare such lands open to location, entry, or selection, for such purpose or purposes and under such restrictions as the Commission may determine, subject to and with a reservation of the right of the United States or its permittees or licensees to enter upon, occupy, and use any part or all of said lands necessary, in the judgment of the Commission, for the purposes of this Part, which right shall be expressly reserved in every patent issued for such lands; and no claim or right to compensation shall accrue from the occupation or use of any of said lands for said purposes. The United States or any licensee for any such lands hereunder may enter thereupon for the purposes of this Part, upon payment of any damages to crops, buildings, or other improvements caused thereby to the owner thereof, or upon giving a good and sufficient bond to the United States for the use and benefit of the owner to secure the payment of such damages as may be determined and fixed in an action brought upon the bond in a court of competent jurisdiction, said bond to be in the form prescribed by the Commission: *Provided*, That locations, entries, selections, or filings heretofore made for lands reserved as water-power sites, or in connection with water-power development, or electrical transmission may proceed to approval or patent under and subject to the limitations and conditions in this section contained.

Reopening for location, entry, etc.

Entry of licensee; payment for damages.

*Proviso.* Locations, etc., heretofore made.

SEC. 212. Sections 1 to 29, inclusive, of the Federal Water Power Act, as amended, shall constitute Part I of that Act, and sections 25 and 30 of such Act, as amended, are repealed: *Provided*, That nothing in that Act, as amended, shall be construed to repeal or amend the provisions of the amendment to the Federal Water Power Act approved March 3, 1921 (41 Stat. 1353), or the provisions of any other Act relating to national parks and national monuments.

Vol. 41, pp. 1063-1077; U. S. C., p. 693.

*Proviso.* Acts not affected hereby.

SEC. 213. The Federal Water Power Act, as amended, is further amended by adding thereto the following parts:

## "PART II—REGULATION OF ELECTRIC UTILITY COMPANIES ENGAGED IN INTERSTATE COMMERCE

Regulation of electric utility companies engaged in interstate commerce.

### "DECLARATION OF POLICY; APPLICATION OF PART; DEFINITIONS

"SECTION 201. (a) It is hereby declared that the business of transmitting and selling electric energy for ultimate distribution to the public is affected with a public interest, and that Federal regulation of matters relating to generation to the extent provided in this Part and the Part next following and of that part of such business which consists of the transmission of electric energy in interstate commerce and the sale of such energy at wholesale in interstate commerce is necessary in the public interest, such Federal regulation, however, to extend only to those matters which are not subject to regulation by the States.

Declaration of policy.

"(b) The provisions of this Part shall apply to the transmission of electric energy in interstate commerce and to the sale of electric energy at wholesale in interstate commerce, but shall not apply to any other sale of electric energy or deprive a State or State commission of its lawful authority now exercised over the exportation of hydroelectric energy which is transmitted across a State line. The Commission shall have jurisdiction over all facilities for such

Application of Part.

transmission or sale of electric energy, but shall not have jurisdiction, except as specifically provided in this Part and the Part next following, over facilities used for the generation of electric energy or over facilities used in local distribution or only for the transmission of electric energy in intrastate commerce, or over facilities for the transmission of electric energy consumed wholly by the transmitter.

Electric energy transmitted in interstate commerce, construed.

"(c) For the purpose of this Part, electric energy shall be held to be transmitted in interstate commerce if transmitted from a State and consumed at any point outside thereof; but only insofar as such transmission takes place within the United States.

Definitions.  
"Sale of electric energy at wholesale."  
"Public utility."

"(d) The term 'sale of electric energy at wholesale' when used in this Part means a sale of electric energy to any person for resale.

"(e) The term 'public utility' when used in this Part or in the Part next following means any person who owns or operates facilities subject to the jurisdiction of the Commission under this Part.

Exclusions from operation of Act.

"(f) No provision in this Part shall apply to, or be deemed to include, the United States, a State or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing, or any corporation which is wholly owned, directly or indirectly, by any one or more of the foregoing, or any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty, unless such provision makes specific reference thereto.

Interconnection and coordination of facilities.

"INTERCONNECTION AND COORDINATION OF FACILITIES; EMERGENCIES; TRANSMISSION TO FOREIGN COUNTRIES

Establishment of regional districts.

"SEC. 202. (a) For the purpose of assuring an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources, the Commission is empowered and directed to divide the country into regional districts for the voluntary interconnection and coordination of facilities for the generation, transmission, and sale of electric energy, and it may at any time thereafter, upon its own motion or upon application, make such modifications thereof as in its judgment will promote the public interest. Each such district shall embrace an area which, in the judgment of the Commission, can economically be served by such interconnected and coordinated electric facilities. It shall be the duty of the Commission to promote and encourage such interconnection and coordination within each such district and between such districts. Before establishing any such district and fixing or modifying the boundaries thereof the Commission shall give notice to the State commission of each State situated wholly or in part within such district, and shall afford each such State commission reasonable opportunity to present its views and recommendations, and shall receive and consider such views and recommendations.

Area within district.

Notice required.

"(b) Whenever the Commission, upon application of any State commission or of any person engaged in the transmission or sale of electric energy, and after notice to each State commission and public utility affected and after opportunity for hearing, finds such action necessary or appropriate in the public interest it may by order direct a public utility (if the Commission finds that no undue burden will be placed upon such public utility thereby) to establish physical connection of its transmission facilities with the facilities of one or more other persons engaged in the transmission or sale of electric energy, to sell energy to or exchange energy with such persons: *Provided*, That the Commission shall have no authority to compel the enlargement of generating facilities for such purposes, nor to

Establishment of physical connection of transmission facilities.

*Proviso.*  
Restriction on authority of Commission.



compel such public utility to sell or exchange energy when to do so would impair its ability to render adequate service to its customers. The Commission may prescribe the terms and conditions of the arrangement to be made between the persons affected by any such order, including the apportionment of cost between them and the compensation or reimbursement reasonably due to any of them.

Terms and conditions respecting connection arrangement.

“(c) During the continuance of any war in which the United States is engaged, or whenever the Commission determines that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy, or of fuel or water for generating facilities, or other causes, the Commission shall have authority, either upon its own motion or upon complaint, with or without notice, hearing, or report, to require by order such temporary connections of facilities and such generation, delivery, interchange, or transmission of electric energy as in its judgment will best meet the emergency and serve the public interest. If the parties affected by such order fail to agree upon the terms of any arrangement between them in carrying out such order, the Commission, after hearing held either before or after such order takes effect, may prescribe by supplemental order such terms as it finds to be just and reasonable, including the compensation or reimbursement which should be paid to or by any such party.

Emergencies. Authority of Commission.

“(d) During the continuance of any emergency requiring immediate action, any person engaged in the transmission or sale of electric energy and not otherwise subject to the jurisdiction of the Commission may make such temporary connections with any public utility subject to the jurisdiction of the Commission or may construct such temporary facilities for the transmission of electric energy in interstate commerce as may be necessary or appropriate to meet such emergency, and shall not become subject to the jurisdiction of the Commission by reason of such temporary connection or temporary construction: *Provided*, That such temporary connection shall be discontinued or such temporary construction removed or otherwise disposed of upon the termination of such emergency: *Provided further*, That upon approval of the Commission permanent connections for emergency use only may be made hereunder.

Temporary connection of utility not under jurisdiction of Commission.

*Provisos.*  
Discontinuance of connection upon termination of emergency.

Permanent connections.

Exportation of electric energy. Authorization required.

Application and order.

“(e) After six months from the date on which this Part takes effect, no person shall transmit any electric energy from the United States to a foreign country without first having secured an order of the Commission authorizing it to do so. The Commission shall issue such order upon application unless, after opportunity for hearing, it finds that the proposed transmission would impair the sufficiency of electric supply within the United States or would impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Commission. The Commission may by its order grant such application in whole or in part, with such modifications and upon such terms and conditions as the Commission may find necessary or appropriate, and may from time to time, after opportunity for hearing and for good cause shown, make such supplemental orders in the premises as it may find necessary or appropriate.

“DISPOSITION OF PROPERTY; CONSOLIDATIONS; PURCHASE OF SECURITIES

Disposition of property.

Restriction on.

“SEC. 203. (a) No public utility shall sell, lease, or otherwise dispose of the whole of its facilities subject to the jurisdiction of the Commission, or any part thereof of a value in excess of \$50,000,

Mergers and consolidations.  
Authorization required.

Application; notice required.

Approval of.

Terms and conditions of approval order.

Issuance of securities; assumption of liabilities.

Restriction on; authorization required.

Granting approval; conditions.

Effective date of section.

Application for approval.

Use of securities or proceeds for purposes not specified in order.

Restriction on amount of capitalization.

or by any means whatsoever, directly or indirectly, merge or consolidate such facilities or any part thereof with those of any other person, or purchase, acquire, or take any security of any other public utility, without first having secured an order of the Commission authorizing it to do so. Upon application for such approval the Commission shall give reasonable notice in writing to the Governor and State commission of each of the States in which the physical property affected, or any part thereof, is situated, and to such other persons as it may deem advisable. After notice and opportunity for hearing, if the Commission finds that the proposed disposition, consolidation, acquisition, or control will be consistent with the public interest, it shall approve the same.

“(b) The Commission may grant any application for an order under this section in whole or in part and upon such terms and conditions as it finds necessary or appropriate to secure the maintenance of adequate service and the coordination in the public interest of facilities subject to the jurisdiction of the Commission. The Commission may from time to time for good cause shown make such orders supplemental to any order made under this section as it may find necessary or appropriate.

#### “ ISSUANCE OF SECURITIES; ASSUMPTION OF LIABILITIES

“SEC. 204. (a) No public utility shall issue any security, or assume any obligation or liability as guarantor, indorser, surety, or otherwise in respect of any security of another person, unless and until, and then only to the extent that, upon application by the public utility, the Commission by order authorizes such issue or assumption of liability. The Commission shall make such order only if it finds that such issue or assumption (a) is for some lawful object, within the corporate purposes of the applicant and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the applicant of service as a public utility and which will not impair its ability to perform that service, and (b) is reasonably necessary or appropriate for such purposes. The provisions of this section shall be effective six months after this Part takes effect.

“(b) The Commission, after opportunity for hearing, may grant any application under this section in whole or in part, and with such modifications and upon such terms and conditions as it may find necessary or appropriate, and may from time to time, after opportunity for hearing and for good cause shown, make such supplemental orders in the premises as it may find necessary or appropriate, and may by any such supplemental order modify the provisions of any previous order as to the particular purposes, uses, and extent to which, or the conditions under which, any security so theretofore authorized or the proceeds thereof may be applied, subject always to the requirements of subsection (a) of this section.

“(c) No public utility shall, without the consent of the Commission, apply any security or any proceeds thereof to any purpose not specified in the Commission's order, or supplemental order, or to any purpose in excess of the amount allowed for such purpose in such order, or otherwise in contravention of such order.

“(d) The Commission shall not authorize the capitalization of the right to be a corporation or of any franchise, permit, or contract for consolidation, merger, or lease in excess of the amount (exclusive of any tax or annual charge) actually paid as the consideration for such right, franchise, permit, or contract.

“(e) Subsection (a) shall not apply to the issue or renewal of, or assumption of liability on, a note or draft maturing not more than one year after the date of such issue, renewal, or assumption of liability, and aggregating (together with all other then outstanding notes and drafts of a maturity of one year or less on which such public utility is primarily or secondarily liable) not more than 5 per centum of the par value of the other securities of the public utility then outstanding. In the case of securities having no par value, the par value for the purpose of this subsection shall be the fair market value as of the date of issue. Within ten days after any such issue, renewal, or assumption of liability, the public utility shall file with the Commission a certificate of notification, in such form as may be prescribed by the Commission, setting forth such matters as the Commission shall by regulation require.

Short-term financing.

Par values.

Certificate of notification or assumption of liability.

“(f) The provisions of this section shall not extend to a public utility organized and operating in a State under the laws of which its security issues are regulated by a State commission.

Security issues regulated by State commission.

“(g) Nothing in this section shall be construed to imply any guarantee or obligation on the part of the United States in respect of any securities to which the provisions of this section relate.

Guaranty.

“(h) Any public utility whose security issues are approved by the Commission under this section may file with the Securities and Exchange Commission duplicate copies of reports filed with the Federal Power Commission in lieu of the reports, information, and documents required under section 7 of the Securities Act of 1933 and sections 12 and 13 of the Securities and Exchange Act of 1934.

Duplicate copies of reports; filing.

Vol. 48, pp. 78, 892; U. S. C., pp. 522, 535.

#### “RATES AND CHARGES; SCHEDULES; SUSPENSION OF NEW RATES

Rates and charges.

“SEC. 205. (a) All rates and charges made, demanded, or received by any public utility for or in connection with the transmission or sale of electric energy subject to the jurisdiction of the Commission, and all rules and regulations affecting or pertaining to such rates or charges shall be just and reasonable, and any such rate or charge that is not just and reasonable is hereby declared to be unlawful.

Duty of public utility.

“(b) No public utility shall, with respect to any transmission or sale subject to the jurisdiction of the Commission, (1) make or grant any undue preference or advantage to any person or subject any person to any undue prejudice or disadvantage, or (2) maintain any unreasonable difference in rates, charges, service, facilities, or in any other respect, either as between localities or as between classes of service.

Prohibition on granting undue preferences or advantages.

“(c) Under such rules and regulations as the Commission may prescribe, every public utility shall file with the Commission, within such time and in such form as the Commission may designate, and shall keep open in convenient form and place for public inspection schedules showing all rates and charges for any transmission or sale subject to the jurisdiction of the Commission, and the classifications, practices, and regulations affecting such rates and charges, together with all contracts which in any manner affect or relate to such rates, charges, classifications, and services.

Schedule of rates and charges; filing, inspection.

“(d) Unless the Commission otherwise orders, no change shall be made by any public utility in any such rate, charge, classification, or service, or in any rule, regulation, or contract relating thereto, except after thirty days' notice to the Commission and to the public. Such notice shall be given by filing with the Commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in force and the time when the change or changes will go into effect. The

Changes in.

Notice required.

Manner of giving notice.

Effective date of changes.

Commission, for good cause shown, may allow changes to take effect without requiring the thirty days' notice herein provided for by an order specifying the changes so to be made and the time when they shall take effect and the manner in which they shall be filed and published.

Hearings respecting lawfulness of new rate, charge, etc.

“(e) Whenever any such new schedule is filed the Commission shall have authority, either upon complaint or upon its own initiative without complaint, at once, and, if it so orders, without answer or formal pleading by the public utility, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, charge, classification, or service; and, pending such hearing and the decision thereon, the Commission, upon filing with such schedules and delivering to the public utility affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, charge, classification, or service, but not for a longer period than five months beyond the time when it would otherwise go into effect; and after full hearings, either completed before or after the rate, charge, classification, or service goes into effect, the Commission may make such orders with reference thereto as would be proper in a proceeding initiated after it had become effective. If the proceeding has not been concluded and an order made at the expiration of such five months, the proposed change of rate, charge, classification, or service shall go into effect at the end of such period, but in case of a proposed increased rate or charge, the Commission may by order require the interested public utility or public utilities to keep accurate account in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision may by further order require such public utility or public utilities to refund, with interest, to the persons in whose behalf such amounts were paid, such portion of such increased rates or charges as by its decision shall be found not justified. At any hearing involving a rate or charge sought to be increased, the burden of proof to show that the increased rate or charge is just and reasonable shall be upon the public utility, and the Commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible.

Suspension of operation of new rate, etc.

Period.

Accounts and refunds.

Burden of proof.

Fixing rates and charges.

“FIXING RATES AND CHARGES; DETERMINATION OF COST OF PRODUCTION OR TRANSMISSION

Authority of Commission.

“SEC. 206. (a) Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that any rate, charge, or classification, demanded, observed, charged, or collected by any public utility for any transmission or sale subject to the jurisdiction of the Commission, or that any rule, regulation, practice, or contract affecting such rate, charge, or classification is unjust, unreasonable, unduly discriminatory or preferential, the Commission shall determine the just and reasonable rate, charge, classification, rule, regulation, practice, or contract to be thereafter observed and in force, and shall fix the same by order.

Determination of cost of production or transmission.

“(b) The Commission upon its own motion, or upon the request of any State commission whenever it can do so without prejudice to the efficient and proper conduct of its affairs, may investigate and determine the cost of the production or transmission of electric energy by means of facilities under the jurisdiction of the Commission in cases where the Commission has no authority to establish a rate governing the sale of such energy.

“ FURNISHING OF ADEQUATE SERVICE

“ SEC. 207. Whenever the Commission, upon complaint of a State commission, after notice to each State commission and public utility affected and after opportunity for hearing, shall find that any interstate service of any public utility is inadequate or insufficient, the Commission shall determine the proper, adequate, or sufficient service to be furnished, and shall fix the same by its order, rule, or regulation: *Provided*, That the Commission shall have no authority to compel the enlargement of generating facilities for such purposes, nor to compel the public utility to sell or exchange energy when to do so would impair its ability to render adequate service to its customers.

Furnishing of adequate service.

Authority of Commission.

*Proviso.*  
Restriction.

“ ASCERTAINMENT OF COST OF PROPERTY

“ SEC. 208. (a) The Commission may investigate and ascertain the actual legitimate cost of the property of every public utility, the depreciation therein, and, when found necessary for rate-making purposes, other facts which bear on the determination of such cost or depreciation, and the fair value of such property.

Ascertainment of cost of property.

Investigations by Commission.

“(b) Every public utility upon request shall file with the Commission an inventory of all or any part of its property and a statement of the original cost thereof, and shall keep the Commission informed regarding the cost of all additions, betterments, extensions, and new construction.

Inventories to be filed.

“ USE OF JOINT BOARDS; COOPERATION WITH STATE COMMISSIONS

“ SEC. 209. (a) The Commission may refer any matter arising in the administration of this Part to a board to be composed of a member or members, as determined by the Commission, from the State or each of the States affected or to be affected by such matter. Any such board shall be vested with the same power and be subject to the same duties and liabilities as in the case of a member of the Commission when designated by the Commission to hold any hearings. The action of such board shall have such force and effect and its proceedings shall be conducted in such manner as the Commission shall by regulations prescribe. The board shall be appointed by the Commission from persons nominated by the State commission of each State affected, or by the Governor of such State if there is no State commission. Each State affected shall be entitled to the same number of representatives on the board unless the nominating power of such State waives such right. The Commission shall have discretion to reject the nominee from any State, but shall thereupon invite a new nomination from that State. The members of a board shall receive such allowances for expenses as the Commission shall provide. The Commission may, when in its discretion sufficient reason exists therefor, revoke any reference to such a board.

Joint boards.

References to.  
Composition of.

Powers of.

Force of actions by.

Appointments.

Rejection of nominations.

Expenses of members.

Revocation of reference.

State commissions; cooperation with.

“(b) The Commission may confer with any State commission regarding the relationship between rate structures, costs, accounts, charges, practices, classifications, and regulations of public utilities subject to the jurisdiction of such State commission and of the Commission; and the Commission is authorized, under such rules and regulations as it shall prescribe, to hold joint hearings with any State commission in connection with any matter with respect to which the Commission is authorized to act. The Commission is authorized in the administration of this Act to avail itself of such cooperation, services, records, and facilities as may be afforded by any State commission.

Joint hearings.

Information made available.

Experts, etc.

Expenses.

“(c) The Commission shall make available to the several State commissions such information and reports as may be of assistance in State regulation of public utilities. Whenever the Commission can do so without prejudice to the efficient and proper conduct of its affairs, it may upon request from a State make available to such State as witnesses any of its trained rate, valuation, or other experts, subject to reimbursement to the Commission by such State of the compensation and traveling expenses of such witnesses. All sums collected hereunder shall be credited to the appropriation from which the amounts were expended in carrying out the provisions of this subsection.

Licenses and public utilities.

### “PART III—LICENSEES AND PUBLIC UTILITIES; PROCEDURAL AND ADMINISTRATIVE PROVISIONS

Accounts, records, and memoranda.

#### “ACCOUNTS, RECORDS, AND MEMORANDA

Duty to keep.

“SECTION 301. (a) Every licensee and public utility shall make, keep, and preserve for such periods, such accounts, records of cost-accounting procedures, correspondence, memoranda, papers, books, and other records as the Commission may by rules and regulations prescribe as necessary or appropriate for purposes of the administration of this Act, including accounts, records, and memoranda of the generation, transmission, distribution, delivery, or sale of electric energy, the furnishing of services or facilities in connection therewith, and receipts and expenditures with respect to any of the foregoing: *Provided, however,* That nothing in this Act shall relieve any public utility from keeping any accounts, memoranda, or records which such public utility may be required to keep by or under authority of the laws of any State. The Commission may prescribe a system of accounts to be kept by licensees and public utilities and may classify such licensees and public utilities and prescribe a system of accounts for each class. The Commission, after notice and opportunity for hearing, may determine by order the accounts in which particular outlays and receipts shall be entered, charged, or credited. The burden of proof to justify every accounting entry questioned by the Commission shall be on the person making, authorizing, or requiring such entry, and the Commission may suspend a charge or credit pending submission of satisfactory proof in support thereof.

Rules and regulations.

*Provided.*  
Records under State laws.

Accounting systems.

Justification of accounting items.

Access to accounts, records, and memoranda.

“(b) The Commission shall at all times have access to and the right to inspect and examine all accounts, records, and memoranda of licensees and public utilities, and it shall be the duty of such licensees and public utilities to furnish to the Commission, within such reasonable time as the Commission may order, any information with respect thereto which the Commission may by order require, including copies of maps, contracts, reports of engineers, and other data, records, and papers, and to grant to all agents of the Commission free access to its property and its accounts, records, and memoranda when requested so to do. No member, officer, or employee of the Commission shall divulge any fact or information which may come to his knowledge during the course of examination of books or other accounts, as hereinbefore provided, except insofar as he may be directed by the Commission or by a court.

Prohibition on divulging information.

Examination of books, accounts, and memoranda.

“(c) The books, accounts, memoranda, and records of any person who controls, directly or indirectly, a licensee or public utility subject to the jurisdiction of the Commission, and of any other company controlled by such person, insofar as they relate to transactions with or the business of such licensee or public utility, shall be subject to examination on the order of the Commission.

## " RATES OF DEPRECIATION

"SEC. 302. (a) The Commission may, after hearing, require licensees and public utilities to carry a proper and adequate depreciation account in accordance with such rules, regulations, and forms of account as the Commission may prescribe. The Commission may, from time to time, ascertain and determine, and by order fix, the proper and adequate rates of depreciation of the several classes of property of each licensee and public utility. Each licensee and public utility shall conform its depreciation accounts to the rates so ascertained, determined, and fixed. The licensees and public utilities subject to the jurisdiction of the Commission shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a percentage of depreciation other than that prescribed therefor by the Commission. No such licensee or public utility shall in any case include in any form under its operating or other expenses any depreciation or other charge or expenditure included elsewhere as a depreciation charge or otherwise under its operating or other expenses. Nothing in this section shall limit the power of a State commission to determine in the exercise of its jurisdiction, with respect to any public utility, the percentage rate of depreciation to be allowed, as to any class of property of such public utility, or the composite depreciation rate, for the purpose of determining rates or charges.

"(b) The Commission, before prescribing any rules or requirements as to accounts, records, or memoranda, or as to depreciation rates, shall notify each State commission having jurisdiction with respect to any public utility involved, and shall give reasonable opportunity to each such commission to present its views, and shall receive and consider such views and recommendations.

## " REQUIREMENTS APPLICABLE TO AGENCIES OF THE UNITED STATES

"SEC. 303. All agencies of the United States engaged in the generation and sale of electric energy for ultimate distribution to the public shall be subject, as to all facilities used for such generation and sale, and as to the electric energy sold by such agency, to the provisions of sections 301 and 302 hereof, so far as may be practicable, and shall comply with the provisions of such sections and with the rules and regulations of the Commission thereunder to the same extent as may be required in the case of a public utility.

## " PERIODIC AND SPECIAL REPORTS

"SEC. 304. (a) Every licensee and every public utility shall file with the Commission such annual and other periodic or special reports as the Commission may by rules and regulations or order prescribe as necessary or appropriate to assist the Commission in the proper administration of this Act. The Commission may prescribe the manner and form in which such reports shall be made, and require from such persons specific answers to all questions upon which the Commission may need information. The Commission may require that such reports shall include, among other things, full information as to assets and liabilities, capitalization, net investment, and reduction thereof, gross receipts, interest due and paid, depreciation, and other reserves, cost of project and other facilities, cost of maintenance and operation of the project and other facilities, cost of renewals and replacement of the project works and other facilities, depreciation, generation, transmission, distribution, delivery, use, and sale of electric energy. The Commission may require

Rates of depreciation.

Depreciation account; maintenance.

Determination of rates.

Restriction on charges to operating expenses.

Determination of percentage rate of depreciation.

Notification to State commissions.

Requirements applicable to agencies of the United States.

*Ante*, p. 854.

Periodic and special reports.

Requirement; filing.

Manner and form.

Contents.

any such person to make adequate provision for currently determining such costs and other facts. Such reports shall be made under oath unless the Commission otherwise specifies.

Unlawful interference.

“(b) It shall be unlawful for any person willfully to hinder, delay, or obstruct the making, filing, or keeping of any information, document, report, memorandum, record, or account required to be made, filed, or kept under this Act or any rule, regulation, or order thereunder.

Officials dealing in securities.

“OFFICIALS DEALING IN SECURITIES; INTERLOCKING DIRECTORATES

Restriction.

“SEC. 305. (a) It shall be unlawful for any officer or director of any public utility to receive for his own benefit, directly or indirectly, any money or thing of value in respect of the negotiation, hypothecation, or sale by such public utility of any security issued or to be issued by such public utility, or to share in any of the proceeds thereof, or to participate in the making or paying of any dividends of such public utility from any funds properly included in capital account.

Interlocking directorates.  
Restriction.

“(b) After six months from the date on which this Part takes effect, it shall be unlawful for any person to hold the position of officer or director of more than one public utility or to hold the position of officer or director of a public utility and the position of officer or director of any bank, trust company, banking association, or firm that is authorized by law to underwrite or participate in the marketing of securities of a public utility, or officer or director of any company supplying electrical equipment to such public utility, unless the holding of such positions shall have been authorized by order of the Commission, upon due showing in form and manner prescribed by the Commission, that neither public nor private interests will be adversely affected thereby. The Commission shall not grant any such authorization in respect of such positions held on the date on which this Part takes effect, unless application for such authorization is filed with the Commission within sixty days after that date.

Complaints.

“COMPLAINTS

Petition containing.

“SEC. 306. Any person, State, municipality, or State commission complaining of anything done or omitted to be done by any licensee or public utility in contravention of the provisions of this Act may apply to the Commission by petition which shall briefly state the facts, whereupon a statement of the complaint thus made shall be forwarded by the Commission to such licensee or public utility, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time to be specified by the Commission. If such licensee or public utility shall not satisfy the complaint within the time specified or there shall appear to be any reasonable ground for investigating such complaint, it shall be the duty of the Commission to investigate the matters complained of in such manner and by such means as it shall find proper.

Copy to licensee or public utility.

Investigation by Commission.

Investigations by Commission.

“INVESTIGATIONS BY COMMISSION; ATTENDANCE OF WITNESSES;  
DEPOSITIONS

Authority to make.

“SEC. 307. (a) The Commission may investigate any facts, conditions, practices, or matters which it may find necessary or proper in order to determine whether any person has violated or is about to violate any provision of this Act or any rule, regulation, or order thereunder, or to aid in the enforcement of the provisions of this Act or in prescribing rules or regulations thereunder, or in obtaining



information to serve as a basis for recommending further legislation concerning the matters to which this Act relates. The Commission may permit any person to file with it a statement in writing under oath or otherwise, as it shall determine, as to any or all facts and circumstances concerning a matter which may be the subject of investigation. The Commission, in its discretion, may publish or make available to State commissions information concerning any such subject.

Filing of statements.

Publication of information.

Powers of Commission in connection with.

“(b) For the purpose of any investigation or any other proceeding under this Act, any member of the Commission, or any officer designated by it, is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which the Commission finds relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States at any designated place of hearing. Witnesses summoned by the Commission to appear before it shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

“(c) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. Such court may issue an order requiring such person to appear before the Commission or member or officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found or may be doing business. Any person who willfully shall fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records, if in his or its power so to do, in obedience to the subpoena of the Commission, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or both.

Contumacious witnesses; recourse of Commission to courts.

Penalty provision.

“(d) The testimony of any witness may be taken, at the instance of a party, in any proceeding or investigation pending before the Commission, by deposition, at any time after the proceeding is at issue. The Commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such depositions may be taken before any person authorized to administer oaths not being of counsel or attorney to either of the parties, nor interested in the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission, as hereinbefore provided. Such testimony shall be

Depositions.

Notice required.

reduced to writing by the person taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

Witness in foreign country.

“(e) If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission. All depositions must be promptly filed with the Commission.

Witness fees.

“(f) Witnesses whose depositions are taken as authorized in this Act, and the person or officer taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States.

Securing testimony.

“(g) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, contracts, agreements, or other records and 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 to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Immunity from self-incrimination.

Hearings.

#### “ HEARINGS ; RULES OF PROCEDURE

Holding before Commission.

“SEC. 308. (a) Hearings under this Act may be held before the Commission, any member or members thereof or any representative of the Commission designated by it, and appropriate records thereof shall be kept. In any proceeding before it, the Commission, in accordance with such rules and regulations as it may prescribe, may admit as a party any interested State, State commission, municipality, or any representative of interested consumers or security holders, or any competitor of a party to such proceeding, or any other person whose participation in the proceeding may be in the public interest.

Admittance of interested party.

Rules of procedure.

“(b) All hearings, investigations, and proceedings under this Act shall be governed by rules of practice and procedure to be adopted by the Commission, and in the conduct thereof the technical rules of evidence need not be applied. No informality in any hearing, investigation, or proceeding or in the manner of taking testimony shall invalidate any order, decision, rule, or regulation issued under the authority of this Act.

Administrative powers of Commission.

#### “ ADMINISTRATIVE POWERS OF COMMISSION ; RULES, REGULATIONS, AND ORDERS

Rules, regulations, and orders.

“SEC. 309. The Commission shall have power to perform any and all acts, and to prescribe, issue, make, amend, and rescind such orders, rules, and regulations as it may find necessary or appropriate to carry out the provisions of this Act. Among other things, such rules and regulations may define accounting, technical, and trade terms used in this Act; and may prescribe the form or forms of all statements, declarations, applications, and reports to be filed with the Commission, the information which they shall contain, and the time

within which they shall be filed. Unless a different date is specified therein, rules and regulations of the Commission shall be effective thirty days after publication in the manner which the Commission shall prescribe. Orders of the Commission shall be effective on the date and in the manner which the Commission shall prescribe. For the purposes of its rules and regulations, the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters. All rules and regulations of the Commission shall be filed with its secretary and shall be kept open in convenient form for public inspection and examination during reasonable business hours.

“ APPOINTMENT OF OFFICERS AND EMPLOYEES

Officers and employ-  
ees.

“ SEC. 310. The Commission is authorized to appoint and fix the compensation of such officers, attorneys, examiners, and experts as may be necessary for carrying out its functions under this Act, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States; and the Commission may, subject to civil-service laws, appoint such other officers and employees as are necessary for carrying out such functions and fix their salaries in accordance with the Classification Act of 1923, as amended.

Appointment; com-  
pensation.

“ INVESTIGATIONS RELATING TO ELECTRIC ENERGY

Investigations relat-  
ing to electric energy.

“ SEC. 311. In order to secure information necessary or appropriate as a basis for recommending legislation, the Commission is authorized and directed to conduct investigations regarding the generation, transmission, distribution, and sale of electric energy, however produced, throughout the United States and its possessions, whether or not otherwise subject to the jurisdiction of the Commission, including the generation, transmission, distribution, and sale of electric energy by any agency, authority, or instrumentality of the United States, or of any State or municipality or other political subdivision of a State. It shall, so far as practicable, secure and keep current information regarding the ownership, operation, management, and control of all facilities for such generation, transmission, distribution, and sale; the capacity and output thereof and the relationship between the two; the cost of generation, transmission, and distribution; the rates, charges, and contracts in respect of the sale of electric energy and its service to residential, rural, commercial, and industrial consumers and other purchasers by private and public agencies; and the relation of any or all such facts to the development of navigation, industry, commerce, and the national defense. The Commission shall report to Congress the results of investigations made under authority of this section.

Authority of Com-  
mission.

Duty to secure and  
keep current informa-  
tion.

Report to Congress.

“ PUBLICATION AND SALE OF REPORTS

Reports of Commis-  
sion.

“ SEC. 312. The Commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and is authorized to sell at reasonable prices copies of all maps, atlases, and reports as it may from time to time publish. Such reasonable prices may include the cost of compilation, composition, and reproduction. The Commission is also authorized to make such charges as it deems reasonable for special statistical services and other special or periodic services. The amounts collected under this section shall be deposited in the

Publication.

Sale.

Prices.

Charges for services.

Printing contracts.	<p>Treasury to the credit of miscellaneous receipts. All printing for the Federal Power Commission making use of engraving, lithography, and photolithography, together with the plates for the same, shall be contracted for and performed under the direction of the Commission, under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe, and all other printing for the Commission shall be done by the Public Printer under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe. The entire work may be done at, or ordered through, the Government Printing Office whenever, in the judgment of the Joint Committee on Printing, the same would be to the interest of the Government: <i>Provided</i>, That when the exigencies of the public service so require, the Joint Committee on Printing may authorize the Commission to make immediate contracts for engraving, lithographing, and photolithographing, without advertisement for proposals: <i>Provided further</i>, That nothing contained in this or any other Act shall prevent the Federal Power Commission from placing orders with other departments or establishments for engraving, lithographing, and photolithographing, in accordance with the provisions of sections 601 and 602 of the Act of June 30, 1932 (47 Stat. 417), providing for interdepartmental work.</p>
<i>Provisos.</i> Advertisements for proposals.	
Interdepartmental work. Vol. 47, p. 417; U. S. C., p. 1407.	
Rehearings.	“ REHEARINGS; COURT REVIEW OF ORDERS
Application for.	<p>“SEC. 313. (a) Any person, State, municipality, or State commission aggrieved by an order issued by the Commission in a proceeding under this Act to which such person, State, municipality, or State commission is a party may apply for a rehearing within thirty days after the issuance of such order. The application for rehearing shall set forth specifically the ground or grounds upon which such application is based. Upon such application the Commission shall have power to grant or deny rehearing or to abrogate or modify its order without further hearing. Unless the Commission acts upon the application for rehearing within thirty days after it is filed, such application may be deemed to have been denied. No proceeding to review any order of the Commission shall be brought by any person unless such person shall have made application to the Commission for a rehearing thereon.</p>
Grounds to be set forth.	
Denials.	
Proceedings to review order.	
Court review of orders.	<p>“(b) Any party to a proceeding under this Act aggrieved by an order issued by the Commission in such proceeding may obtain a review of such order in the Circuit Court of Appeals of the United States for any circuit wherein the licensee or public utility to which the order relates is located or has its principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within sixty days after the order of the Commission upon the application for rehearing, a written petition praying that the order of the Commission be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon any member of the Commission and thereupon the Commission shall certify and file with the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside such order in whole or in part. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission in the application for rehearing unless there is reasonable ground for failure so to do. The finding of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence, and</p>
Petition to be filed.	
Service of copy.	
Jurisdiction of court.	
Consideration of objections.	
Findings of fact.	
Leave to adduce additional evidence.	

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 proceedings 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 with the court such modified or new findings which, if supported by substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court, affirming, modifying, or setting aside, in whole or in part, any such 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).

Modification of findings of fact.

Finality of judgment or decree.

“(c) The filing of an application for rehearing under subsection (a) shall not, unless specifically ordered by the Commission, operate as a stay of the Commission’s order. The commencement of proceedings under subsection (b) of this section shall not, unless specifically ordered by the court, operate as a stay of the Commission’s order.

Filing of application not to operate as a stay.

#### “ ENFORCEMENT OF ACT, REGULATIONS AND ORDERS

Enforcement provisions.

“SEC. 314. (a) 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 Act, or of any rule, regulation, or order thereunder, it may in its discretion bring an action in the proper District Court of the United States, the Supreme Court of the District of Columbia, or the United States courts of any Territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices and to enforce compliance with this Act or any rule, regulation, or order thereunder, and upon a proper showing a permanent or temporary injunction or decree 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, in his discretion, may institute the necessary criminal proceedings under this Act.

Injunctions.

Institution of proceedings.

“(b) Upon application of the Commission the district courts of the United States, the Supreme Court of the District of Columbia, and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Act or any rule, regulation, or order of the Commission thereunder.

Writs of mandamus.

“(c) The Commission may employ such attorneys as it finds necessary for proper legal aid and service of the Commission or its members in the conduct of their work, or for proper representation of the public interests in investigations made by it or cases or proceedings pending before it, whether at the Commission’s own instance or upon complaint, or to appear for or represent the Commission in any case in court; and the expenses of such employment shall be paid out of the appropriation for the Commission.

Employment of attorneys.

#### “ GENERAL FORFEITURE PROVISION

General forfeiture provision.

“SEC. 315. (a) Any licensee or public utility which willfully fails, within the time prescribed by the Commission, to comply with any order of the Commission, to file any report required under this

Amount of forfeiture.

Notice and hearing.	Act or any rule or regulation of the Commission thereunder, to submit any information or document required by the Commission in the course of an investigation conducted under this Act, or to appear by an officer or agent at any hearing or investigation in response to a subpoena issued under this Act, shall forfeit to the United States an amount not exceeding \$1,000 to be fixed by the Commission after notice and opportunity for hearing. The imposition or payment of any such forfeiture shall not bar or affect any penalty prescribed in this Act but such forfeiture shall be in addition to any such penalty.
To be additional to penalty.	
Payment of forfeiture.	“(b) The forfeitures provided for in this Act shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States, brought in the district where the person is an inhabitant or has his principal place of business, or if a licensee or public utility, in any district in which such licensee or public utility transacts business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures under this Act. The costs and expenses of such prosecution shall be paid from the appropriations for the expenses of the courts of the United States.
Prosecution for recovery of.	
Costs and expenses.	
General penalties.	“GENERAL PENALTIES; VENUE
Willful violation of provisions hereof. Vol. 41, p. 1076.	“SEC. 316. (a) Any person who willfully and knowingly does or causes or suffers to be done any act, matter, or thing in this Act prohibited or declared to be unlawful, or who willfully and knowingly omits or fails to do any act, matter, or thing in this Act required to be done, or willfully and knowingly causes or suffers such omission or failure, shall, upon conviction thereof, be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both.
Willful violation of rules, regulations, etc.	“(b) Any person who willfully and knowingly violates any rule, regulation, restriction, condition, or order made or imposed by the Commission under authority of this Act, or any rule or regulation imposed by the Secretary of War under authority of Part I of this Act shall, in addition to any other penalties provided by law, be punished upon conviction thereof by a fine of not exceeding \$500 for each and every day during which such offense occurs.
Jurisdiction of offenses.	“JURISDICTION OF OFFENSES; ENFORCEMENT OF LIABILITIES AND DUTIES
Enforcement of liabilities and duties.	“SEC. 317. The District Courts of the United States, the Supreme Court of the District of Columbia, and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have exclusive jurisdiction of violations of this Act or the rules, regulations, and orders thereunder, and of all suits in equity and actions at law brought to enforce any liability or duty created by, or to enjoin any violation of, this Act or any rule, regulation, or order thereunder. Any criminal proceeding shall be brought in the district wherein any act or transaction constituting the violation occurred. Any suit or action to enforce any liability or duty created by, or to enjoin any violation of, this Act or any rule, regulation, or order thereunder may be brought in any such district or in the district wherein the defendant is an inhabitant, and process in such cases may be served 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 costs shall be assessed against the Commission in any judicial proceeding by or against the Commission under this Act.
Review of judgments and decrees. U. S. C., pp. 1259, 1272.	

“ CONFLICT OF JURISDICTION

Conflict of jurisdiction.

“SEC. 318. If, with respect to the issue, sale, or guaranty of a security, or assumption of obligation or liability in respect of a security, the method of keeping accounts, the filing of reports, or the acquisition or disposition of any security, capital assets, facilities, or any other subject matter, any person is subject both to a requirement of the Public Utility Holding Company Act of 1935 or of a rule, regulation, or order thereunder and to a requirement of this Act or of a rule, regulation, or order thereunder, the requirement of the Public Utility Holding Company Act of 1935 shall apply to such person, and such person shall not be subject to the requirement of this Act, or of any rule, regulation, or order thereunder, with respect to the same subject matter, unless the Securities and Exchange Commission has exempted such person from such requirement of the Public Utility Holding Company Act of 1935, in which case the requirements of this Act shall apply to such person.

*Ante*, p. 803.

“ SEPARABILITY OF PROVISIONS

Separability of provisions.

“SEC. 319. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of the Act, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

“ SHORT TITLE

Short title.

“SEC. 320. This Act may be cited as the ‘Federal Power Act.’”  
Approved, August 26, 1935.

[CHAPTER 688.]

AN ACT

To reenact section 463 of the Act of Congress entitled “An Act to define and punish crime in the District of Alaska and to provide a code of criminal procedure for said district”, approved March 3, 1899, and for other purposes.

August 26, 1935.

[S. 2867.]

[Public, No. 334.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 463 of the Act of Congress entitled “An Act to define and punish crime in the District of Alaska and to provide a code of criminal procedure for said district”, approved March 3, 1899 (30 Stat. 1337 1338, as amended by the Act of June 6, 1900 (31 Stat. 332), is hereby reenacted; said section as reenacted reading as follows:

Alaska criminal code. Repealed section reenacted.

Vol. 30, p. 1337; Vol. 31, p. 332.

Vol. 48, p. 584.

“SEC. 463. That the licenses provided for in this Act shall be issued by the clerk of the district court or any subdivision thereof in compliance with the order of the court or judge thereof duly made and entered; and the clerk of the court shall keep a full record of all applications for license and of all recommendations for and remonstrances against the granting of licenses and of the action of the court thereon: *Provided*, That the clerk of said court and each division thereof shall give bond or bonds in such amount as the Secretary of the Treasury may require and in such form as the Attorney General may approve, and all moneys received for licenses by him or them under this Act shall, except as otherwise provided by law, be covered into the Treasury of the United States, under such rules and regulations as the Secretary of the Treasury may prescribe.”

Issue of sundry licenses.

Records to be kept.

*Proviso*. Bond required.

SEC. 2. Any and all Acts in conflict herewith are hereby repealed to the extent of such conflict.

Conflicting laws repealed.

Approved, August 26, 1935.

## [CHAPTER 689.]

## AN ACT

August 26, 1935.

[S. 3286.]

[Public, No. 335.]

To abolish the oath required of customs and internal-revenue employees prior to the receipt of compensation, and for other purposes.

Customs and internal revenue employees.  
Oath requirement abolished.

U. S. C., p. 798.  
Certain authorizations to administer oaths to, amended.  
Vol. 30, p. 286;  
U. S. C., p. 796.

R. S., secs. 1790, 2693, pp. 317, 529.

Customhouse brokers.  
Vol. 46, p. 759.  
U. S. C., p. 902.

Revocation or suspension of license.

Notice to be given.

Hearings.

Transmittal of record to Secretary.

Authority of Secretary.

Appeal from Secretary's decision.

Petition to proper circuit court of appeals, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1790 of the Revised Statutes (U. S. C., title 19, sec. 49) is hereby repealed.

SEC. 2. Section 1 of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes", approved March 15, 1898 (30 Stat. 277 at 286), as amended, is hereby amended by striking therefrom the following sentence: "Hereafter collectors of customs and their special deputies shall be competent to administer oaths to officers of the Revenue Marine Service and employees in the Customs Service required by sections seventeen hundred and ninety and twenty-six hundred and ninety-three of the Revised Statutes."

SEC. 3. Subdivision (a) of section 641 of the Tariff Act of 1930 (46 Stat. 759; U. S. C., Supp. VII, title 19, sec. 1641) is hereby amended by striking out "(e)" in line 17 and inserting in lieu thereof "(c)".

SEC. 4. Subdivisions (b), (c), and (d) of section 641 of such Acts are hereby amended to read as follows:

"(b) **REVOCATION OR SUSPENSION.**—The collector or chief officer of the customs may at any time, for good and sufficient reasons, serve notice in writing upon any customhouse broker so licensed to show cause why said license shall not be revoked or suspended, which notice shall be in the form of a statement specifically setting forth the ground of complaint. The collector or chief officer of customs shall within ten days thereafter notify the customhouse broker in writing of a hearing to be held before him within five days upon said charges. At such hearing the customhouse broker may be represented by counsel, and all proceedings including the proof of the charges and the answer thereto, shall be presented, with the right of cross-examination to both parties, and a stenographic record of the same shall be made and a copy thereof shall be delivered to the customhouse broker. At the conclusion of such hearing the collector or chief officer of customs shall forthwith transmit all papers and the stenographic report of the hearing, which shall constitute the record of the case, to the Secretary of the Treasury for his action. Thereupon the said Secretary of the Treasury shall have the right to revoke or suspend the license of any customhouse broker shown to be incompetent, disreputable, or who has refused to comply with the rules and regulations issued under this section, or who has, with intent to defraud, in any manner willfully and knowingly deceived, misled, or threatened any importer, exporter, claimant, or client, or prospective importer, exporter, claimant, or client, by word, circular, letter or by advertisement.

"An appeal may be taken by any licensed customhouse broker from any order of the Secretary of the Treasury suspending or revoking a license. Such appeal shall be taken by filing, 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 United States Court of Appeals for the District of Columbia, within sixty days after the entry of such order, a written petition praying that the order of the Secretary of the Treasury be



modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon the Secretary of the Treasury, or upon any officer designated by him for that purpose, and thereupon the Secretary of the Treasury shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part. No objection to the order of the Secretary of the Treasury shall be considered by the court unless such objection shall have been urged before the collector or chief officer of customs or unless there were reasonable grounds for failure so to do. The finding of the Secretary of the Treasury as to the facts, if supported by substantial evidence, shall be conclusive. If any 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 proceeding before the collector or chief officer of customs, the court may order such additional evidence to be taken before the collector or chief officer of customs and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Secretary of the Treasury may modify his findings as to the facts by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and his recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court affirming, modifying, or setting aside, in whole or in part, any such order of the Secretary of the Treasury 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). The commencement of proceedings under this subsection shall, unless specifically ordered by the court, operate as a stay of the Secretary of the Treasury's order.

Procedure.

Additional evidence may be admitted.

Effect on findings.

Subject to Supreme Court review.

U. S. C., p. 1271.

Proceedings a stay of order.

Force and effect of prior licenses. Vol. 36, p. 464. U. S. C., p. 819.

Regulations by Secretary.

“(c) **PRIOR LICENSES.**—Licenses issued under the Act of June 10, 1910 (36 Stat. 454; U. S. C., title 19, sec. 415), or under the provisions of subdivision (a) of this section prior to the effective date of this amendment, shall continue in force and effect, subject to suspension and revocation as provided in subdivision (b) of this section.

“(d) **REGULATIONS BY SECRETARY.**—The Secretary of the Treasury shall prescribe such rules and regulations as he may deem necessary to protect importers and the revenue of the United States, and to carry out the provisions of this section, including rules and regulations requiring the keeping of books, accounts, and records by customhouse brokers, and the inspection thereof, and of their papers, documents, and correspondence by, and the furnishing by them of information relating to their business to, any duly accredited agent of the United States.”

**SEC. 5.** Subdivision (e) of section 641 of such Act is hereby repealed.

Provision repealed. Vol. 46, p. 760, repealed.

Approved, August 26, 1935.

## [CHAPTER 690.]

## AN ACT

For the relief of the State of Indiana.

August 26, 1935.  
[S. 3374.]

[Public, No. 336.]

Indiana.  
Issue of duplicate  
checks to treasurer of,  
in lieu of lost originals.  
R. S., sec. 3646, p. 717.  
U. S. C., p. 1395.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of section 3646, as amended, of the Revised Statutes of the United States, the Chief Disbursing Officer of the Treasury Department is authorized and directed to issue, without the requirement of an indemnity bond, duplicates of original checks numbered 66942 and 67000, drawn February 19 and February 20, 1935, in favor of "State Treasurer of Indiana, trust fund", for \$2,743.34 and \$5,241.35, respectively, and lost between the office of the State Treasurer of Indiana and the designated depository.

Approved, August 26, 1935.

## [CHAPTER 691.]

## AN ACT

To facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior boundaries of the Uinta and Wasatch National Forests, Utah.

August 26, 1935.  
[H. R. 4339.]

[Public, No. 337.]

Uinta and Wasatch  
National Forests, Utah.  
Acquisition of lands  
to facilitate control of  
soil erosion, etc.  
Vol. 36, p. 962.  
U. S. C., p. 665.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands within the boundaries of the Uinta and Wasatch National Forests, in the State of Utah, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands from the entire receipts from the sale of natural resources or occupancy of public land within the Uinta and Wasatch National Forests, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired.

Approved, August 26, 1935.

## [CHAPTER 692.]

## AN ACT

Providing punishment for forging or counterfeiting any postmarking stamp.

August 26, 1935.

[H. R. 5049.]

[Public, No. 338.]

Counterfeiting, etc.,  
postmarking stamps.  
Punishment for.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whoever shall forge or counterfeit any postmarking stamp, or impression thereof with intent to make it appear that such impression is a genuine postmark, or shall make or knowingly use or sell, or have in possession with intent to use or sell, any forged or counterfeited postmarking stamp, die, plate, or engraving, or such impression thereof, shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

Approved, August 26, 1935.

[CHAPTER 693.]

## AN ACT

Providing for punishment for attempts to obtain mail by fraud or by deception.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first clause of section 194 of the Act of March 4, 1909 (35 Stat. 1125), as amended (18 U. S. C. 317), be amended to read as follows: "Whoever shall steal, take, or abstract, or by fraud or deception obtain or attempt so to obtain from or out of any mail, post office or station thereof, or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or shall abstract or remove from any such letter, package, bag, or mail, any article or thing contained therein, or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein;"

Approved, August 26, 1935.

August 26, 1935.

[H. R. 5162.]

[Public, No. 339.]

Criminal Code amendment.  
Postal offenses.  
Attempts to obtain mail by fraud.  
Punishment for.  
Vol. 35, p. 1125; Vol. 43, p. 977.  
U. S. C., p. 745.

[CHAPTER 694.]

## AN ACT

Providing for punishment for the crime of robbing or attempting to rob custodians of Government moneys or property.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 197 of the Act of March 4, 1909 (18 U. S. C., 320; 35 Stat. 1126), be amended to read as follows:

"Whoever shall assault any person having lawful charge, control, or custody of any mail matter or of any money or other property of the United States, with intent to rob, steal, or purloin such mail matter, money, or other property of the United States, or any part thereof, or shall rob any such person of such mail matter, or of any money, or other property of the United States, or any part thereof, shall, for the first offense, be imprisoned not more than ten years; and if in effecting or attempting to effect such robbery he shall wound the person having custody of such mail, money, or other property of the United States, or put his life in jeopardy by the use of a dangerous weapon, or for a subsequent offense, shall be imprisoned twenty-five years."

Approved, August 26, 1935.

August 26, 1935.

[H. R. 5360.]

[Public, No. 340.]

Criminal Code amendment.  
Vol. 35, p. 1126.  
U. S. C., p. 745.

Custodians of Government money or property.  
Punishment for robbing, etc.

[CHAPTER 695.]

## AN ACT

Extending the period during which no demurrage is charged on collect-on-delivery parcels and excepting the imposition of demurrage charged on collect-on-delivery parcels exchanged between the continental and island possessions.

August 26, 1935.

[H. R. 5540.]

[Public, No. 341.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of May 23, 1930 (46 Stat. 377; 39 U. S. C., Supp. VII, sec. 246c), is hereby amended to read as follows:

"That under such regulations as the Postmaster General may prescribe, any collect-on-delivery parcel which the addressee fails to remove from the post office within twenty days from the first attempt to deliver or the first notice of arrival at the office of address may be returned to the sender, charged with the return postage, whether or not such parcel bears any specified time limit for delivery; and a demurrage charge of not exceeding 5 cents per day may be collected when delivery has not been made to either the addressee or

Postal service.  
Vol. 46, p. 377.  
U. S. C., p. 1725.

Collect - on - delivery matter.  
Extending demurrage exemption period on.

*Proviso.*  
Exempting ex-  
changes with island  
possessions.

the sender until after the expiration of the prescribed period: *Provided*, That no demurrage shall be charged on collect-on-delivery parcels exchanged between post offices in continental United States and post offices in the Territories and island possessions of the United States."

Approved, August 26, 1935.

[CHAPTER 696.]

AN ACT

August 26, 1935.  
[H. R. 7678.]  
[Public, No. 342.]

To authorize the Director of the Mint to supplement the approved design of the 50-cent piece commemorating the two hundredth anniversary of the birth of Daniel Boone, the coinage of which was authorized by Act of the Seventy-third Congress (Public, Numbered 258, S. 3355).

Daniel Boone, com-  
memorative coin.  
Design.  
Vol. 48, p. 807,  
amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, inasmuch as the annual change in coinage date required by law has caused the removal of the commemorative date of 1934 from the design originally approved and in use for the coinage of the 50-cent pieces commemorating the two hundredth anniversary of the birth of Daniel Boone, authorized by the Seventy-third Congress in Public Act Numbered 258 (S. 3355), the Director of the Mint, with the approval of the Secretary of the Treasury, be, and is hereby, authorized to supplement the said design so that the reverse of said 50-cent piece will show the figures "1934" immediately above the words "pioneer year".

Approved, August 26, 1935.

[CHAPTER 697.]

AN ACT

August 26, 1935.  
[H. R. 8598.]  
[Public, No. 343.]

To provide for the inspection and regulation of vessels engaged in the transportation of inflammable, explosive, and like dangerous cargoes in navigable waters of the United States.

Transportation  
dangerous cargoes  
of in  
navigable waters.

Inspection of vessels  
engaged in.

Rules, etc., to be  
promulgated.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no vessel, regardless of size or rig, excepting public vessels of the United States, shall transport on the navigable waters of the United States, from point to point in the continental United States, any inflammable, explosive, or like dangerous cargo or anchor in such waters or go into drydock for repairs while having on board such dangerous cargo, until such vessel has been inspected by the board of local inspectors to determine that such cargo may be carried on such vessel with safety, and a permit issued to her for the presence on board of such cargo, which permit shall be framed under glass and posted in a conspicuous part of the vessel.

The Secretary of Commerce is authorized and directed to promulgate rules and regulations concerning construction, the appliances, and apparatus for stowage, of vessels used in the transportation of inflammable, explosive, or like dangerous cargo on said vessels in order to preserve life and property while in operation or at anchor. The local board of inspectors shall not issue a permit to any vessel until it finds that said vessel is in substantial compliance with the rules and regulations promulgated by the Secretary of Commerce: *Provided*, That this Act shall not apply to a vessel covered by an unexpired certificate of inspection duly issued in accordance with law by the local inspectors of the Bureau of Marine Inspection and Navigation or, if a foreign vessel, by an unexpired certificate of

*Proviso.*  
Exemptions.

inspection issued under the authority of its own government and recognized under law or treaty by the Government of the United States.

SEC. 2. A penalty of not to exceed \$500 may be imposed for each violation of any of the provisions of this Act or of any of the rules and regulations promulgated under the authority of this Act. The vessel shall be liable for the said penalty and may be seized and proceeded against, by way of libel, in the District Court of the United States for any district within which such vessel may be found.

Penalty for violation.

SEC. 3. This Act shall become effective sixty days after its enactment.

Effective date.

Approved, August 26, 1935.

[CHAPTER 698.]

AN ACT

To extend the provisions of veterans' laws and regulations to persons who served in Russia during the World War, and their dependents.

August 26, 1935.

[H. R. 9116.]

[Public, No. 344.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any provisions of Public Law Numbered 2, Seventy-third Congress, and the veterans' regulations issued pursuant thereto, for the purpose of payment of pension for disability not shown to have been incurred in military or naval service, the World War shall be deemed to have ended April 1, 1920, for those persons who served with the United States military forces in Russia.

World War veterans.  
Certain provisions  
concerning, extended to  
service in Russia.  
Vol. 48, p. 9.

SEC. 2. Veterans who entered active military service subsequent to November 11, 1918, and who served with the United States military forces in Russia prior to April 2, 1920, and their dependents, shall be entitled to the benefits of Public Law Numbered 141, Seventy-third Congress, provided they meet the other requirements thereof.

Service qualifica-  
tions.  
Vol. 48, p. 524.

Approved, August 26, 1935.

[CHAPTER 699.]

AN ACT

Relative to the proposed survey, location, and construction of a highway to connect the northwestern part of continental United States with British Columbia, Yukon Territory, and the Territory of Alaska.

August 26, 1935.

[S. 1374.]

[Public, No. 345.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is requested, through such channels as he may deem proper, to negotiate and enter into an agreement or agreements between the Governments of the United States and of the Dominion of Canada, for the survey, location, and construction of a highway to connect the Pacific northwestern part of continental United States with British Columbia and Yukon Territory, in the Dominion of Canada, and the Territory of Alaska; in cooperation with the Government of the Dominion of Canada to cause a survey or surveys to be made to determine the most practicable route for such highway, as well as specifications and estimates of the probable cost thereof, and plans for financing its construction and maintenance.

Connecting highway  
with British Colum-  
bia, Yukon, and  
Alaska.

Agreement with  
Canada for determin-  
ing route of, author-  
ized.

SEC. 2. The President is hereby authorized, upon the conclusion of the negotiations and the execution of the agreement or agreements herein authorized, to designate such existing agency of the Government of the United States as he may select for this purpose, or such officials or agency as he may specially appoint or create for the pur-

Construction provi-  
sions upon conclusion  
of negotiations.  
Agency created.

poses of this Act, to carry on the work of survey and location of the route for such highway, and of the construction thereof after such route shall have been determined and approved by the President. And such agency or officials, so designated or appointed by the President hereunder, shall be, and they are hereby, authorized and empowered to communicate directly with a like agency or officials to be appointed by the Government of the Dominion of Canada, for the purpose of coordinating and expediting the work of such survey, location, and construction of such highway.

Approved, August 26, 1935.

[CHAPTER 700.]

JOINT RESOLUTION

Pertaining to an appropriate celebration of the four hundredth anniversary of the expedition of Hernando De Soto.

August 26, 1935.  
[H. J. Res. 265.]  
[Pub. Res., No. 57.]

Four hundredth anniversary of expedition of Hernando De Soto.  
Preamble.

Whereas we are approaching the four hundredth anniversary of the expedition of Hernando De Soto, the first and most imposing expedition ever made by Europeans into the wilds of North America; and

Whereas it is desired that this four hundredth anniversary of that great expedition be properly celebrated and markers placed at such points along the route of said expedition as may be definitely determined and established after thorough investigation; and

Whereas it is necessary to have a committee or commission to make a proper study and report back to Congress its recommendations for such a celebration: Therefore be it

Commission authorized to study and report recommendations for observance of.  
*Post*, p. 1386.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized to appoint a commission consisting of not fewer than five nor more than seven members, to make a thorough study of the subject of De Soto's expedition and to report back to the next session of Congress its recommendations for a suitable and appropriate celebration of the four hundredth anniversary of said expedition.

Appropriation authorized.

That in order to meet the necessary expenses of said commission there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, such sum or sums as may be necessary to pay the expenses of said commission in making this investigation, preparing and filing its reports and recommendations to Congress, not to exceed \$5,000.

Approved, August 26, 1935.

[CHAPTER 701.]

JOINT RESOLUTION

To authorize the President to extend an invitation to the World Power Conference to hold the Third World Power Conference in the United States.

August 26, 1935.  
[H. J. Res. 350.]  
[Pub. Res., No. 58.]

Third World Power Conference.  
Invitation to hold, in United States, authorized.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President be, and hereby is, authorized and requested to extend to the World Power Conference an invitation to hold the Third World Power Conference in the United States in 1936 and 1937.

Sum for expenses.  
*Post*, p. 1124.

SEC. 2. That the sum of \$75,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of organizing and holding the Third World Power Conference, including personal services in the District of Columbia and elsewhere

Personal services.

without regard to the Classification Act of 1923, as amended, communication services, stenographic and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); travel expenses, local transportation, hire of motor-propelled passenger-carrying vehicles, rent in the District of Columbia and elsewhere, printing and binding, entertainment, official cards, purchase of newspapers and periodicals, necessary books and documents, stationery, membership badges, and such other expenses as may be actually and necessarily incurred by the Government of the United States by reason of observance of appropriate courtesies in connection therewith, and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments have been made for any purposes herein specified, for the fiscal year 1936, to remain available until June 30, 1937.

R. S., sec. 3709, p. 733;  
U. S. C., p. 1803.

Reimbursing other  
appropriations.

Approved, August 26, 1935.

[CHAPTER 739.]

AN ACT

To amend section 10A of the Federal Food and Drugs Act of June 30, 1906, as amended.

August 27, 1935.  
[S. 3194.]

[Public, No. 346.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 10A of the Act entitled "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, as amended, is amended to read as follows:

Pure Food Act,  
amendment.  
Vol. 34, p. 771; Vol.  
48, p. 1204, amended.  
U. S. C., p. 920.

"SEC. 10A. The Secretary of Agriculture, upon application of any packer of any sea food for shipment or sale within the jurisdiction of this Act, may, at his discretion, designate inspectors to examine and inspect such food and the production, packing, and labeling thereof. If on such examination and inspection compliance is found with the provisions of this Act and regulations promulgated thereunder, the applicant shall be authorized or required to mark the food as provided by regulation to show such compliance. Services under this section shall be rendered only upon payment by the applicant of fees fixed by regulation in such amounts as may be necessary to provide, equip, and maintain an adequate and efficient inspection service. Receipts from such fees shall be covered into the Treasury and shall be available to the Secretary of Agriculture for expenditures incurred in carrying out the purposes of this section, including expenditures for salaries of additional inspectors when necessary to supplement the number of inspectors for whose salaries Congress has appropriated. The Secretary is hereby authorized to promulgate regulations governing the sanitary and other conditions under which the service herein provided shall be granted and maintained, and for otherwise carrying out the purposes of this section. Any person who forges, counterfeits, simulates, or falsely represents, or without proper authority uses any mark, stamp, tag, label, or other identification devices authorized or required by the provisions of this section or regulations thereunder, shall be guilty of a misdemeanor, and shall on conviction thereof be subject to imprisonment for not more than one year or a fine of not less than \$1,000 nor more than \$5,000, or both such imprisonment and fine."

Inspection of sea  
food.  
Assignment of in-  
spectors to examine  
methods, materials,  
etc., in sea-food pro-  
duction.  
Post, p. 1454.

Payment for services.

Use of receipts.

Sanitary, etc., rules  
to be promulgated.

Counterfeiting  
labels, etc.

Punishment for.

Approved, August 27, 1935.

## [CHAPTER 740.]

## AN ACT

To repeal Titles I and II of the National Prohibition Act, to reenact certain provisions of Title II thereof, to amend or repeal various liquor laws, and for other purposes.

*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 "Liquor Law Repeal and Enforcement Act".*

## Title I.

## TITLE I

National Prohibition Act; repeals. Vol. 41, p. 305; U. S. C., p. 1217. Post, p. 1964.

SECTION 1. Titles I and II of the National Prohibition Act, approved October 28, 1919 (41 Stat. 305), and all laws amendatory of, or supplementary to, the National Prohibition Act, are hereby repealed.

Vol. 41, p. 319; U. S. C., p. 1220. Definitions.

SEC. 2. When used in this title or in Title III of the National Prohibition Act—

"Person."

(1) The word "person" shall mean and include natural persons, firms, partnerships, corporations, and associations;

"Commissioner."

(2) The word "Commissioner" shall mean Commissioner of Internal Revenue;

"Application."

(3) The term "application" shall mean a formal written request supported by a verified statement of facts showing that the Commissioner may grant the request;

"Permit."

(4) The term "permit" shall mean a formal written authorization by the Commissioner setting forth specifically therein the things that are authorized;

"Bond."

(5) The term "bond" shall mean an obligation authorized or required by or under this title or Title III of the National Prohibition Act, or any regulation thereunder, executed in such form and for such penal sum as may be required by the Commissioner or prescribed by regulation;

"Regulation."

(6) The term "regulation" shall mean any regulation prescribed by the Commissioner with the approval of the Secretary of the Treasury for carrying out the provisions of this title or of Title III of the National Prohibition Act, and the Commissioner is authorized to make such regulations.

"Articles."

(7) The term "articles" shall mean any substance or preparation in the manufacture of which denatured alcohol or denatured rum is used.

Any Act authorized by this title or by Title III of the National Prohibition Act to be done by the Commissioner may be performed by any assistant or agent designated by him for that purpose. Records, reports, or returns required to be filed with the Commissioner may be filed with an Assistant Commissioner or other person designated by the Commissioner to receive such records, reports, or returns.

Violations of this title and of Title III of National Prohibition Act; investigations and reports.

Prosecution of offenders.

Vol. 41, p. 319.

Warrants; issue of.

SEC. 3. The Commissioner, his assistants, agents, and inspectors, shall investigate and report violations of this title and of Title III of the National Prohibition Act to the United States attorney for the district in which committed, who is hereby charged with the duty of prosecuting the offenders, subject to the direction of the Attorney General, as in the case of other offenses against the laws of the United States; and the Commissioner, his assistants, agents, and inspectors, may swear out warrants before United States commissioners or other officers or courts authorized to issue the same for the apprehension of such offenders, and may, subject to the control of the said United States attorney, conduct the prosecution at the committing trial for the purpose of having the offenders held for



the action of a grand jury. Section 1014 of the Revised Statutes is hereby made applicable in the enforcement of this title and of Title III of the National Prohibition Act. Officers mentioned in said section 1014 are authorized to issue search warrants under the limitations provided in title XI of the Act approved June 15, 1917 (40 Stat. 228; 18 U. S. C., secs. 611-633).

R. S., sec. 1014, p. 189; U. S. C., p. 770.  
Applicability.  
Search warrants; issue of.  
Vol. 40, p. 228; U. S. C., p. 771.

SEC. 4. Any person who shall produce, withdraw, sell, transport, or use denatured alcohol, denatured rum, or articles in violation of laws or regulations now or hereafter in force pertaining thereto, and all such denatured alcohol, denatured rum, or articles shall be subject to all provisions of law pertaining to alcohol that is not denatured, including those requiring the payment of tax thereon; and the person so producing, withdrawing, selling, transporting, or using the denatured alcohol, denatured rum, or articles shall be required to pay such tax.

Illegal production, etc., of alcohol, etc.

SEC. 5. Whenever the Commissioner has reason to believe that denatured alcohol, denatured rum, or articles do not correspond with the descriptions and limitations as to such alcohol, rum, or articles provided by law and regulations, he shall cause an analysis of said alcohol, rum, or articles to be made, and if upon such analysis the Commissioner shall find that said alcohol, rum, or articles do not so correspond, he shall give not less than fifteen days' notice in writing to the person who is the manufacturer thereof to show cause why said alcohol, rum, or articles should not be dealt with as other distilled spirits, such notice to be served personally or by registered mail, as the Commissioner may determine, and shall specify the time when, the place where, and the name of the agent or official before whom such person is required to appear.

Analysis of.

If the manufacturer of said alcohol, rum, or articles fails to show to the satisfaction of the Commissioner that the alcohol, rum, or articles manufactured by him correspond to the descriptions and limitations as to such alcohol, rum, or articles provided by law and regulations, his permit to manufacture and sell the same shall be revoked. The manufacturer may by appropriate proceeding in a court of equity have the action of the Commissioner reviewed, and the court may affirm, modify, or reverse the finding of the Commissioner as the facts and law of the case may warrant, and during the pendency of such proceedings may restrain the manufacture, sale, or other disposition of such alcohol, rum, or articles.

Notice to manufacturer.

Service.

Revocation of permit to manufacture.

Review of revoking order.

SEC. 6. No one shall manufacture alcohol, procure it tax free, denature it, deal in or use specially denatured alcohol, recover completely or specially denatured alcohol, or transport specially denatured or tax-free alcohol, without first obtaining a permit from the Commissioner so to do. All such permits may be issued for one year, and shall expire on the 31st day of December next succeeding the issuance thereof: *Provided*, That the Commissioner may without formal application or new bond extend any permit granted under this title or Title III of the National Prohibition Act after August 31 in any year to December 31 of the succeeding year.

Permits to manufacture, denature, etc., alcohol.  
Vol. 41, p. 319.

Duration of; expiration date.

*Proviso*.  
Extension authorized.

Permits to purchase or procure specially denatured alcohol and tax-free alcohol shall be issued in such terms and under such conditions as the Commissioner shall by regulation prescribe.

Terms and conditions of issue.

No permit shall be issued to any person who, within one year prior to the application therefor or issuance thereof, shall not in good faith have conformed to the provisions of this title or Title III of the National Prohibition Act, or shall have violated the terms of any permit issued under this title or Title III of the National Prohibition Act, or made any false statement in the application therefor, or willfully failed to disclose any information required by regulation

Restrictions.

to be furnished, or violated any law of the United States relating to intoxicating liquor, or willfully violated any law of any State, Territory, or possession of the United States or of the District of Columbia relating to intoxicating liquor.

Permits; contents of.	Every permit shall be in writing, dated when issued, and signed by the Commissioner or his authorized agent. It shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted and the time when and place where such acts may be performed. No permit shall be issued until a verified, written application shall have been made therefor, setting forth the qualification of the applicant and the purpose for which the alcohol or denatured alcohol is to be used.
Application for.	
Form of.	The Commissioner may prescribe the form of all permits and applications and the facts to be set forth therein. Before any permit is granted, the Commissioner may require a bond in such form and amount as he may prescribe to insure compliance with the terms of the permit and the provisions of this title and of Title III of the National Prohibition Act. In the event of the refusal by the Commissioner of any application for a permit, the applicant may have a review of his decision before a court of equity in the manner provided in section 5 of this title.
Bond.	
Review of order denying issue of.	
Complaints alleging violation of permits. Vol. 41, p. 319.	<b>SEC. 7.</b> If at any time there shall be filed with the Commissioner a complaint under oath setting forth facts showing, or if the Commissioner has reason to believe, that any person who has a permit is not in good faith conforming to the provisions of this title, or of Title III of the National Prohibition Act, or has violated the terms of such permit, or has made any false statement in the application therefor, or has willfully failed to disclose any information required by regulation to be furnished, or has violated any law of the United States or of any State, Territory, or possession of the United States or of the District of Columbia relating to intoxicating liquor, the Commissioner or his agent shall immediately issue an order citing such person to appear before him on a day named not more than thirty and not less than fifteen days from the date of service upon such permittee of a copy of the citation, which citation shall be accompanied by a copy of such complaint, or in the event that the proceedings be initiated by the Commissioner, with a statement of the facts constituting the violation charged, at which time a hearing shall be had unless continued for cause. Such hearings shall be held within the judicial district and within fifty miles of the place where the offense is alleged to have occurred, unless the parties agree on another place. If it be found that such person is not in good faith conforming to the provisions of this title, or of Title III of the National Prohibition Act, or has violated the terms of his permit, or made any false statement in the application therefor, or willfully failed to disclose any information required by regulation to be furnished, or violated any law of the United States relating to intoxicating liquor, or willfully violated any law of any State, Territory, or possession of the United States or of the District of Columbia relating to intoxicating liquor, such permit shall be revoked, and no permit shall be granted to such person within one year thereafter. Should the permit be revoked by the Commissioner, the permittee may have a review of his decision before a court of equity in the manner provided in section 5 of this title. During the pendency of such action such permit shall be temporarily revoked.
Citation for appearance.	
Hearings.	
Revocation of permit when allegations of complaint sustained.	
Review of revoking order.	
Possession of liquor or property intended for unlawful use. Vol. 41, p. 319.	<b>SEC. 8.</b> It shall be unlawful to have or possess any liquor or property intended for use in violating the provisions of this title, or of Title III of the National Prohibition Act, or the internal-revenue

laws, or regulations prescribed under such title or laws, or which has been so used, and no property rights shall exist in any such liquor or property. A search warrant may issue as provided in title XI of the Act approved June 15, 1917 (40 Stat. 228; 18 U. S. C., secs. 611-633), for the seizure of such liquor or property. Nothing in this section shall in any manner limit or affect any criminal or forfeiture provision of the internal-revenue laws, or of any other law. The seizure and forfeiture of any liquor or property under the provisions of this title, or under the provisions of Title III of the National Prohibition Act, and the disposition of such liquor or property subsequent to seizure and forfeiture, or the disposition of the proceeds from the sale of such liquor or property, shall be in accordance with existing laws or those hereafter in existence relating to seizures, forfeitures, and disposition of property or proceeds, for violation of the internal-revenue laws.

SEC. 9. The Commissioner, his assistants, agents, and inspectors, and all other officers, employees, or agents of the United States, whose duty it is to enforce criminal laws, shall have all the rights, privileges, powers, and protection in the enforcement of the provisions of this title and of Title III of the National Prohibition Act, which are conferred by law for the enforcement of any laws in respect of the taxation, importation, exportation, transportation, manufacture, possession, or use of, or traffic in, intoxicating liquors.

SEC. 10. Any person violating the provisions of this title or of any regulations issued thereunder, for which offense a special penalty is not prescribed, shall be liable to the penalty or penalties prescribed in section 15 of Title III of the National Prohibition Act. It shall be the duty of the prosecuting officer to ascertain, in the case of every violation of this title or the regulations made thereunder, for which offense a special penalty is not prescribed, or of Title III of the National Prohibition Act, or the regulations made thereunder, whether the defendant has been previously convicted and to plead the prior conviction in the affidavit, information, or indictment.

SEC. 11. No person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence in obedience to a subpoena of any court in any suit or proceeding based upon or growing out of any alleged violation of this title or of Title III of the National Prohibition Act; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpoena and under oath, he may so testify or produce evidence, but no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 12. In case of a sale of liquor or denatured alcohol or denatured rum where the delivery thereof was made by a common or other carrier the sale and delivery for purposes of prosecution or revocation of any permit shall be deemed to be made in the county or district wherein the delivery was made by such carrier to the consignee, his agent or employee, or in the county or district wherein the sale was made, or from which the shipment was made, and prosecution for such sale or delivery may be had in any such county or district.

SEC. 13. In any affidavit, information, or indictment for the violation of this title or of Title III of the National Prohibition Act, or of both, separate offenses may be united in separate counts and the defendant may be tried on all at one trial and the penalty for all

Issue of search warrant.  
Vol. 40, p. 228; U. S. C., p. 771.  
Criminal and forfeiture provisions of internal-revenue laws not affected.

Enforcement provisions.  
Vol. 41, p. 319.

Penalty provisions.

Vol. 41, p. 321.

Prior convictions.

Compulsory testimony.  
Vol. 41, p. 319.

Immunity from self-incrimination.

Venue of actions when unlawful delivery by carrier.

Joinder of separate offenses under one affidavit, information, or indictment.  
Vol. 41, p. 319.

- Pleadings.** offenses may be imposed. It shall not be necessary in any affidavit, information, or indictment to give the name of the purchaser or to include any defensive negative averments, but it shall be sufficient to state that the act complained of was then and there prohibited and unlawful, but this provision shall not be construed to preclude the trial court from directing the furnishing the defendant a bill of particulars when it deems it proper to do so.
- Records and reports; inspection of.** Vol. 41, p. 319. **SEC. 14.** All records and reports kept or filed under the provisions of this title or of Title III of the National Prohibition Act, and all liquor or property to which such records or reports relate, shall be subject to inspection at any reasonable hour by the Commissioner or any of his agents or by any public prosecutor or by any person designated by him, or by any peace officer in the State where the records or reports are kept, and copies of such records and reports duly certified by the person with whom kept or filed may be introduced in evidence with like effect as the originals thereof, and verified copies of such records shall be furnished to the Commissioner when called for.
- Introduction of certified copies of, in evidence.** **SEC. 15.** If any act or offense is a violation of this title or of Title III of the National Prohibition Act, and also of any other law in regard to the manufacture or taxation of, or traffic in, intoxicating liquor, a conviction for such act or offense under the one shall be a bar to prosecution therefor under the other.
- Conviction as bar to prosecution under other act.** Vol. 41, p. 319. **SEC. 16.** If distilled spirits upon which the internal-revenue tax has not been paid are lost by theft, accidental fire, or other casualty while in possession of a common carrier subject to the Transportation Act of 1920 or the Merchant Marine Act, 1920, or if lost by theft from a distillery or other bonded warehouse, and it shall be made to appear to the Commissioner that such losses did not occur as the result of negligence, connivance, collusion, or fraud on the part of the owner or person legally accountable for such distilled spirits, no tax shall be assessed or collected upon the distilled spirits so lost, nor shall any tax penalty be imposed or collected by reason of such loss, but the exemption from the tax and penalty shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss. This provision shall apply to any claim for taxes or tax penalties that may have accrued since the passage of the National Prohibition Act or that may accrue hereafter. Nothing in this section shall be construed as in any manner limiting or restricting the provisions of Title III of the National Prohibition Act.
- Exemption from tax payments.** Vol. 41, p. 456; U. S. C., p. 2212. Vol. 41, p. 988; U. S. C., p. 2062. **SEC. 17.** Section 3 of Title III of the National Prohibition Act (41 Stat. 319; 27 U. S. C., sec. 73) is amended to read as follows: "Warehouses for the storage and distribution of alcohol may be established upon filing of application and bond, and issuance of permit at such places, either in connection with the manufacturing plant or elsewhere, as the Commissioner may determine; and the entry and storage of alcohol therein, and the withdrawals of alcohol therefrom shall be made in such containers and by such means as the Commissioner by regulation may prescribe."
- Vol. 41, p. 319; U. S. C., p. 1221.** **SEC. 18.** Section 11 of Title III of the National Prohibition Act (41 Stat. 321; 27 U. S. C., sec. 81) is amended to read as follows: "Alcohol produced at any industrial alcohol plant or stored in any bonded warehouse may, under regulations, be withdrawn tax free as provided by existing law from such plant or warehouse for transfer to any denaturing plant for denaturation, or may, under regulations, before or after denaturation, be removed from any such plant or warehouse for any lawful tax-free purpose."
- Establishment of warehouses.** Post, p. 1957.
- Vol. 41, p. 321; U. S. C., p. 1221.** **Withdrawal of alcohol for denaturation; tax free.** Post, p. 1957.

"Spirits of less proof than one hundred and sixty degrees may, under regulations, be deemed to be alcohol for the purpose of denaturation, under the provisions of this title.

Spirits of less proof than 160 degrees.

"Alcohol may be withdrawn, under regulations, from any industrial plant or bonded warehouse tax free by the United States or any governmental agency thereof, or by the several States and Territories or any municipal subdivision thereof or by the District of Columbia, or for the use of any scientific university or college of learning, any laboratory for use exclusively in scientific research, or for use in any hospital or sanitarium.

Withdrawals by United States, etc.

"But any person permitted to obtain alcohol tax free, except the United States and the several States and Territories and subdivisions thereof, and the District of Columbia, shall first apply for and secure a permit to purchase the same and give the bonds prescribed under section 6 of the Liquor Law Repeal and Enforcement Act, but alcohol withdrawn for nonbeverage purposes for use of the United States and the several States, Territories and subdivisions thereof, and the District of Columbia may be purchased and withdrawn subject only to such regulations as may be prescribed."

Permits required.

## TITLE II

SECTION 201. Any officer, agent, or employee of the United States engaged in the enforcement of any law of the United States who shall search any private dwelling used and occupied as such dwelling without a warrant directing such search, or who, while engaged in such enforcement, shall without a search warrant maliciously and without reasonable cause search any other building or property, shall be guilty of a misdemeanor and upon conviction thereof shall be fined for a first offense not more than \$1,000, and for a subsequent offense not more than \$1,000, or imprisoned not more than one year, or both such fine and imprisonment: *Provided*, That nothing herein contained shall apply to any officer, agent, or employee of the United States serving a warrant of arrest, or arresting or attempting to arrest any person committing or attempting to commit an offense in the presence of such officer, agent, or employee, or who has committed, or who is suspected on reasonable grounds of having committed, a felony.

Illegal searches of private dwellings.

Penalty.

*Provido.*  
Exemptions.

Whoever not being an officer, agent, or employee of the United States shall falsely represent himself to be such officer, agent, or employee, and in such assumed character shall arrest or detain any person or shall in any manner search the person, buildings, or other property of any person, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000 or imprisoned for not more than one year, or by both such fine and imprisonment.

Searches and arrests by person falsely representing himself as officer.

Penalty.

SEC. 202 (a) The Act of March 22, 1933 (48 Stat. 16), entitled "An Act to provide revenue by the taxation of certain nonintoxicating liquors, and for other purposes", is hereby repealed.

Vol. 48, p. 16; U. S. C., p. 1167.

(b) The shipment or transportation, in any manner or by any means whatsoever, of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other 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 said spirituous, vinous, malted, fermented, or other intoxicating liquor

Shipment of intoxicating liquor into State in violation of its laws, prohibited.

Vol. 37, p. 699; U. S. C., p. 1223.

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.

Vol. 40, p. 82; U. S. C., p. 294.

SEC. 203. Section 12 of the Act of May 18, 1917 (40 Stat. 76), entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States", as amended, is hereby repealed.

Forfeiture of vehicles or aircraft seized for violation of internal-revenue laws.

SEC. 204. (a) Whenever, in any proceeding in court for the forfeiture, under the internal-revenue laws, of any vehicle or aircraft seized for a violation of the internal-revenue laws relating to liquors, such forfeiture is decreed, the court shall have exclusive jurisdiction to remit or mitigate the forfeiture.

Claims for remission or mitigation; proof to be submitted by claimant.

(b) In any such proceeding the court shall not allow the claim of any claimant for remission or mitigation unless and until he proves (1) that he has an interest in such vehicle or aircraft, as owner or otherwise, which he acquired in good faith, (2) that he had at no time any knowledge or reason to believe that it was being or would be used in the violation of laws of the United States or of any State relating to liquor, and (3) if it appears that the interest asserted by the claimant arises out of or is in any way subject to any contract or agreement under which any person having a record or reputation for violating laws of the United States or of any State relating to liquor has a right with respect to such vehicle or aircraft, that, before such claimant acquired his interest, or such other person acquired his right under such contract or agreement, whichever occurred later, the claimant, his officer or agent, was informed in answer to his inquiry, at the headquarters of the sheriff, chief of police, principal Federal internal-revenue officer engaged in the enforcement of the liquor laws, or other principal local or Federal law-enforcement officer of the locality in which such other person acquired his right under such contract or agreement, of the locality in which such other person then resided, and of each locality in which the claimant has made any other inquiry as to the character or financial standing of such other person, that such other person had no such record or reputation.

Return of vehicle or aircraft.

(c) Upon the request of any claimant whose claim for remission or mitigation is allowed and whose interest is first in the order of priority among such claims allowed in such proceeding and is of an amount in excess of, or equal to, the appraised value of such vehicle or aircraft, the court shall order its return to him; and, upon the joint request of any two or more claimants whose claims are allowed and whose interests are not subject to any prior or intervening interests claimed and allowed in such proceedings, and are of a total amount in excess of, or equal to, the appraised value of such vehicle or aircraft, the court shall order its return to such of the joint requesting claimants as is designated in such request. Such return shall be made only upon payment of all expenses incident to the seizure and forfeiture incurred by the United States. In all other cases the court shall order disposition of such vehicle or aircraft as provided in title 3 of this Act, and if such disposition be by public sale, payment from the proceeds thereof, after satisfaction of all such expenses, of any such claim in its order of priority among the claims allowed in such proceedings.

Payment of expenses incurred by United States.

Disposition of vehicles, etc., not returned.

Delivery to claimant.

(d) In any proceeding in court for the forfeiture under the internal-revenue laws of any vehicle or aircraft seized for a violation of the internal-revenue laws relating to liquor, the court shall order

delivery thereof to any claimant who shall establish his right to the immediate possession thereof, and shall execute, with one or more sureties approved by the court, and deliver to the court, a bond to the United States for the payment of a sum equal to the appraised value of such vehicle or aircraft. Such bond shall be conditioned to return such vehicle or aircraft at the time of the trial and to pay the difference between the appraised value of such vehicle or aircraft as of the time it shall have been so released on bond and the appraised value thereof as of the time of trial; and conditioned further that, if the vehicle or aircraft be not returned at the time of trial, the bond shall stand in lieu of, and be forfeited in the same manner as, such vehicle or aircraft. Notwithstanding the provisions of this subsection or any other provisions of law relating to the delivery of possession on bond of vehicles or aircraft sought to be forfeited under the internal-revenue laws, the court may, in its discretion and upon good cause shown by the United States, refuse to order such delivery of possession.

Bond required.

Refusal to order delivery.

### TITLE III

SECTION 301. As used in this title—

Definitions.

(1) "Property" means all personal property, including but not limited to vessels, vehicles, and aircraft;

"Property."

(2) "Agency" includes any executive department, independent establishment, board, commission, bureau, service, or division of the United States, and any corporation in which the United States owns all or a majority of the stock.

"Agency."

(3) "Director" means the Director of the Procurement Division of the Treasury Department of the United States.

"Director."

SEC. 302. In the event that any property is or has been voluntarily abandoned to any agency in such manner as to vest title thereto in the United States, it may be retained by such agency and devoted to official use only. If such agency shall not desire so to retain such property, the head thereof shall forthwith notify the Director to that effect, and the Director shall, within a reasonable time—

Abandoned property; disposition.

(a) order such agency to deliver the property to any other agency which requests and in his judgment should be given the property, or

(b) order disposal of the property as otherwise provided by law.

SEC. 303. In the event that any property seized by any agency is or has been forfeited to the United States otherwise than by court decree, it may, in the event that the property is not ordered by competent authority to be returned to any claimant, and in lieu of being disposed of as otherwise provided by law (including advertisement for sale, and sale), be retained by such agency and devoted to official use only. If such agency shall not desire so to retain such property, the head thereof shall forthwith notify the Director to that effect, and such property shall—

Seized property forfeited to United States; disposition.

When seizing agency does not desire to retain.

(a) in the event that it is not ordered by competent authority to be returned to any claimant, and in lieu of being disposed of as otherwise provided by law (including advertisement for sale, and sale), be delivered by such agency, upon order of the Director given within a reasonable time, to any other agency which requests and in the judgment of the Director should be given the property, or

(b) upon order of the Director given within a reasonable time, be disposed of as otherwise provided by law.

Notification when property seized; request for use.

Application for property to court.

SEC. 304. In the event that proceedings are or have been commenced for the forfeiture of any property by court decree, the agency which seized such property shall forthwith notify the Director and may at the same time file with him a request for such property for its official use. The Director shall, before entry of a decree, apply to the court to order delivery of such property—

(a) to the agency filing such request; or

(b) if no such request has been filed, to any other agency which requests and in the judgment of the Director should be given such property; or

(c) if the agency which seized such property has not requested it, and no other agency has requested and in the judgment of the Director should be given such property, and if in the judgment of the Director the property may later become necessary to any agency for official use, to the seizing agency to be retained in its custody. Thereafter, the Director shall, within a reasonable time, order such agency to deliver the property to any other agency which requests and in his judgment should be given such property, or to dispose of it as otherwise provided by law,

and if forfeiture thereof is decreed, the court shall, in the event that the property is not ordered by competent authority to be returned to any claimant, order delivery accordingly. All the property for which no such application is made shall be disposed of by the court in accordance with law.

Appropriations available for maintenance of seized property.

*Post*, p. 1833.

Other expenses.

SEC. 305. The appropriation available to any agency for the purchase, hire, operation, maintenance, and repair of property of any kind shall be available for the payment of expenses of operation, maintenance, and repair of property of the same kind received by it under any provision of this title for official use; for the payment of any lien recognized and allowed pursuant to law, and for the payment of all moneys found to be due any person upon the duly authorized remission or mitigation of any forfeiture; and for reimbursement of other agencies as hereafter provided. The costs of hauling, transporting, towing, and storage of such property shall be paid by the agency which has seized such property or to which it has been abandoned; and, if such property is later delivered to another agency for official use under sections 302, 303, or 304 of this title, the latter shall make reimbursement for all such costs incurred prior to the date of delivery to it of such property.

Retention or delivery considered sale; informer's fees, etc.

SEC. 306. Retention or delivery of forfeited or abandoned property under this title shall be regarded as the sale thereof for the purpose of laws providing for informer's fees or remission or mitigation of any forfeiture. Any property so acquired when no longer needed for official use shall be disposed of in the same manner as other surplus property.

Authority of Director to require reports respecting abandoned property.

SEC. 307. The Director is authorized, with the approval of the Secretary of the Treasury, (1) to require any agency, from time to time, to make a report of all property abandoned to it or seized and the disposal thereof, and (2) to make such rules and regulations as may be necessary to carry out the provisions of this title.

Rules and regulations.

Vol. 43, p. 1116; Vol. 46, p. 430; U. S. C., p. 823.

SEC. 308. (a) The Act entitled "An Act relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the National Prohibition Act, and for other purposes" (43 Stat. 1116), approved March 3, 1925, as amended, is hereby repealed.

Inconsistent laws.

(b) Nothing contained in this title shall be construed as repealing any other laws relating to the disposition of forfeited or abandoned property, except such provisions of such laws as are directly in conflict with any provisions of this title.



(c) The following classes of property shall not be subject to allocation under sections 302, 303, or 304 of this title, but shall be disposed of in the manner otherwise provided by law:

Classes of property exempt from allocation.

(1) arms or munitions of war included in section 4 of title VI of the Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes" (40 Stat. 223), approved June 15, 1917, as amended;

Vol. 40, p. 223.

(2) narcotic drugs, as defined in the Narcotic Drug Import and Export Act;

Vol. 42, p. 596.

(3) firearms, as defined in the National Firearms Act; and

Vol. 48, p. 1236.

(4) such other classes or kinds of property as the Director, with the approval of the Secretary of the Treasury, may deem in the public interest, and may by rules and regulations provide.  
Approved, August 27, 1935.

[CHAPTER 741.]

AN ACT

Providing for the exchange of certain park lands at and near Western Avenue and West Beach Drive for other lands more suitable to the development of Rock Creek Park and the street system of the District of Columbia, and for other purposes.

August 27, 1935.  
[S. 3353.]

[Public, No. 348.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to extend Beach Parkway northward to Western Avenue as provided for by the plans of the National Capital Park and Planning Commission for the park system of the District of Columbia and to preserve the flow of water in Rock Creek Park and to extend West Beach Drive to connect Beach Drive and Rock Creek Park with Western Avenue, the Secretary of the Interior is authorized to convey by and on behalf of the United States of America to the owners of parcel 78/5, or to such party or parties as said owner or owners shall designate, the title of the United States in and to a piece of land containing approximately fifty-five thousand square feet at and near the intersection of Western Avenue and West Beach Drive as proposed in accordance with the plan of the permanent system of highways of the District of Columbia, being a part of reservation 339: *Provided*, That the owners of said parcel 78/5 shall furnish the United States of America with a good and sufficient title in fee simple, free of all encumbrances, to that piece of land lying along and east of the center line of West Beach Drive as proposed in accordance with the plan of the permanent system of highways of the District of Columbia, and extending east to the creek immediately north of the present north line of United States reservation 432 and extending north to United States reservation 339 and containing approximately fifty-eight thousand five hundred square feet: *Provided further*, That the owners of parcel 78/5 dedicate to the District of Columbia for street purposes the west half, forty-five feet in width, of West Beach Drive as proposed in accordance with the plan of the permanent system of highways of the District of Columbia, along their property immediately north of the north line of reservation 432.

District of Columbia.  
Exchange of certain  
park lands in, author-  
ized.

*Prorisos.*  
Condition.

Private property  
owners to dedicate strip  
for street purposes.

SEC. 2. The dedication and transfers provided for in section 1 are designated approximately upon plat file numbered 3.9-97 in the files of the National Capital Park and Planning Commission. The dedication and conveyances shall be by proper deed and other instruments containing full legal description by exact survey of the land exchanged and dedicated as provided for by law.

Parcels designated.

Deed, etc.

Secretary's powers not curtailed. Vol. 47, p. 707.

SEC. 3. Nothing in this Act shall be construed as curtailing the power of the Secretary of the Interior to sell the remainder of parcel 4 as provided for in Public Law Numbered 299, Seventy-second Congress, and should the exchange and dedication as provided for in section 1 fail to become effective the Secretary of the Interior is still authorized to sell the entire area of parcel 4 as provided for in that Act.

Approved, August 27, 1935.

[CHAPTER 742.]

AN ACT

August 27, 1935. [H. R. 3462.] [Public, No. 349.]

To amend an Act entitled "An Act to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913", and for other purposes.

District of Columbia, Public Utilities Commission. Vol. 37, pp. 985, 988, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913", be, and the same is hereby, amended by striking therefrom all of paragraph 52, and all of paragraph 64, after the first sentence thereof, and inserting in lieu of the matter stricken the following:

Application for rehearing on Commission's order, allowed. Limitations.

"That any public utility or any other person or corporation affected by any final order or decision of the Commission may, within thirty days after the publication thereof, file with the Commission an application in writing requesting a reconsideration of the matters involved, and stating specifically the errors claimed as grounds for such reconsideration. No public utility, or other person or corporation shall in any court urge or rely on any ground not so set forth in said application. The Commission, within thirty days after the filing of such application, shall either grant or deny it. Failure by the Commission to act upon such application within such period shall be deemed a denial thereof. If such application is granted, the Commission, after giving notice thereof to all interested parties, shall, either with or without hearing, rescind, modify, or affirm its order or decision. The filing of such an application shall act as a stay upon the execution of the order or decision of the Commission until the final action of the Commission upon the application: *Provided*, That upon written consent of the utility such order or decision shall not be stayed unless otherwise ordered by the Commission. No appeal shall lie from any order of the Commission unless an application for reconsideration shall have been first made and determined."

Commission's decision.

Application to act as stay on order's execution.

Proviso. Exception.

Appeal restriction.

Designated sections repealed. Vol. 37, p. 989.

Appeal from Commission's decision.

Court jurisdiction over.

SEC. 2. That said section 8 be, and the same hereby is, further amended by striking therefrom paragraphs 65, 66, 67, 68, and 69 and inserting in lieu of the matter stricken the following:

"PAR. 65. The Supreme Court of the District of Columbia shall have jurisdiction to hear and determine any appeal from an order or decision of the Commission. Any public utility, or any other person or corporation affected by any final order or decision of the Commission, other than an order fixing or determining the value of the property of a public utility in a proceeding solely for that purpose, may, within sixty days after final action by the Commission upon the petition for reconsideration, file with the clerk of the Supreme Court of the District of Columbia a petition of appeal setting forth the reasons for such appeal and the relief sought; at the same time such appellant shall file with the Commission notice

Petition to be filed.

in writing of the appeal together with a copy of the petition. Within twenty days of the receipt of such notice of appeal the Commission shall file with the clerk of the said court the record, including a transcript of all proceedings had and testimony taken before the Commission, duly certified, upon which the said order or decision of the Commission was based, together with a statement of its findings of fact and conclusions upon the said record, and a copy of the application for reconsideration and the orders entered thereon: *Provided*, That the parties, with the consent and approval of the Commission, may stipulate in writing that only certain portions of the record be transcribed and transmitted. Within this period the Commission or any other interested party shall answer, demur, or otherwise move or plead. Thereupon the appeal shall be at issue and ready for hearing. All such proceedings shall have precedence over any civil cause of a different nature pending in said court, and the Supreme Court of the District of Columbia shall always be deemed open for the hearing thereof. Any such appeal shall be heard upon the record before the Commission, and no new or additional evidence shall be received by the said court. The said court, or any justice or justices thereof, before whom any such appeal shall be heard, may require and direct the Commission to receive additional evidence upon any subject related to the issues on said appeal concerning which evidence was improperly excluded in the hearing before the Commission or upon which the record may contain no substantial evidence. Upon receipt of such requirement and direction the Commission shall receive such evidence and without unreasonable delay shall transmit to the said court the findings of fact made thereon by the Commission and the conclusions of the Commission upon the said facts.

Transcript of record, etc., to be transmitted.

*Proviso.*  
Record may be abridged.

Precedence to be given.

Evidence improperly excluded at hearing may be admitted.

“Upon the conclusion of its hearing of any such appeal the court shall either dismiss the said appeal and affirm the order or decision of the Commission or sustain the appeal and vacate the Commission's order or decision. In either event the court shall accompany its order by a statement of its reasons for its action, and in the case of the vacation of an order or decision of the Commission the statement shall relate the particulars in and the extent to which such order or decision was defective.

Court findings.

Reasons to be stated.

“Any party, including said Commission, may appeal from the order or decree of said court to the Court of Appeals of the District of Columbia, which shall thereupon have and take jurisdiction in every such appeal. Thereafter the Supreme Court of the United States may, upon a petition for certiorari granted in its discretion, review the said case.

Appeal allowed to Court of Appeals.

Certiorari to U. S. Supreme Court.

“Said Commission shall not, nor shall any of its members, officers, agents, or employees, be taxed with any costs, nor shall they or any of them be required to give any supersedeas bond or security for costs or damages on any appeal whatsoever. Said Commission, or any of its members, officers, agents, or employees, shall not be liable to suit or action or for any judgment or decree for any damages, loss, or injury claimed by any public utility or person, nor required in any case to make any deposit for costs or pay for any service to the clerks of any court or to the marshal of the United States.

No liability upon Commission for official acts, etc.

“PAR. 66. In the determination of any appeal from an order or decision of the Commission the review by the court shall be limited to questions of law, including constitutional questions; and the findings of fact by the Commission shall be conclusive unless it shall appear that such findings of the Commission are unreasonable, arbitrary or capricious.

Court review limited to questions of law.

Commission's findings of fact.

Effect of Commission's orders.

"PAR. 67. All orders and decisions of the Commission shall remain in full effect, except as provided in paragraph 64, unless and until they are suspended, superseded or rescinded by the Commission or are vacated by lawful order of the Supreme Court of the District of Columbia: *Provided*, That if in any petition made to the said court appealing from an order or decision of the Commission it be alleged that substantial and irreparable property loss would be occasioned to the petitioner by the operation of the said order pending the determination of the said appeal, the court shall set a time and place for hearing upon the said allegation after not less than three days' notice to the Commission (during which period the execution of the order or decision shall be stayed), and the said court may then, upon a clear showing of the irreparable and substantial property loss as alleged, suspend the effective date of the said order. No such suspension shall be for a greater period than sixty days without further order after notice or hearing by the court. In the event of the issuance of an order suspending the operation of any order of the Commission, the court may include therein such provision as it deems advisable for the preservation of records or accounts and the impounding or otherwise securing of moneys necessary to give effect to the order of the Commission in the event the said order is sustained.

*Proviso.*  
Suspending order for alleged irreparable loss.

Period.

Provisions included in court order.

Court of Appeals.  
Certification of appeal to.

Court order.

"PAR. 68. The Supreme Court of the District of Columbia, or any justice thereof before whom an appeal from an order of the Commission is pending, may certify to the Court of Appeals of the District of Columbia any questions or propositions of law concerning which instructions are desired for the proper disposition of the appeal; and thereupon the court of appeals may either give binding instructions on the questions and propositions certified or may require that the entire record in the cause be sent up for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there by writ of error or appeal.

Authority of Commission to rescind, etc., its order.

"PAR. 69. That the Commission may at any time rescind, alter, modify, or amend its order. That if, after appeal is filed, the Commission shall rescind the order or decision appealed from, the appeal shall be dismissed; if it shall alter, modify, or amend the same, such altered, modified, or amended order or decision shall take the place of the original order and the court shall proceed thereon as though the late order had been made by the Commission in the first instance.

Review.

"PAR. 69a. The method of review of the orders and decisions of the Commission provided by paragraphs 64, 65, 66, 67, 68, and 69, herein, shall be exclusive."

Vol. 37, p. 984; Vol. 44, p. 1351.

SEC. 3. That the said section 8 is hereby further amended by striking all of paragraphs 42 and 42a thereof and inserting in lieu thereof the following:

Investigation expenses to be borne by utility.

"PAR. 42. That the expenses of any investigation, valuation, revaluation, or proceeding of any nature by the Public Utilities Commission of or concerning any public utility operating in the District of Columbia, and all expenses of any litigation, including appeals, arising from any such investigation, valuation, revaluation, or proceeding, or from any order or action of the said Commission, shall be borne by the public utility investigated, valued, revalued, or otherwise affected as a special franchise tax in addition to all other taxes imposed by law, and such expenses with interest at 6 per centum per annum may be charged to operating expenses and amortized over such period as the Public Utilities Commission shall deem proper and be allowed for in the rates to be charged by such utility. When any such investigation, valuation, revaluation, or other proceeding is begun the said Public Utilities Commission may call upon the utility in question for the deposit of such reasonable sum or sums as

Interest added.

Deposit may be required.

in the opinion of said Commission, it may deem necessary from time to time until the said proceeding or the litigation arising therefrom is completed, the money so paid to be deposited in the Treasury of the United States to the credit of the appropriation account known as 'Miscellaneous trust fund deposit, District of Columbia' and to be disbursed in the manner provided for by law for other expenditures of the government of the District of Columbia, for such purposes as may be approved by the Public Utilities Commission. Any unexpended balance of such sum or sums so deposited shall be returned to the utility depositing the same: *Provided*, That the amount expended by the Commission in any valuation or rate case shall not exceed one-half of 1 per centum of the existing valuation of the company investigated, and that the amount expended in all other investigations shall not exceed one-tenth of 1 per centum of the existing valuation for any one company for any one year."

Accounting.

*Proviso.*  
Limitation on expenditure.

SEC. 4. If any provision of this Act or the application 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.

Saving provision.

SEC. 5. No proceeding or litigation, except a proceeding involving solely the valuation of the property of any public utility, pending in any court in the District of Columbia on the date of the approval of this Act, shall be affected by any of the provisions hereof.

Pending proceedings not affected.

Approved, August 27, 1935.

[CHAPTER 743.]

AN ACT

To amend the Filled Milk Act.

August 27, 1935.  
[H. R. 6361.]

[Public, No. 350.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Act of March 4, 1923, entitled "An Act to prohibit the shipment of filled milk in interstate or foreign commerce" (U. S. C., title 21, ch. 3) be, and the same is hereby, amended by adding at the end thereof the following section:

Filled Milk Act.  
Vol. 42, p. 1487,  
amended.  
U. S. C., p. 922.

"SEC. 4. The Secretary of Agriculture is hereby authorized and directed to make and enforce such regulations as may in his judgment be necessary to carry out the purposes of this Act."

Administration of  
placed under Secretary  
of Agriculture.  
*Post*, p. 1454.

Approved, August 27, 1935.

[CHAPTER 744.]

AN ACT

To provide for the disposition, control, and use of surplus real property acquired by Federal agencies, and for other purposes.

August 27, 1935.  
[S. 2888.]

[Public, No. 351.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That notwithstanding any other provisions of law, whenever any real property located outside of the District of Columbia, exclusive of military or naval reservations, heretofore or hereafter acquired by any Federal agency, by judicial process or otherwise in the collection of debts, purchase, donation, condemnation, devise, forfeiture, lease, or in any other manner, is, in whole or in part, declared to be in excess of its needs by the Federal agency having control thereof, or by the President on recommendation of the Secretary of the Treasury, the Director of Procurement, with the approval of the Secretary of the Treasury, is authorized (a) to assign or reassign to any Federal agency or agencies space therein: *Provided*, That if the Federal agency to which space is assigned does not desire to occupy the space

Surplus Federal real  
property.  
Disposition of certain,  
outside the District  
of Columbia, authorized.

By assignment of  
space to any Federal  
agency.

*Proviso.*  
Refusal to accept.

To lease, pending sale.

To sell to highest competitive bidder.

Director of Procurement to make repairs or alterations deemed necessary.

Reimbursement.

Provisos. Equitable allocation of expenses.

Charges not to exceed rent for equivalent quarters.

Computation of charges.

Director's decision subject to review by the President.

Lease of space; terms, periods, etc.

Maintenance, etc., expenses.

Administrative regulations.

"Federal agency" defined.

so assigned to it, the decision of the Director of Procurement shall be subject to review by the President; or (b) pending a sale, to lease such real property on such terms and for such period not in excess of five years as he may deem in the public interest; or (c) to sell the same at public sale to the highest responsible bidder upon such terms and after such public advertisement as he may deem in the public interest.

SEC. 2. Whenever after investigation it is determined by the Director of Procurement that any such real property should be used for the accommodation of any Federal agency or agencies, the Director of Procurement is authorized to make any repairs thereto or alterations thereof which he deems necessary or advisable and to maintain and operate the same. To the extent that the appropriations of the Procurement Division not otherwise allocated are inadequate for such repairs, alterations, maintenance, or operation, the Director of Procurement may require each Federal agency to which space has been assigned therein pursuant to the provisions of section 1 of this Act to pay promptly by check to the Procurement Division out of its appropriation for rent, either in advance of or upon or during occupancy of such space, all or part of the estimated or actual cost of such repairs, alterations, maintenance, and operation: *Provided*, That the total amount so to be paid shall be determined and equitably apportioned by the Director of Procurement among the Federal agencies to whom space has been so assigned: *Provided further*, That the amount so charged against any Federal agency shall be computed at a rate not in excess of that paid as rent by such agency immediately preceding such assignment for space in lieu of which space is so assigned to it, and if it is less the difference shall be deposited in the Treasury as miscellaneous receipts: *And provided further*, That in the event such space is not assigned in lieu of existing space, the amount so charged shall be computed at a rate not in excess of that which the Director of Procurement determines, with the approval of the Secretary of the Treasury, would have been paid as rent for corresponding space during the current fiscal year, and if it is less the difference shall be deposited in the Treasury as miscellaneous receipts. If a Federal agency subject to this proviso disagrees with the amount the Director of Procurement so determines would have been paid as rent, the determination of the Director of Procurement shall be subject to review by the President.

SEC. 3. The Director of Procurement, with the approval of the Secretary of the Treasury, is further authorized to procure space by lease, on such terms and for such period not in excess of five years as he may deem in the public interest, for the housing of any Federal agency or agencies outside of the District of Columbia, except the Post Office Department, and to assign and reassign space therein in the same manner as is authorized with respect to surplus real property by section 1 of this Act, and to require the Federal agencies to whom space is assigned therein to pay the total expenditures required under such lease during its entire term in the manner specified in section 2 of this Act.

SEC. 4. The Director of Procurement, with the approval of the Secretary of the Treasury, is authorized to make such regulations as may be necessary to carry out the provisions of this Act.

SEC. 5. The term "Federal agency", as used in this Act, means any executive department, independent establishment, commission, board, bureau, division, or office in the executive branch, or other agency of the United States, including corporations wholly owned by the United States.

Approved, August 27, 1935.

## [CHAPTER 745.]

## AN ACT

To authorize the Secretary of the Interior to provide by agreement with Middle Rio Grande Conservancy District, a subdivision of the State of New Mexico, for maintenance and operation on newly reclaimed Pueblo Indian lands in the Rio Grande Valley, New Mexico, reclaimed under previous Act of Congress, and authorizing an annual appropriation to pay the cost thereof for a period of not to exceed five years.

August 27, 1935.

[S. 1832.]

[Public, No. 352.]

*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 enter into an agreement with Middle Rio Grande Conservancy District, a political subdivision of the State of New Mexico, to provide for operation and maintenance on newly reclaimed Pueblo Indian lands, not exceeding twelve thousand six hundred acres thereof now owned by said Indians, in the Rio Grande Valley, New Mexico, provided said lands have been benefited by improvements constructed under the Act of Congress dated March 13, 1928 (45 Stat. L., 312-313) and as therein provided, and as provided for by the provisions of the contract executed by and with the Secretary of the Interior and the said district; and there is hereby authorized to be appropriated annually for a period of not to exceed five years, such amount as may be necessary to enable the Secretary of the Interior to pay the cost to Middle Rio Grande Conservancy District of such operation and maintenance on said newly reclaimed Pueblo Indian lands as may be irrigable during any particular year, provided the per acre cost assessable against the acreage of newly reclaimed Indian lands shall not exceed the per acre cost of operating and maintaining the district works for the irrigation of the total irrigable area within the district, including the now irrigated and newly reclaimed Indian lands: *Provided,* That any sums appropriated pursuant hereto shall be reimbursable to the United States: *Provided further,* That the district shall be required by the agreement herein authorized to be executed, to deliver water without discrimination on that part of the newly reclaimed Pueblo lands on which the per acre charge or assessment has been paid: *And provided further,* That the provisions of the contract heretofore executed pursuant to the Act of March 13, 1928, requiring the district to recognize the prior and paramount water rights for the approximately eight thousand three hundred and forty-six acres of now irrigated Indian lands and of their exemption from payment of any operation and maintenance or betterment cost, shall be carried into and made a part of the agreement to be executed pursuant hereto.

Approved, August 27, 1935.

Middle Rio Grande Conservancy District. Agreement with, for maintenance on newly reclaimed Pueblo Indian lands, N. Mex., authorized.

Vol. 45, p. 312.

Appropriations authorized.

Assessment of costs.

Provisos. Repayment. Equitable distribution requirements.

Recognition of prior water rights of irrigated lands.

## [CHAPTER 746.]

## AN ACT

For the relief of the State of Nebraska.

August 27, 1935.

[S. 1864.]

[Public, No. 353.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of section 3646, as amended, of the Revised Statutes of the United States, the issue of a duplicate check is hereby authorized and directed, without the requirement of an indemnity bond, said check to be a duplicate of original check numbered 15757, drawn by the disbursing clerk, Department of Agriculture, January 17, 1934, in favor of "State treasurer of Nebraska, trust fund", for \$10,451.12 and lost, stolen, or miscarried in the mails.

Approved, August 27, 1935.

Nebraska. Issue of duplicate check to treasurer of, in lieu of lost original. R. S., sec. 3646, p. 717. U. S. C., p. 1395.

## [CHAPTER 747.]

## AN ACT

August 27, 1935.

[S. 2002.]

[Public, No. 354.]

To provide for the establishment of load lines for American vessels in the coastwise trade, and for other purposes.

Coastwise Load Line Act, 1935.

Load lines established for vessels in coastwise voyage by sea.

Term defined.

Vol. 28, p. 672; U. S. C., p. 1454.

Load water lines and marks; establishment. *Post*, p. 1543.*Provisos.*  
Applicable to Great Lakes.

Vol. 47, p. 2228.

Changes permitted, Great Lakes.

Marking lines on vessels.

Appointment of American Bureau of Shipping to determine correctness.

*Proviso.*  
Other agencies may survey, etc., at request of shipowners.

Certificates of approval.

Unlawful for vessel to depart without.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That load lines are hereby established for merchant vessels of one hundred and fifty gross tons or over, loading at or proceeding to sea from any port or place within the United States or its possessions for a coastwise voyage by sea. By "coastwise voyage by sea" is meant a voyage on which a vessel in the usual course of her employment proceeds from one port or place in the United States or her possessions to another port or place in the United States or her possessions and passes outside the line dividing inland waters from the high seas, as defined in section 2 of the Act of February 19, 1895.

SEC. 2. The Secretary of Commerce is hereby authorized and directed in respect of the vessels defined above to establish by regulations from time to time the load water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded and in establishing such load lines due consideration shall be given to, and differentials made for, the various types and character of vessels and the trades in which they are engaged: *Provided*, That the load-line provisions of this Act shall apply to the Great Lakes and that no load line shall be established or marked on any vessel which load line gives a lesser freeboard and less buoyancy than the load line established by the International Treaty on Load Lines of 1930, and that the regulations established under this proviso shall have the force of law: *Provided further*, That in applying the load lines to vessels on the Great Lakes the Secretary of Commerce is vested with discretion to vary the load-line marks from those established by said Treaty when in his opinion the changes made by him will not be above the actual line of safety.

SEC. 3 It shall be the duty of the owner and of the master of every vessel subject to this Act and to the regulations established thereunder to cause the load line or lines so established to be permanently and conspicuously marked upon the vessel in such manner as the Secretary of Commerce shall direct, and to keep the same so marked. The Secretary of Commerce shall appoint the American Bureau of Shipping, or such other American corporation or association for the survey or registry of shipping as may be selected by him, to determine whether the position and manner of marking on such vessels the load line or lines so established are in accordance with the provisions of this Act and of the regulations established thereunder: *Provided, however*, That, at the request of the shipowner, the Secretary of Commerce may appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the Secretary of Commerce may approve; or the Secretary of Commerce may appoint for said purpose any officer of the Government, who shall perform such services as may be directed by the Secretary of Commerce. The Secretary of Commerce may, in his discretion, revoke any appointment made pursuant to this section. Such corporation, association or officer shall, upon approving the position and manner of marking of such load line or lines, issue a certificate, in a form to be prescribed by the Secretary of Commerce, that the same are in accordance with the provisions of this Act and of the regulations established thereunder, and shall deliver a copy thereof to the master of the vessel. It shall be unlawful for any vessel subject to this Act and to said regulations to depart from any port or place designated in section 1 without



bearing such mark or marks, approved and certified by such corporation, association, or officer, and without having on board a copy of said certificate.

SEC. 4. It shall be unlawful for any vessel subject to this Act and to the regulations established thereunder to be so loaded as to submerge the load line or lines marked pursuant to this Act and to the regulations established thereunder applicable to her voyage; or to be so loaded as to submerge under like conditions the point where such load line or lines ought to be marked pursuant to the provisions of this Act and of the regulations established thereunder; or to be so loaded as in any manner to violate the said regulations.

SEC. 5. Whenever the Secretary of Commerce shall certify that the laws and regulations in force in any foreign country relating to load lines are equally effective with the regulations established under this Act, the Secretary of Commerce may direct, on proof that a vessel of that country has complied with such foreign laws and regulations, that such vessel and her master and owner shall be exempted from compliance with the provisions of this Act, except as hereinafter provided: *Provided*, That this section shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under this Act and the regulations made thereunder.

SEC. 6. It shall be the duty of the master of every vessel subject to this Act and to the regulations established thereunder and of every foreign vessel exempted pursuant to section 5, before departing from her loading port or place to provide a ship's record or log book and enter therein a statement of the position of the load line marked applicable to the voyage in question and the actual drafts forward and aft at the time of departing as nearly as the said drafts can be ascertained.

SEC. 7. If any collector of customs has reason to believe on complaint or otherwise that a vessel subject to the provisions of this Act is about to proceed on a voyage from a port in the United States or its possessions within his district without conforming to the provisions of section 3 hereof, or when loaded in violation of section 4 hereof, or that any vessel exempted pursuant to section 5 hereof is about to proceed on a voyage from such port when loaded in violation of the laws and regulations of her country with respect to load line, he may serve on the master or officer in charge of such vessel a written order detaining the vessel for the purpose of being surveyed to determine whether or not the provisions of this Act are complied with. Where the detention is on the ground that the vessel does not conform to the provisions of section 3 hereof, the collector shall cause an examination of the vessel to be made, and if from such examination it appears that the vessel is not marked with the load line established in conformity with the provisions of this Act, the collector shall so notify the master or officer in charge of such vessel and shall detain her until a load line shall have been duly established in accordance with section 3 hereof, provided that in cases of exceptional hardship, subject to regulations issued by the Secretary of Commerce, the collector may cause a proper load line to be provisionally established by one of the agencies or persons designated under section 3 hereof, which provisional load line shall constitute a compliance with the provisions of this Act only until completion of the particular voyage in which the vessel is at the time engaged. After such establishment or provisional establishment of a load line the collector shall appoint three disinterested surveyors to examine the loading of the vessel and to report to him whether such vessel is so loaded as to submerge said provisional load line and if from such report it appears that

Loading provisions.

Exemptions of vessels of foreign country, complying with its load line laws.

*Proviso.* Reciprocal recognition.

Entry on log book of load line position before departing.

Detention of vessel violating provisions.

Provisional load line in emergency permitted.

Loading of vessel to be examined by disinterested surveyors.

the vessel is so loaded, the collector may by written order served on the master or officer in charge of said vessel detain the vessel until she has been reloaded in whole or in part so as not to submerge said provisional load line or lines. Where the detention is on the ground of a supposed violation of section 4 or section 5 hereof, the collector shall appoint three disinterested surveyors to examine the vessel and her loading and to report to him and if from such report it appears that the vessel is loaded in violation of the provisions of sections 4 or 5 hereof, the collector shall so notify in writing the master or other officer in charge of such vessel and detain the vessel until she has been reloaded in whole or in part so as to conform to the provisions of sections 4 or 5 hereof. If a vessel is ordered detained by a collector acting under the provisions of this section, the master may within five days appeal to the Secretary of Commerce, who, if he so desires, may order a further survey and may affirm, set aside, or modify the order of the collector. Clearance shall be refused to any vessel which shall have been ordered detained.

Further examinations.

Appeal to Secretary of Commerce and further survey allowed.

Penalties. Departing without proper marking.

Foreign registry vessels.

Discretionary power of Secretary.

Failing to make required entry in log book.

Permitting vessel to depart or arrive with submerged load line, etc.

Foreign vessels.

Permitting detained vessel to depart.

SEC. 8. (a) If the owner or master of any vessel subject to this Act and to the regulations established thereunder shall permit her to depart from any port or place designated in section 1 without having complied with the provisions of section 3, he shall for each offense be liable to the United States in a penalty of \$500. If the owner or master of any vessel exempted pursuant to section 5 shall permit her to depart from any port or place designated in section 1 without having the loadline or lines required by the laws and regulations of the country to which she belongs marked upon her as required by said law and regulations, he shall for each offense be liable to the United States in a penalty of \$500. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this paragraph, or discontinue prosecution therefor on such terms as he may deem proper.

(b) If the master of any vessel subject to this Act, or of any foreign vessel exempted pursuant to section 5, shall fail, before departing from any port or place designated in section 1, to enter in and make a part of the ship's record or log book the statement required by section 6, he shall for each offense be liable to the United States in a penalty of \$100. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this paragraph.

(c) If any person shall knowingly permit or cause or attempt to cause any vessel subject to this Act to depart or arrive, or if, being the owner, manager, agent, or master of such vessel, he shall fail to take reasonable care to prevent her from departing from or arriving at any port or place designated in section 1 when loaded in violation of section 4, or if any person shall knowingly permit or cause or attempt to cause a foreign vessel exempted pursuant to section 5 to depart or arrive, or if, being the owner, manager, agent, or master of such vessel he shall fail to take reasonable care to prevent her from departing from or arriving at any port or place designated in section 1 when loaded more deeply than permitted by the laws and regulations of the country to which she belongs, he shall, in respect of each offense, be liable to the United States, in a penalty of \$500 unless the vessel's departure or arrival was, under the circumstances, reasonable and justifiable. The Secretary of Commerce may, in his discretion, remit or mitigate any penalty imposed under this paragraph.

(d) If the master of any vessel or any other person shall knowingly permit or cause or attempt to cause any vessel to depart from

any port or place in the United States or its possessions in violation of any order of detention made pursuant to section 7, he shall, in respect of each offense, be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500 or by imprisonment not to exceed three months, or both such fine and imprisonment, in the discretion of the court.

(e) If any person shall conceal, remove, alter, deface, or obliterate or shall suffer any person under his control to conceal, remove, alter, deface, or obliterate any mark or marks placed on a vessel pursuant to this Act or to the regulations established thereunder, except in the event of lawful change of said marks, or to prevent capture by an enemy, he shall in respect of each offense be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000, or by imprisonment not to exceed one year, or both such fine and imprisonment, in the discretion of the court.

Concealing, obliterating, etc., load line marks.

(f) Whenever the owner, manager, agent, or master of a vessel shall become subject to a fine or penalty by way of money payment pursuant to the provisions of this Act, the vessel shall also be liable therefor and may be seized and proceeded against in the district court of the United States in any district in which such vessel may be found.

Liability of vessel when owner, etc., subject to fine.

SEC. 9. The provisions of this Act shall become effective as to vessels of four thousand gross tons and upwards, not later than three months, and as to all other vessels subject hereto, not later than twelve months from and after the date of approval thereof. This Act may be cited as the "Coastwise Load Line Act, 1935".

Effective dates.

Approved, August 27, 1935.

Citation of Act.

[CHAPTER 748.]

AN ACT

To promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes.

August 27, 1935.  
[S. 2203.]

[Public, No. 355.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a board is hereby created in the Department of the Interior to be known as "Indian Arts and Crafts Board", and hereinafter referred to as the Board. The Board shall be composed of five commissioners, who shall be appointed by the Secretary of the Interior as soon as possible after the passage of this Act and shall continue in office, two for a term of two years, one for a term of three years, and two for a term of four years from the date of their appointment, the term of each to be designated by the Secretary of the Interior, but their successors shall be appointed for a term of four years except that any person chosen to fill a vacancy shall be appointed for the unexpired term of the commissioner whom he succeeds. Both public officers and private citizens shall be eligible for membership on the Board. The Board shall elect one of the commissioners as chairman. One or two vacancies on the Board shall not impair the right of the remaining commissioners to exercise all the powers of the Board.

Development of Indian arts and crafts. "Indian Arts and Crafts Board" created.

Membership, terms of office, etc.

The commissioners shall serve without compensation: *Provided*, That each Commissioner shall be reimbursed for all actual expenses, including travel expenses, subsistence and office overhead, which the Board shall certify to have been incurred as properly incidental to the performance of his duties as a member of the Board.

Commissioners; compensation, expenses.

SEC. 2. It shall be the function and the duty of the Board to promote the economic welfare of the Indian tribes and the Indian wards of the Government through the development of Indian arts and crafts and the expansion of the market for the products of

Functions and duty of Board.

Extending markets for products.

Technical studies, etc.

Trade marking.

Establishing standards. Licenses for use of.

Personal services.

*Proviso.*  
Appointments in accordance with Classification and Civil Service Acts.  
Vol. 42, p. 1488; U. S. C., p. 85.

Business contracts.

*Proviso.*  
Unauthorized acts.

Rules prescribed.

*Provisos.*  
Regulating disbursements.  
Approval of Secretary of the Interior.

Appropriation authorized for expenses.  
*Post*, p. 1768.

Receipts to constitute special fund; expenditures therefrom.

Counterfeiting, etc.

Indian art and craftsmanship. In the execution of this function the Board shall have the following powers: (a) To undertake market research to determine the best opportunity for the sale of various products; (b) to engage in technical research and give technical advice and assistance; (c) to engage in experimentation directly or through selected agencies; (d) to correlate and encourage the activities of the various governmental and private agencies in the field; (e) to offer assistance in the management of operating groups for the furtherance of specific projects; (f) to make recommendations to appropriate agencies for loans in furtherance of the production and sale of Indian products; (g) to create Government trade marks of genuineness and quality for Indian products and the products of particular Indian tribes or groups; to establish standards and regulations for the use of such trade marks; to license corporations, associations, or individuals to use them; and to charge a fee for their use; to register them in the United States Patent Office without charge; (h) to employ executive officers, including a general manager, and such other permanent and temporary personnel as may be found necessary, and prescribe the authorities, duties, responsibilities, and tenure and fix the compensation of such officers and other employees: *Provided*, That the Classification Act of 1923, as amended, shall be applicable to all permanent employees except executive officers, and that all employees other than executive officers shall be appointed in accordance with the civil-service laws from lists of eligibles to be supplied by the Civil Service Commission; (i) as a Government agency to negotiate and execute in its own name contracts with operating groups to supply management, personnel, and supervision at cost, and to negotiate and execute in its own name such other contracts and to carry on such other business as may be necessary for the accomplishment of the duties and purposes of the Board: *Provided*, That nothing in the foregoing enumeration of powers shall be construed to authorize the Board to borrow or lend money or to deal in Indian goods.

SEC. 3. The Board shall prescribe from time to time rules and regulations governing the conduct of its business and containing such provisions as it may deem appropriate for the effective execution and administration of the powers conferred upon it by this Act: *Provided*, That before prescribing any procedure for the disbursement of money the Board shall advise and consult with the General Accounting Office: *Provided further*, That all rules and regulations proposed by the Board shall be submitted to the Secretary of the Interior and shall become effective upon his approval.

SEC. 4. There is hereby authorized to be appropriated out of any sums in the Treasury not otherwise appropriated such sums as may be necessary to defray the expenses of the Board and carry out the purposes and provisions of this Act. All income derived by the Board from any source shall be covered into the Treasury of the United States and shall constitute a special fund which is hereby appropriated and made available until expended for carrying out the purposes and provisions of this Act. Out of the funds available to it at any time the Board may authorize such expenditures, consistent with the provisions of this Act, as it may determine to be necessary for the accomplishment of the purposes and objectives of this Act.

SEC. 5. Any person who shall counterfeit or colorably imitate any Government trade mark used or devised by the Board as provided in section 2 of this Act, or shall, except as authorized by the Board, affix any such Government trade mark, or shall knowingly, willfully, and corruptly affix any reproduction, counterfeit, copy, or colorable imitation thereof upon any products, Indian or otherwise,

or to any labels, signs, prints, packages, wrappers, or receptacles intended to be used upon or in connection with the sale of such products, or any person who shall knowingly make any false statement for the purpose of obtaining the use of any such Government trade mark, shall be guilty of a misdemeanor, and upon conviction thereof shall be enjoined from further carrying on the act or acts complained of and shall be subject to a fine not exceeding \$2,000, or imprisonment not exceeding six months, or both such fine and imprisonment.

False statements.

Punishment for.

SEC. 6. Any person who shall willfully offer or display for sale any goods, with or without any Government trade mark, as Indian products or Indian products of a particular Indian tribe or group, resident within the United States or the Territory of Alaska, when such person knows such goods are not Indian products or are not Indian products of the particular Indian tribe or group, shall be guilty of a misdemeanor and be subject to a fine not exceeding \$2,000 or imprisonment not exceeding six months, or both such fine and imprisonment.

Fraudulent practices, etc.

Punishment for.

It shall be the duty of each district attorney, to whom the Board shall report in writing any violation of the provisions of this section which has occurred within his jurisdiction, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States for the enforcement of the penalties herein provided.

Enforcement provisions.

Approved, August 27, 1935.

[CHAPTER 749.]

AN ACT

To amend the Act entitled "An Act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture", approved January 14, 1929, as amended.

August 27, 1935.  
[S. 2215.]  
[Public, No. 356.]

*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 the collection and publication of statistics of tobacco by the Department of Agriculture", approved January 14, 1929, as amended, is hereby further amended to read as follows:

Tobacco statistics.  
Vol. 45, p. 1079; Vol. 47, p. 662; U. S. C., p. 152.

"That the Secretary of Agriculture be, and he is hereby, authorized and directed to collect and publish statistics of the quantity of leaf tobacco in all forms in the United States and Puerto Rico, owned by or in the possession of dealers, manufacturers, quasi-manufacturers, growers' cooperative associations, warehousemen, brokers, holders, or owners, other than the original growers of tobacco. The statistics shall show the quantity of tobacco in such detail as to types, groups of grades, and such other subdivisions as to quality, color, and/or grade for particular types, as the Secretary of Agriculture shall deem to be practical and necessary for the purposes of this Act, shall be summarized as of January 1, April 1, July 1, and October 1 of each year, and an annual report on tobacco statistics shall be issued: *Provided*, That the Secretary of Agriculture shall not be required to collect statistics of leaf tobacco from any manufacturer of tobacco who, in the first three quarters of the preceding calendar year, according to the returns of the Commissioner of Internal Revenue or the record of the Treasurer of Puerto Rico, manufactured less than thirty-five thousand pounds of tobacco, or from any manufacturer of cigars who, during the first three quarters of the preceding calendar year, manufactured less than one hundred and eighty-five thousand cigars, or from any manufacturer of cigarettes who, during the first three quarters of the preceding year,

Collection and publication of quantity of leaf tobacco.

Details required.

Quarterly summaries and annual reports.

Provisos.  
Small manufacturers

Small dealers, etc.

manufactured less than seven hundred and fifty thousand cigarettes: *And provided further*, That the Secretary of Agriculture may omit the collection of statistics from any dealer, manufacturer, growers' cooperative association, warehouseman, broker, holder, or owner who does not own and/or have in stock, in the aggregate, fifty thousand pounds or more of leaf tobacco on the date as of which the reports are made. For the purposes of this Act, any tobacco which has deteriorated on account of age or other causes to the extent that it is not merchantable or is unsuitable for use in manufacturing tobacco products shall be classified with other nondescript tobacco and reported in the 'N' group of the type to which it belongs."

Deteriorated, unmerchantable tobacco.

SEC. 2. Section 2 of the said Act of January 14, 1929, as amended, is hereby amended to read as follows:

Standards for classification.  
Vol. 45, p. 1079

"SEC. 2. The Secretary of Agriculture shall establish standards for the classification of leaf tobacco, and he is authorized to demonstrate such standards, to prepare and distribute samples thereof, and to make reasonable charges therefor. He shall specify the types, groups of grades, qualities, colors, and/or grades, which shall be included in the returns required by this Act. The Secretary of Agriculture shall prepare appropriate blanks upon which the returns shall be made, shall, upon request, furnish copies to persons who are required by this Act to make returns, and such returns shall show the types, groups of grades, qualities, colors, and/or grades and such other information as the Secretary may require."

Returns and blanks.

Vol. 45, p. 1080; U. S. C., p. 153.

SEC. 3. Section 5 of the said Act of January 14, 1929, as amended, is hereby amended to read as follows:

Access to Internal Revenue records.

"SEC. 5. The Secretary of Agriculture shall have access to the tobacco records of the Commissioner of Internal Revenue and of the several collectors of internal revenue for the purpose of obtaining lists of the persons subject to this Act and for the purpose of aiding the collection of the information herein required, and the Commissioner of Internal Revenue and the several collectors of internal revenue shall cooperate with the Secretary of Agriculture in effectuating the provisions of this Act."

Saving provisions.

SEC. 4. If any provision of this Act, or the application of such provision to any person or circumstances, is held invalid, the remainder of the Act and the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Approved, August 27, 1935.

[CHAPTER 750.]

AN ACT

August 27, 1935.

[S. 2578.]

[Public, No. 357.]

Authorizing distribution of funds to the credit of the Wyandotte Indians, Oklahoma.

Wyandotte Indians, Okla.  
Per capita distribution of funds authorized.

*Anne*, p. 182.  
Vol. 48, p. 1184.

*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 Treasury all funds remaining to the credit of the Wyandotte Indians, Oklahoma, including the sum of \$10,000 appropriated by the Interior Department Appropriation Act, fiscal year 1936, to compensate the Wyandotte Indians for Seneca School lands, as authorized by the act of June 21, 1934 (48 Stat. 1184), and to distribute the same per capita to members of the tribe entitled thereto: *Provided*, That, prior to the distribution herein authorized, there shall be paid therefrom to Allen C. Johnson or his heirs not to exceed the sum of \$500 for services rendered and expenses incurred on behalf of said tribe.

*Prociso*.  
Allen C. Johnson,  
services.

Approved, August 27, 1935.

## [CHAPTER 751.]

## AN ACT

To provide for a recreation area within the Prescott National Forest, Arizona.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture is hereby authorized in his discretion to designate and segregate for recreational development any lands not to exceed four thousand acres within the Prescott National Forest, Arizona, which in his opinion, are available for such purpose, and he is hereby authorized to enter into such form of cooperative agreement with, or issue such permits to the city of Phoenix, Arizona, for occupancy of said area for recreation purposes as in his opinion will permit the fullest use of the lands for such purposes without interfering with the object for which the national forest was established. Lands so designated and segregated under the provisions of this Act shall not be subject to the mining laws of the United States: *Provided, however,* That such designation and segregation shall not affect valid existing mineral locations of record on the date of such segregation so long as such locations are legally maintained.

Approved, August 27, 1935.

August 27, 1935.

[S. 2649.]

[Public, No. 358.]

Prescott National Forest, Ariz.  
Segregation of portion, for recreational uses.

Cooperative agreement with Phoenix, Ariz.

Mining laws waived.

*Proviso.*  
Existing locations not affected.

## [CHAPTER 752.]

## AN ACT

To extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near West Swanton, Vermont.

*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 Lake Champlain, at or near West Swanton, Vermont, authorized to be built by the State Board of Public Works of the State of Vermont, by an Act of Congress approved June 18, 1934, are hereby extended one and three years, respectively, from the date of approval hereof.

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

Approved, August 27, 1935.

August 27, 1935.

[S. 2681.]

[Public, No. 359.]

Lake Champlain.  
Time extended for bridging, at West Swanton, Vt.

Vol. 48, p. 988,  
amended.

Amendment.

## [CHAPTER 753.]

## AN ACT

To permit construction, maintenance, and use of certain pipe lines for petroleum and petroleum products in the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Commissioners of the District of Columbia be, and are hereby, authorized and empowered to grant permission to the Decatur Corporation, a corporation organized in the State of Delaware, owner of that part of square 1067, bounded by L Street Southeast on the north, Fourteenth Street Southeast on the west, Fifteenth Street Southeast on the east, and to the right-of-way of the Philadelphia, Baltimore and Washington Railroad on the south, in the city of Washington in the District of Columbia, its successors and assigns, to lay down, construct, maintain, and use not more than five pipe lines for the carriage of petroleum and petroleum products from a point or points north of said railroad right-of-way within square 1067, in and through Fifteenth Street Southeast due south to the pier-head line of the Anacostia River.

SEC. 2. That all the construction and use provided for herein shall be under such regulations and rentals as the Commissioners

August 27, 1935.

[S. 3270.]

[Public, No. 360.]

District of Columbia.  
Decatur Corporation may lay certain pipe lines.

Construction and use.

Authority of Commissioners. of the District of Columbia may make and establish in connection therewith and all plans and specifications for such construction shall be subject to their approval. The Commissioners of the District of Columbia shall have full authority to designate the location and to cause such repairs or relocation of said pipe lines as the public necessity may require, any such repairs or relocation to be at the expense of the Decatur Corporation, its successors or assigns.

Title and interest. SEC. 3. That no permission granted or enjoyed hereunder shall vest any title or interest in or to the land within Fifteenth Street Southeast.

Amendment. SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, August 27, 1935.

## [CHAPTER 754.]

## AN ACT

August 27, 1935.

[S. 3327.]

[Public, No. 361.]

To authorize the Secretary of Commerce to dispose of certain portions of Anastasia Island Lighthouse Reservation, Florida, and for other purposes.

Anastasia Island Lighthouse Reservation, Fla.  
Disposal of certain portions of, authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Commerce is authorized to convey to the city commission of the city of Saint Augustine, Florida, for public-park purposes, that portion of the Anastasia Island Lighthouse Reservation, Florida, which is not required to be retained for lighthouse purposes, consisting of Government lots 1 and 2, section 21, township 7 south, range 30 east, Tallahassee, Florida, excepting that part of lot 2 between the five-acre lighthouse tract and the hard-surfaced road and that part of Government lots 1 and 2 to be conveyed as authorized by section 2 of this Act, reserving unto the United States of America a perpetual easement for beams of light across any part of said lands that may be between the lighthouse and the sea. The deed of conveyance shall describe by metes and bounds the exact portion of the reservation transferred and the reservation of the easement heretofore mentioned.

Easement reserved.

Quitclaim deed to designated holders of record.

SEC. 2. The Secretary of Commerce is authorized to convey by quitclaim deed unto the following-named holders of record thereto that portion of the Anastasia Island Lighthouse Reservation contained and included in the plat of Seaside Heights recorded in the office of the clerk of the Circuit Court in and for Saint Johns County, Florida, in Map Book 2 at page 37 of the Public Records of Saint Johns County, Florida: To Annette Mathis, that portion of said reservation platted as lots 1 and 2, block A, Seaside Heights; to Mary A. Masters, lot 3, block A, Seaside Heights; to G. N. and Clara B. Weber, lots 4, 5, 6, and 7, block A, Seaside Heights; to Harry Hellas, lots 1, 2, and 3, block B, and lots 1 and 2, block C, Seaside Heights; to Robert H. Bailey, lots 1, 2, 3, and 4, block F, Seaside Heights; to Southern Real Estate Corporation, lots 4 to 7, block B, 3 to 7, block C, all of blocks D and E, Seaside Heights; all of which said lots and parcels of land, platted as aforesaid for a part of Government lot 4 based upon an erroneous Government survey are a part of and contained within Government lots 1 and 2, section 21, township 7 south, range 30 east, Tallahassee, Florida, according to correct survey of said lands.

SEC. 3. That section 3 of an Act approved May 28, 1935 (Public, Numbered 81, Seventy-fourth Congress) (H. R. 7131), authorizing the Secretary of Commerce to convey the lands herein described, be, and the same is hereby, repealed.

Previous authorization repealed.  
*Ante*, p. 305.

Approved, August 27, 1935.



## [CHAPTER 755.]

## AN ACT

To provide for the commemoration of the two hundredth anniversary of the Battle of Ackia, Mississippi, and the establishment of the Ackia Battleground National Monument, and for other purposes.

August 27, 1935.  
[H. R. 3003.]  
[Public, No. 362.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a national commission to be known as the "Ackia Battle Memorial Commission" and which shall be composed of five commissioners to be appointed by the Secretary of the Interior, one member to represent the Chickasaw Indians and one the French-speaking people of the United States, be, and is hereby, authorized and established to prepare plans and programs for the commemoration in May 1936 of the two hundredth anniversary of the Battle of Ackia. That said commissioners shall receive no compensation for their services.

Ackia Battleground National Monument; establishment. Commission; appointment, composition.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized in his discretion to acquire, by purchase or by condemnation and/or accept by donation in behalf of the United States, such lands, easements, and buildings not to exceed fifty acres, and when title satisfactory to the Secretary of the Interior shall have been vested in the United States such area or areas shall be, upon proclamation of the President, established, dedicated, and set apart as a public monument for the benefit and enjoyment of the people and shall be known as the "Ackia Battleground National Monument": *Provided*, That such area shall include the site of the Battle of Ackia.

Acquisition of site.

SEC. 3. That there is hereby authorized to be appropriated, out of moneys in the Treasury not otherwise appropriated, the sum of \$15,000 to carry out the provisions of this Act.

*Proviso.*  
Area to include battleground.

SEC. 4. The administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes", as amended.

Sum authorized.  
Post, pp. 1119, 1623.

Supervision, etc.

Vol. 39, p. 535.  
U. S. C., p. 591.

Approved, August 27, 1935.

## [CHAPTER 756.]

## AN ACT

To amend the District of Columbia Alcoholic Beverage Control Act.

August 27, 1935.  
[H. R. 6510.]  
[Public, No. 363.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (q) of section 3 of the Act of Congress entitled "An Act to control the manufacture, transportation, possession, and sale of alcoholic beverages in the District of Columbia", approved January 24, 1934, be amended so as to read as follows:

District of Columbia Alcoholic Beverage Control Act; amendment.  
Vol. 48, p. 321.

"(q) The word 'tavern' means a suitable space in a suitable building approved by the Board, including such suitable space outside of the building and adjoining it, as may be approved by the Board, kept, used, maintained, advertised, or held out to the public to be a place where sandwiches or light lunches are prepared and served for consumption on the premises in such quantities as to satisfy the Board that the sale of beer and light wines intended is no more than an incident to and not the prime source of revenue of such 'tavern'."

"Tavern" defined.

SEC. 2. That section 6 of said Act be amended so as to read as follows:

"SEC. 6. The right, power, and jurisdiction to issue, transfer, revoke, and suspend all licenses under this Act shall be vested solely

Licenses; issue, transfer, and revocation.

Review of action re- voking or suspending.	in the Board, and the action of the Board on any question of fact shall be final and conclusive; except that, in case a license is revoked or is suspended for a period of more than thirty days by the Board, the licensee may, within ten days after the order of revocation, or the order of suspension for a period of more than thirty days is entered, appeal in writing to the Commissioners to review said action of the Board, the hearings on said appeal to be submitted either orally or in writing at the discretion of the Commissioners, and the Commissioners shall not be required to take evidence, either oral, written, or documentary. The decision of the Commissioners on any question of fact involved in such appeal shall be final and conclusive. Pending such appeal the license shall stand suspended unless the Commissioners shall otherwise order.
Findings of fact.	
Status of license pending appeal.	
Permits for sales of beverage stocks.	"That the right and power be vested in the Board, for good cause shown, to issue permits for the sales of stocks of beverages located in the District of Columbia by individuals, corporations or associations, partnerships, executors, administrators, being owners thereof, receivers or other representatives of a court, to persons licensed under this Act.
Additional authority and duties of Board.	"Said Board shall have such other authority and perform such other duties as the Commissioners may, by regulation, prescribe."
Vol. 48, p. 324.	
License classifica- tion. Manufacturers' license, class A.	SEC. 3. That subsection (a) of section 11 of the said Act be amended so as to read as follows:
	"(a) MANUFACTURERS' LICENSE, CLASS A.—To operate a rectifying plant, a distillery, or a winery. Such a license shall authorize the holder thereof to operate a rectifying plant for the manufacture of the products of rectification by purifying or combining alcohol, spirits, wine, or beer; a distillery for the manufacture of alcohol or spirits by distillation or redistillation; or a winery for the manufacture of wine; at the place therein described, but such license shall not authorize more than one of said activities, namely, that of a rectifying plant, a distillery, or a winery, and a separate license shall be required for each such plant. Such a license shall also authorize the sale from the licensed place of the products manufactured under such license by the licensee to another license holder under this Act for resale or to a dealer licensed under the laws of any State or Territory of the United States for resale. It shall not authorize the sale of beverages to any other person except as may be provided by regulations promulgated by the Commissioners under this Act. The annual fee for such license for a rectifying plant shall be \$3,500; for a distillery shall be \$3,500; and for a winery shall be \$500: <i>Provided, however,</i> That if a manufacturer shall operate a distillery only for the manufacture of alcohol and more than 50 per centum of such alcohol is sold for nonbeverage purposes, the annual fee shall be \$1,000. If said manufacturer holding a license issued at the rate last mentioned shall sell during any license period 50 per centum or more of said alcohol for beverage purposes, he shall pay to the Collector of Taxes the difference between the license fee paid and the license fee for a distiller of spirits."
Sale of licensee's product.	
Regulations.	
Annual fees.	
<i>Proviso.</i> Alcohol sold for non- beverage purposes.	
Vol. 48, p. 324.	
Manufacturers' license, class B. Manufactures and sales permitted.	SEC. 4. That subsection (b) of section 11 of said Act be amended so as to read as follows:
	"(b) MANUFACTURERS' LICENSE, CLASS B.—To operate a brewery. Such a license shall authorize the holder thereof to operate a brewery for the manufacture of beer at the place therein described. It shall also authorize the sale from the licensed place of the beer manufactured under such license to another license holder under this Act for resale or to a dealer licensed under the laws of any State or Territory of the United States for resale, or to a consumer. Said manufacturer may sell beer to the consumer only in barrels, kegs,

and sealed bottles and said barrels, kegs, and bottles shall not be opened after sale, nor the contents consumed, on the premises where sold. The annual fee for such license shall be \$2,500."

Annual fee.

SEC. 5. That subsection (c) of section 11 of the said Act be amended so as to read as follows:

Vol. 48, p. 325.

"(c) WHOLESALERS' LICENSE, CLASS A.—Such a license shall authorize the holder thereof to sell beverages from the place therein described to another license holder under this Act for resale or to a dealer licensed under the laws of any State or Territory of the United States for resale, and, in addition, in the case of beer or light wines, to a consumer, said beverages to be sold only in barrels, kegs, sealed bottles, and other closed containers, which said barrels, kegs, sealed bottles, and other closed containers shall not be opened after sale, nor the contents consumed, on the premises where sold. It shall not authorize the sale of beverages to any other person except as may be provided by regulations promulgated by the Commissioners under this Act.

Wholesalers' license, class A.  
Sales permitted.

Prohibited.

"No holder of such a license except a wholesale druggist or a wholesale grocer shall be engaged in any business on the premises for which the license is issued other than the sale of alcoholic and nonalcoholic beverages.

Restriction on engaging in other business on premises.

"The annual fee for such license shall be \$1,500."

Annual fee.

SEC. 6. That subsection (d) of section 11 of the said Act be amended so as to read as follows:

Vol. 48, p. 325.

"(d) WHOLESALERS' LICENSE, CLASS B.—Such a license shall authorize the holder thereof to sell beer and light wines from the place therein described to another license holder under this Act for resale or to a dealer licensed under the laws of any State or Territory of the United States for resale, or to a consumer in barrels, kegs, sealed bottles, and other closed containers, which said barrels, kegs, sealed bottles, and other closed containers shall not be opened after sale nor the contents consumed on the premises where sold.

Wholesalers' license, class B.  
Sales permitted.

"The annual fee for such license shall be \$750."

Fee.

SEC. 7. That subsection (h) of section 11 of the said Act be amended so as to read as follows:

Vol. 48, p. 326.  
*Ante*, p. 444.

"(h) RETAILERS' LICENSE, CLASS D.—Such a license shall be issued only for a bona fide restaurant, tavern, hotel, or club, or a passenger-carrying marine vessel serving meals, light lunches, or sandwiches, or a club car or a dining car on a railroad. Such a license shall authorize the holder thereof to sell beer and light wines at the place therein described for consumption only in said place. Except in the case of clubs and hotels, no beer or light wines shall be sold or served to a customer in any closed container. In the case of restaurants, taverns, and passenger-carrying marine vessels and club cars or dining cars on a railroad, said beer and light wines shall be sold or served only to persons seated at public tables or at bona fide lunch counters, except that beer and light wines may be sold or served to assemblages of more than six individuals in a private room when such room has been previously approved by the Board. In the case of hotels, beer and light wines may be sold and served only in the private room of a registered guest or to persons seated at public tables or at bona fide lunch counters or to assemblages of more than six individuals in a private room when such room has been previously approved by the Board. And in the case of clubs, beer and light wines may be sold and served in the private room of a member, or guest of a member, or to persons seated at tables. No license shall be issued to a club which has not been established for at least three months immediately prior to the making of the application for such license,

Retailers' license, class D.  
Persons eligible to receive.

Sales permitted.

Annual fees.	"The annual fee for such a license shall be \$200; except that in the case of a marine vessel the fee shall be \$20 per month or \$200 per annum, and in the case of each railroad dining car or club car \$1 per month or \$10 per annum."
Vol. 48, p. 327.	SEC. 8. That section 13 of the Act be amended so as to read as follows:
Description of premises in license.	"SEC. 13. Every license shall particularly describe the place where the rights thereunder are to be exercised, and beverages shall not be manufactured or kept for sale or sold by any licensee except at the place so described in his license: <i>Provided, however,</i> That the
Proviso. Exempt license holders.	holder of a manufacturer's or wholesaler's license or the holder of a retailer's license, class C, and class D, issued for a passenger-carrying marine vessel or club car or a dining car on a railroad may store beverages, with the consent of the Board, upon premises other than the premises designated in the license. Every annual license shall date from the 1st day of February in each year and expire on the 31st day of January next after its issuance, except as hereinafter provided. Licenses issued at any time after the beginning of the license year shall date from the first day of the month in which the license was issued and end on the last day of the license year above described, and payments shall be made of the proportionate amount of the annual license fee. Every monthly license shall date from the first day of the month in which it is issued and expire on the last day of the month named in the license. Monthly licenses shall not be issued for periods exceeding six months."
License year.	SEC. 9. That section 17 of the Act be amended so as to read as follows:
Fractions of year.	"SEC. 17. If any licensee violates any of the provisions of this Act or any of the rules or regulations promulgated pursuant thereto or fails to superintend in person, or through a manager approved by the Board, the business for which the license was issued, or allows the premises with respect to which the license of such licensee was issued, to be used for any unlawful, disorderly, or immoral purpose, or knowingly employs in the sale or distribution of beverages any person who has, within five years prior thereto, been convicted of a misdemeanor under the National Prohibition Act, as amended and supplemented, or, within ten years prior thereto, been convicted of any felony, or such licensee otherwise fails to carry out in good faith the provisions of this Act, the license of said licensee may be revoked or suspended by the Board after the licensee has been given an opportunity to be heard in his defense, subject to review by the Commissioners in case of revocation or in case of suspension for a period of more than thirty days, as herein provided. In case a license issued hereunder shall be revoked or suspended, no part of the license fee shall be returned, and the Board may, in its discretion, subject to review by the Commissioners, as a part of the order of revocation provide that no license shall be granted for the same place for the period of one year next after such revocation, and in case such order shall be made no license shall, during said year, be issued for said place or to a person or persons whose license is so revoked for any other location.
Monthly license.	SEC. 17. If any licensee violates any of the provisions of this Act or any of the rules or regulations promulgated pursuant thereto or fails to superintend in person, or through a manager approved by the Board, the business for which the license was issued, or allows the premises with respect to which the license of such licensee was issued, to be used for any unlawful, disorderly, or immoral purpose, or knowingly employs in the sale or distribution of beverages any person who has, within five years prior thereto, been convicted of a misdemeanor under the National Prohibition Act, as amended and supplemented, or, within ten years prior thereto, been convicted of any felony, or such licensee otherwise fails to carry out in good faith the provisions of this Act, the license of said licensee may be revoked or suspended by the Board after the licensee has been given an opportunity to be heard in his defense, subject to review by the Commissioners in case of revocation or in case of suspension for a period of more than thirty days, as herein provided. In case a license issued hereunder shall be revoked or suspended, no part of the license fee shall be returned, and the Board may, in its discretion, subject to review by the Commissioners, as a part of the order of revocation provide that no license shall be granted for the same place for the period of one year next after such revocation, and in case such order shall be made no license shall, during said year, be issued for said place or to a person or persons whose license is so revoked for any other location.
Vol. 48, p. 330.	SEC. 17. If any licensee violates any of the provisions of this Act or any of the rules or regulations promulgated pursuant thereto or fails to superintend in person, or through a manager approved by the Board, the business for which the license was issued, or allows the premises with respect to which the license of such licensee was issued, to be used for any unlawful, disorderly, or immoral purpose, or knowingly employs in the sale or distribution of beverages any person who has, within five years prior thereto, been convicted of a misdemeanor under the National Prohibition Act, as amended and supplemented, or, within ten years prior thereto, been convicted of any felony, or such licensee otherwise fails to carry out in good faith the provisions of this Act, the license of said licensee may be revoked or suspended by the Board after the licensee has been given an opportunity to be heard in his defense, subject to review by the Commissioners in case of revocation or in case of suspension for a period of more than thirty days, as herein provided. In case a license issued hereunder shall be revoked or suspended, no part of the license fee shall be returned, and the Board may, in its discretion, subject to review by the Commissioners, as a part of the order of revocation provide that no license shall be granted for the same place for the period of one year next after such revocation, and in case such order shall be made no license shall, during said year, be issued for said place or to a person or persons whose license is so revoked for any other location.
Revocation or suspension of license; causes for.	SEC. 17. If any licensee violates any of the provisions of this Act or any of the rules or regulations promulgated pursuant thereto or fails to superintend in person, or through a manager approved by the Board, the business for which the license was issued, or allows the premises with respect to which the license of such licensee was issued, to be used for any unlawful, disorderly, or immoral purpose, or knowingly employs in the sale or distribution of beverages any person who has, within five years prior thereto, been convicted of a misdemeanor under the National Prohibition Act, as amended and supplemented, or, within ten years prior thereto, been convicted of any felony, or such licensee otherwise fails to carry out in good faith the provisions of this Act, the license of said licensee may be revoked or suspended by the Board after the licensee has been given an opportunity to be heard in his defense, subject to review by the Commissioners in case of revocation or in case of suspension for a period of more than thirty days, as herein provided. In case a license issued hereunder shall be revoked or suspended, no part of the license fee shall be returned, and the Board may, in its discretion, subject to review by the Commissioners, as a part of the order of revocation provide that no license shall be granted for the same place for the period of one year next after such revocation, and in case such order shall be made no license shall, during said year, be issued for said place or to a person or persons whose license is so revoked for any other location.
Return of fees.	SEC. 17. If any licensee violates any of the provisions of this Act or any of the rules or regulations promulgated pursuant thereto or fails to superintend in person, or through a manager approved by the Board, the business for which the license was issued, or allows the premises with respect to which the license of such licensee was issued, to be used for any unlawful, disorderly, or immoral purpose, or knowingly employs in the sale or distribution of beverages any person who has, within five years prior thereto, been convicted of a misdemeanor under the National Prohibition Act, as amended and supplemented, or, within ten years prior thereto, been convicted of any felony, or such licensee otherwise fails to carry out in good faith the provisions of this Act, the license of said licensee may be revoked or suspended by the Board after the licensee has been given an opportunity to be heard in his defense, subject to review by the Commissioners in case of revocation or in case of suspension for a period of more than thirty days, as herein provided. In case a license issued hereunder shall be revoked or suspended, no part of the license fee shall be returned, and the Board may, in its discretion, subject to review by the Commissioners, as a part of the order of revocation provide that no license shall be granted for the same place for the period of one year next after such revocation, and in case such order shall be made no license shall, during said year, be issued for said place or to a person or persons whose license is so revoked for any other location.
Denial of new license.	SEC. 17. If any licensee violates any of the provisions of this Act or any of the rules or regulations promulgated pursuant thereto or fails to superintend in person, or through a manager approved by the Board, the business for which the license was issued, or allows the premises with respect to which the license of such licensee was issued, to be used for any unlawful, disorderly, or immoral purpose, or knowingly employs in the sale or distribution of beverages any person who has, within five years prior thereto, been convicted of a misdemeanor under the National Prohibition Act, as amended and supplemented, or, within ten years prior thereto, been convicted of any felony, or such licensee otherwise fails to carry out in good faith the provisions of this Act, the license of said licensee may be revoked or suspended by the Board after the licensee has been given an opportunity to be heard in his defense, subject to review by the Commissioners in case of revocation or in case of suspension for a period of more than thirty days, as herein provided. In case a license issued hereunder shall be revoked or suspended, no part of the license fee shall be returned, and the Board may, in its discretion, subject to review by the Commissioners, as a part of the order of revocation provide that no license shall be granted for the same place for the period of one year next after such revocation, and in case such order shall be made no license shall, during said year, be issued for said place or to a person or persons whose license is so revoked for any other location.
Notice of suspension.	"That in the event the Board at any time shall order the suspension of any license a notice shall be posted by the Board, in a conspicuous place, on the outside of the licensed premises, at or near the main street entrance thereto; which notice shall state that the license theretofore issued to the licensee has been suspended and shall state the time for which said license is suspended, and state that the suspension is ordered because of a violation of the District of Columbia Alcoholic Beverage Control Act, or of the Commissioners' Regula-

tions adopted under authority of said District of Columbia Alcoholic Beverage Control Act.”

SEC. 10. That section 20 of the Act be amended so as to read as follows:

Vol. 48, p. 331.

“SEC. 20. Licenses issued hereunder shall not authorize the sale or delivery of beverages, with the exception of beer and light wines, to any person under the age of twenty-one years, or beer or light wines to any person under the age of eighteen years, either for his own use or for the use of any other person; or the sale, service, or delivery of beverages to any intoxicated person, or to any person of notoriously intemperate habits, or to any person who appears to be intoxicated; and ignorance of the age of any such minor shall not be a defense to any action instituted under this section. No licensee shall be liable to any person for damages claimed to arise from refusal to sell such alcoholic beverages.”

Individuals to whom sales prohibited.

SEC. 11. That section 23 of the said Act be amended by the addition of a new subsection to be designated (k), and to read as follows:

Vol. 48, pp. 332, 654.  
Tax rates.

“(k) No taxing provision of subsection (a), (c), (e), and (i) of this section shall apply in the case of a passenger-carrying marine vessel operating in and beyond the District of Columbia, or a club car or a dining car on a railroad operating in and beyond the District of Columbia, for which a retailer’s license, class C or D, has been issued under this Act, except as set forth in this subsection.

When not applicable.

“The tax as specified in subsection (a) of this section shall be paid on all such beverages as are sold and served by said licensee while passing through or when at rest in the District of Columbia, in the following manner: A record shall be made and kept by the licensee for each passenger-carrying marine vessel operating in and beyond the district of Columbia, and for each club car or dining car on a railroad operating in and beyond the District of Columbia, for which a retailer’s license, class C or class D, has been issued under this Act, of all alcoholic beverages sold and served in the District of Columbia, which record shall be subject to inspection by the Board. Each holder of such a license shall, on or before the 10th day of each month, forward to the Board on a form to be prescribed by the Commissioners, a statement under oath, showing the quantity of each kind of beverage, except beer and nontaxable light wines, sold under such license in the District of Columbia during the preceding calendar month, to which said statement shall be attached stamps denoting the payment of the tax imposed under this Act upon the beverages set forth in said report.”

Payment.

Records to be kept.

SEC. 12. That section 25 of the Act be amended so as to read as follows:

Vol. 48, p. 333.

“SEC. 25. No licensee under this Act shall allow any person who has, within ten years prior thereto, been convicted of any felony, to sell, give, furnish, or distribute any beverage, nor allow any minor under the age of twenty-one years of age to sell, give, furnish, or distribute any beverage, except beer and light wines, or any minor under the age of eighteen years to sell, give, furnish, or distribute beer and light wines.”

Restriction on employment of certain individuals for dispensing alcoholic beverages.

SEC. 13. That subsection (a) of section 28 of the said Act be amended so as to read as follows:

Vol. 48, p. 333.

“(a) No person shall in the District of Columbia drink any alcoholic beverage in any street, alley, park, or parking; or in any vehicle in or upon the same; or in any place to which the public is invited for which a license has not been issued hereunder permitting the sale and consumption of such alcoholic beverage upon such premises; or in any place to which the public is invited (for

Drinking in public places, unlawful.

which a license under this Act has been issued) at a time when the sale of such alcoholic beverage on the premises is prohibited by this Act or by the regulations promulgated thereunder. No person shall be drunk or intoxicated in any street, alley, park, or parking, or in any vehicle in or upon the same or in any place to which the public is invited or at any public gathering and no person anywhere shall be drunk or intoxicated and disturb the peace of any person."

Vol. 48, p. 333.

SEC. 14. That subsection (b) of section 28 of the said Act be amended so as to read as follows:

Punishment for violations.

"(b) Any person violating the provisions of this section shall be punished by a fine of not more than \$100 or by imprisonment for not more than thirty days or by both such fine and imprisonment in the discretion of the court for the first offense; by a fine of not more than \$200 or by imprisonment for not more than sixty days or by both such fine and imprisonment in the discretion of the Court for the second offense, or by a fine of not more than \$500 or by imprisonment for not more than six months or by both such fine and imprisonment in the discretion of the court for each subsequent offense."

Vol. 48, p. 330.

SEC. 15. That section 18 of the said Act is amended to read as follows:

Manufacturer of beverages: restriction on interest in business of wholesale or retail licensee.

"SEC. 18. If any manufacturer of beverages, whether licensed hereunder or not, by direct ownership, stock ownership, interlocking directors, mortgage, or lien, or by any other means shall have such a substantial interest, whether direct or indirect, in the business of any wholesale or retail licensee or in the premises on which said business is conducted as in the judgment of the Board may tend to influence such licensee to purchase beverages from such manufacturer, the Board may, in its discretion, revoke the license issued in respect of the business in which such manufacturer is interested, subject to review by the Commissioners as herein provided. No such manufacturer of beverages shall loan or give any money to any wholesale or retail licensee, or sell, rent, loan, or give to such licensee any equipment, furniture, fixtures, or property, or give or sell any service to such licensee: *Provided, however,* That with the prior approval of the Board, a manufacturer may sell, give, rent, or loan to a wholesale or retail licensee any service or article of property costing such manufacturer not more than \$10. No wholesale or retail licensee shall receive or accept any loan or gift of money from any such manufacturer or purchase from, rent from, borrow or receive by gift from such manufacturer any equipment, furniture, fixtures, or property, or accept or receive any service from such manufacturer: *Provided, however,* That, with the prior approval of the Board, a wholesale or retail licensee may purchase from, rent from, borrow or receive by gift from such manufacturer any service or article of property costing such manufacturer not more than \$10. Nothing herein contained, however, shall prohibit the sale of alcoholic and nonalcoholic beverages and the reasonable extension of credit therefor by a manufacturer to a wholesale or retail licensee. When used in this section the word 'manufacturer' shall include any stockholder holding directly or indirectly 25 per centum or more of the common stock or any officer of a manufacturer of beverages, if a corporation, whether licensed hereunder or not. This section shall not apply to retail licenses, class E, or to the wholesale license held by a person not licensed as a manufacturer hereunder owning an establishment for the manufacture of beverages outside of the District of Columbia."

Provisos.  
Restriction on sales, gifts, or loans.

Exception.

"Manufacturer"  
construed.

Vol. 48, p. 331.

SEC. 16. That section 19 of the said Act is amended to read as follows:

“SEC. 19. If any wholesaler of beverages, whether licensed hereunder or not, by direct ownership, stock ownership, interlocking directors, mortgage or lien or by any other means shall have such a substantial interest either direct or indirect in the business of any retail licensee or in the premises on which said business is conducted as in the judgment of the Board may tend to influence such licensee to purchase beverages from such wholesaler, the Board may in its discretion revoke the license issued in respect of the business in which such wholesaler is interested, subject to review by the Commissioners as herein provided. No such wholesaler of beverages shall lend or give any money to any retail licensee or sell to such licensee, any equipment, furniture, fixtures, or property, except merchandise sold at the fair market value for resale by such licensee, or rent, loan, or give to such licensee any equipment, furniture, fixtures, or property, or give or sell any service to such licensee: *Provided, however,* That, with the prior approval of the Board, a wholesaler may sell, give, rent, or loan to such licensee any service or article of property costing such wholesaler not more than \$10. No retail licensee shall receive or accept any loan or gift of money from any such wholesaler or purchase from any such wholesaler any equipment, furniture, fixtures, or property, except merchandise purchased at the fair market value for resale, or rent from, borrow, or receive by gift from such wholesaler any equipment, furniture, fixtures, or property, or receive any service from such wholesaler: *Provided, however,* That with the prior approval of the Board, a retail licensee may purchase from, rent from, borrow or receive by gift from such wholesaler any service or article of property costing such wholesaler not more than \$10. Nothing herein contained, however, shall prohibit the reasonable extension of credit by a wholesaler for merchandise sold to a retail licensee for resale as herein permitted. When used in this section the word ‘wholesaler’ shall include any stockholder holding directly or indirectly 25 per centum or more of the common stock or any officer of a wholesaler of beverages, if a corporation, whether licensed hereunder or not. This section shall not apply to retail licenses, class E.”

Wholesaler of beverages; restriction on interest in business of retail licensee.

*Providos.*  
Restriction on sales, gifts, or loans.

Exception.

“Wholesaler” construed.

Vol. 48, p. 332.  
Tax rates.

Transportation of alcoholic beverages by retail licensee.

Permit.

SEC. 17. That section 23 of the said Act is amended by striking therefrom the words “35 cents” immediately preceding the words “for every wine-gallon of wine” and inserting in lieu thereof the words “10 cents” and by striking therefrom the words “50 cents” immediately preceding the words “for every wine-gallon of champagne or any wine artificially carbonated” and inserting in lieu thereof the words “15 cents”.

SEC. 18. The Commissioners of the District of Columbia are hereby authorized in their discretion to require by regulation that no licensee holding a retailer’s license, class A, B, C, D, or E, as provided in the said Act, shall transport, or cause to be transported, in any manner whatsoever into the District of Columbia any alcoholic beverage (except the regular stock on hand in a licensed railroad club or dining car or passenger-carrying marine vessel); and said Commissioners are also authorized to permit such importation under a special permit or permits, to be issued by the Alcoholic Beverage Control Board, upon application by a licensee and upon such terms and conditions and in such manner as may be prescribed by the said Commissioners. Any such regulation, permit, or system of permits may be suspended, amended, revoked, or abolished at any time by the said Commissioners.

Approved, August 27, 1935.

[CHAPTER 757.]

AN ACT

August 27, 1935.

[H. R. 7380.]

[Public, No. 364.]

Authorizing the Virgin Islands Company to settle valid claims of its creditors, and for other purposes.

Virgin Islands Company.  
Settlement of valid claims of its creditors, authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Virgin Islands Company, a nonprofit corporation created by special act of the Colonial Council of Saint Thomas and Saint John, Virgin Islands of the United States, to engage in enterprises for the rehabilitation of the Virgin Islands of the United States, is hereby authorized to pay to Phagen, Tillison and Tremble for services rendered during governmental fiscal years 1934 and 1935 in providing a general accounting and cost system for the corporation a sum not to exceed \$1,736.81: *Provided*, That this Act shall not be deemed to authorize the payment of any claim out of any money other than funds belonging to or deposited to the credit of the corporation.

*Proviso.*  
Use of funds.

Approved, August 27, 1935.

[CHAPTER 758.]

AN ACT

August 27, 1935.

[H. R. 7592.]

[Public, No. 365.]

To extend the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, West Virginia.

Ohio River.  
Time extended for bridging, at Sistersville, W. Va.  
Vol. 48, p. 1013; *Post*, p. 1255.

*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 Sistersville, West Virginia, authorized to be built by the Sistersville Bridge Board of Trustees, by an Act of Congress approved June 18, 1934, are hereby extended one and three years, respectively, from June 18, 1935.

Amendment.

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

Approved, August 27, 1935.

[CHAPTER 759.]

AN ACT

August 27, 1935.

[H. R. 7709.]

[Public, No. 366.]

To provide time credits for substitute laborers in the Post Office when appointed as regular laborers.

Postal service.  
Vol. 43, p. 1060.  
U. S. C., p. 1714.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5 of the Act entitled "An Act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes", approved February 28, 1925 (43 Stat. 1053; U. S. C., title 39, sec. 101), is amended by adding thereto a new paragraph to read as follows:

Time credits for substitute laborers, etc., when appointed on regular force.

"Whenever any substitute laborer, watchman, or messenger is appointed to a permanent position as laborer, watchman, or messenger, the substitute service performed by such laborer, watchman, or messenger shall be computed in determining the eligibility of such person for promotion to grade 2 on the basis of three hundred and six days of eight hours constituting a year's service. Effective at the beginning of the first quarter following approval of this Act, all laborers, watchmen, and messengers who have not progressed to grade 2 shall be promoted to that grade, provided they have the necessary credit of three hundred and six days of eight hours each constituting a year's service."

Promotions authorized.

Approved, August 27, 1935.



## [CHAPTER 760.]

## AN ACT

Granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a free highway bridge across the Black River at or near the north line of section 2, township 24 north, range 6 east, near Poplar Bluff, Missouri.

August 27, 1935.  
[H. R. 7740.]  
[Public, No. 367.]

*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 Missouri to construct, maintain, and operate a free highway bridge and approaches thereto across the Black River, at a point suitable to the interests of navigation, at or near the north line of section 2, township 24 north, range 6 east, near Poplar Bluff, Missouri, 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.

Black River.  
Missouri may bridge,  
near Poplar Bluff.

Construction.  
Vol. 34, p. 84; U. S. C.,  
p. 1474.

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

Amendment.

Approved, August 27, 1935.

## [CHAPTER 761.]

## AN ACT

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

August 27, 1935.  
[H. R. 7897.]  
[Public, No. 368.]

*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 Monongahela River, at a point suitable to the interests of navigation, at or near the Borough of Elizabeth, between Forward and Jefferson Townships, Allegheny 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, and subject to the conditions and limitations contained in this Act.

Monongahela River.  
Pennsylvania may  
bridge, at Elizabeth.

Construction.  
Vol. 34, p. 84; U. S. C.,  
p. 1474.

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

Amendment.

Approved, August 27, 1935.

## [CHAPTER 762.]

## 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 Port Allegheny, in the county of McKean, State of Pennsylvania.

August 27, 1935.  
[H. R. 7924.]  
[Public, No. 369.]

*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 the borough of Port Allegheny, in Liberty Township, county of McKean, 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, and subject to the conditions and limitations contained in this Act.

Allegheny River.  
Pennsylvania may  
bridge, at Port Allegheny.

Construction.  
Vol. 34, p. 84; U. S. C.,  
p. 1474.

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

Amendment.

Approved, August 27, 1935.

## [CHAPTER 763.]

## AN ACT

August 27, 1935.

[H. R. 7927.]

[Public, No. 370.]

To authorize the Secretary of State to lease to citizens of the United States any land heretofore or hereafter acquired under any Act, Executive order or treaty in connection with projects, in whole or in part constructed or administered by the Secretary of State through the International Boundary Commission, United States and Mexico, American section.

Mexican Boundary Commission, American section.

Secretary of State to lease to American citizens lands acquired in connection with projects through.

Sale, when no longer needed.

*Provisos.*  
Reconveyance of donated land to grantor.

Rights-of-way for irrigation, etc.

Donations to States for public purposes.

Issue of revokable licenses for irrigation, etc.

Restoration, etc., of private structures.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of State be, and he is hereby, authorized to lease to citizens of the United States any land heretofore or hereafter acquired under any Act, Executive order, or treaty in connection with projects, in whole or in part, constructed or administered by the Secretary of State through the said American Commissioner, or to dispose of such lands to American citizens when no longer needed, by sale at public auction, after thirty days advertisement, at a price not less than that which may be fixed by three disinterested appraisers, to be designated by the Secretary of State, or by private sale, or otherwise, at not less than such appraised value: *Provided*, That any of such land as shall have been donated to the United States and which is no longer needed may be reconveyed, without cost, to the grantor or his heirs: *Provided further*, That the lease or disposal of any land pursuant hereto may, in the discretion of the Secretary of State, be subject to reservations in favor of the United States for rights-of-way for irrigation, drainage, river work, and other purposes, and any such disposal may be conditioned upon and made subject to inclusion of such lands in any existing irrigation district in the vicinity of such lands, the proceeds of any such lease or sale to be covered into the Treasury of the United States: *And provided further*, That, in the discretion of the Secretary of State, and subject to such conditions as he may deem appropriate, conveyances of any other of such lands not needed by the United States may be made to the State to which they lie adjacent or to any similarly situated county, city, or other governmental subdivision of such State, without cost, for use for public purposes.

The Secretary of State is further authorized to issue revokable licenses for public or private use for irrigation or other structures or uses not inconsistent with the use of such lands made, or to be made, by the United States, across any lands retained by the United States, and to execute all necessary leases, title instruments, and conveyances, in order to carry out the provisions of this Act.

Whenever the construction of any project or works undertaken or administered by the Secretary of State through the International Boundary Commission, United States and Mexico, results in the interference with or necessitates the alteration or restoration of constructed and existing irrigation or water-supply structures, sanitary or sewage disposal works, or other structures or physical property belonging to any municipal or private corporation, company, association, or individual, the Secretary of State may cause the restoration or reconstruction of such works, structures, or physical property or the construction of others in lieu thereof or he may compensate the owners thereof to the extent of the reasonable value thereof as the same may be agreed upon by the American Commissioner with such owner.

Approved, August 27, 1935.

## [CHAPTER 764.]

## 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 Ford City, Pennsylvania.

August 27, 1935.  
[H. R. 7928.]  
[Public, No. 371.]

*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 the Borough of Ford City, and between Manor and North Buffalo Townships, county of Armstrong, 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, and subject to the conditions and limitations contained in this Act.

Allegheny River.  
Pennsylvania may  
bridge, at Ford City.

Construction.  
Vol. 34, p. 84; U. S. C.,  
p. 1474.

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

Amendment.

Approved, August 27, 1935.

## [CHAPTER 765.]

## AN ACT

Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Susquehanna River, at or near Wyalusing, in the county of Bradford, Commonwealth of Pennsylvania.

August 27, 1935.  
[H. R. 7932.]  
[Public, No. 372.]

*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 Susquehanna River, at a point suitable to the interests of navigation, at or near the Borough of Wyalusing, and between Wyalusing and Terry Townships, Bradford 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, and subject to the conditions and limitations contained in this Act.

Susquehanna River.  
Bridge authorized  
across, at Wyalusing,  
Pa.

Construction.  
Vol. 34, p. 84; U. S. C.,  
p. 1474.

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

Amendment.

Approved, August 27, 1935.

## [CHAPTER 766.]

## AN ACT

To extend the times for commencing and completing the construction of a bridge across Puget Sound at or near a point commonly known as "The Narrows" in the State of Washington.

August 27, 1935.  
[H. R. 7979.]  
[Public, No. 373.]

*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 Puget Sound, State of Washington, at or near a point commonly known as "The Narrows", authorized to be built by the county of Pierce, a legal subdivision of the State of Washington, by an Act of Congress approved May 28, 1934, are hereby extended one and three years, respectively, from the date of approval hereof.

Puget Sound.  
Time extended for  
constructing bridge  
across, at "The Nar-  
rows", Wash.

Vol. 48, p. 810.

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

Amendment.

Approved, August 27, 1935.

[CHAPTER 767.]

## AN ACT

August 27, 1935.

[H. R. 7998.]

[Public, No. 374.]

To exempt from taxation official compensation of certain foreign representatives and to provide for the deductibility from income of certain dividends on preferred stock owned by the United States or instrumentalities thereof.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 116 of the Revenue Act of 1934 relating to exclusions from gross income is amended by adding at the end thereof a new subsection reading as follows:

Revenue Act of 1934, amendment.  
Vol. 48, p. 712.  
Exclusions from gross income.

Compensation of employees of foreign governments.

Conditions.

“(h) COMPENSATION OF EMPLOYEES OF FOREIGN GOVERNMENTS.—Wages, fees, or salary of an employee of a foreign government (including a consular or other officer, or a nondiplomatic representative) received as compensation for official services to such government—

“(1) If such employee is not a citizen of the United States; and  
“(2) If the services are of a character similar to those performed by employees of the Government of the United States in foreign countries; and

“(3) If the foreign government whose employee is claiming exemption grants an equivalent exemption to employees of the Government of the United States performing similar services in such foreign country.

Certification of names of foreign governments which grant equivalent exemption.

“The Secretary of State shall certify to the Secretary of the Treasury the names of the foreign countries which grant an equivalent exemption to the employees of the Government of the United States performing services in such foreign countries, and the character of the services performed by employees of the Government of the United States in foreign countries.”

Retroactive application.

SEC. 2. The provisions of section 1 shall be retroactively applied in computing income under the provisions of the Revenue Act of 1934 and prior revenue Acts, or any of such Acts as amended, subject to the statutory period of limitations properly applicable to such Acts.

Vol. 48, p. 718.

SEC. 3. Title I of the Revenue Act of 1934, relating to income tax, is amended by adding after section 120 a new section reading as follows:

Deduction of dividends paid on certain preferred stock of certain corporations.

“SEC. 121. DEDUCTION OF DIVIDENDS PAID ON CERTAIN PREFERRED STOCK OF CERTAIN CORPORATIONS.—In computing the net income, for any taxable year beginning after December 31, 1934, of any national banking association, or of any bank or trust company organized under the laws of any State, Territory, possession of the United States, or the Canal Zone, or of any other banking corporation engaged in the business of industrial banking and under the supervision of a State banking department or of the Comptroller of the Currency, or of any incorporated domestic insurance company, there shall be allowed as a deduction from gross income, in addition to deductions otherwise provided for in this title, any dividend (not including any distribution in liquidation) paid, within such taxable year, to the United States or to any instrumentality thereof exempt from Federal income taxes, on the preferred stock of the corporation owned by the United States or such instrumentality.”

Approved, August 27, 1935.

## [CHAPTER 768.]

## AN ACT

Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Edinburg, in the county of Lawrence, Commonwealth of Pennsylvania.

August 27, 1935.  
[H. R. 8088.]  
[Public, No. 375.]

*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 Mahoning River, at a point suitable to the interests of navigation, at or near the village of Edinburg, in Mahoning Township, county of Lawrence, 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, and subject to the conditions and limitations contained in this Act.

Mahoning River.  
Pennsylvania may  
bridge, at Edinburg.

Construction.  
Vol. 34, p. 84; U. S. C.,  
p. 1474.

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

Amendment.

Approved, August 27, 1935.

## [CHAPTER 769.]

## AN ACT

To extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Owensboro, Kentucky.

August 27, 1935.  
[H. R. 8131.]  
[Public, No. 376.]

*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, and heretofore extended by an Act of Congress approved June 9, 1933, are hereby further extended one and three years, respectively, from the date of approval hereof.

Ohio River.  
Time extended for  
bridging, at Owens-  
boro, Ky.

Vol. 47, p. 291; Vol.  
48, p. 118, amended.

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

Amendment.

Approved, August 27, 1935.

## [CHAPTER 770.]

## AN ACT

To authorize certain homestead entrymen who are disabled World War veterans to make final proof of their entries, and for other purposes.

August 27, 1935.  
[H. R. 8133.]  
[Public, No. 377.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any entryman under the homestead laws of the United States who on or after April 6, 1917, and prior to November 12, 1918, enlisted or was a member of the United States Army, Navy, or Marine Corps during the war with Germany, who was honorably discharged from such service, whose entry was made prior to January 1, 1935, and who because of physical or mental disabilities has been or may hereafter become unable to perform the prescribed residential and improvement and other requirements may make proof without further residence, improvement, or cultivation, at such time and place as may be authorized and under such regulations to be issued by the Secretary of the Interior, and receive patent to the land by him so entered upon.

Public lands.  
Disabled World War  
veterans may make  
final proof of entries,  
without residential,  
etc., requirements.

Approved, August 27, 1935.

## [CHAPTER 771.]

## AN ACT

August 27, 1935.  
[H. R. 8183.]  
[Public, No. 378.]

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 Emlenton, in the county of Venango, Commonwealth of Pennsylvania.

Allegheny River.  
Pennsylvania may  
bridge, at Emlenton.

*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 the borough of Emlenton, and between Richland and Scrubgrass Townships, Venango 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, and subject to the conditions and limitations contained in this Act.

Construction.  
Vol. 34, p. 84; U. S. C.,  
p. 1474.

Amendment.

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

Approved, August 27, 1935.

## [CHAPTER 772.]

## AN ACT

August 27, 1935.  
[H. R. 8187.]  
[Public, No. 379.]

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 Tionesta, in Tionesta Township, and in the county of Forest, and in the Commonwealth of Pennsylvania.

Allegheny River.  
Pennsylvania may  
bridge, at Tionesta.

*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 the Borough of Tionesta, 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, and subject to the conditions and limitations contained in this Act.

Construction.  
Vol. 34, p. 84; U. S. C.,  
p. 1474.

Amendment.

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

Approved, August 27, 1935.

## [CHAPTER 773.]

## AN ACT

August 27, 1935.  
[H. R. 8189.]  
[Public, No. 380.]

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 East Brady, in the counties of Clarion and Armstrong, and in the Commonwealth of Pennsylvania.

Allegheny River.  
Pennsylvania may  
bridge, at East Brady.

*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 the Borough of East Brady, between Brady Township, Clarion County, and Bradys Bend Township, Armstrong 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",

Construction.  
Vol. 34, p. 84; U. S. C.,  
p. 1474.

approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

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

Amendment.

Approved, August 27, 1935.

[CHAPTER 774.]

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.

August 27, 1935.

[H. R. 8587.]

[Public, No. 381.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 77 of the Act of July 1, 1898, entitled "An Act to establish a uniform system of bankruptcy throughout the United States", as amended, be, and it is hereby, amended to read as follows:

Bankruptcy Act of 1898, amendments. Vol. 47, p. 1474; U. S. C., p. 337.

"SEC. 77. REORGANIZATION OF RAILROADS ENGAGED IN INTERSTATE COMMERCE.—(a) Any railroad corporation may file a petition stating that it is insolvent or unable to meet its debts as they mature and that it desires to effect a plan of reorganization. The petition shall be filed with the court in whose territorial jurisdiction such corporation, during the preceding six months or the greater portion thereof, has had its principal executive or operating office, and a copy of the petition shall at the same time be filed with the Interstate Commerce Commission (hereinafter called the 'Commission'): *Provided*, That when any railroad, although engaged in interstate commerce, lies wholly within one State, such proceedings shall be brought in the Federal district court of the district in which its principal operating office in such State during the preceding six months or the greater portion thereof has been located. The petition shall be accompanied by payment to the clerk of a filing fee of \$100, which shall be in addition to the fees required to be collected by the clerk under other sections of this Act. Upon the filing of such a petition, the judge shall enter an order either approving it as properly filed under this section, if satisfied that such petition complies with this section and has been filed in good faith, or dismissing it, if he is not so satisfied. If the petition is so approved, the court in which such order is entered shall, during the pendency of the proceedings under this section and for the purposes thereof, have exclusive jurisdiction of the debtor and its property wherever located, and shall have and may exercise in addition to the powers conferred by this section all the powers, not inconsistent with this section, which a Federal court would have had if it had appointed a receiver in equity of the property of the debtor for any purpose. Process of the court shall extend to and be valid when served in any judicial district. The Supreme Court of the United States shall promulgate rules relating to the service of process outside of the district in which the proceeding is pending, and any other rules which it may deem advisable in order to aid district courts and circuit courts of appeal in exercising the jurisdiction herein conferred upon them. The railroad corporation shall be referred to in the proceedings as a 'debtor.' Any railroad corporation the majority of the capital stock of which having power to vote for the election of directors is owned, either directly or indirectly through an intervening medium, by any railroad corporation filing a petition as a debtor may file, with the court in which such other debtor has filed such a petition, and in the same proceeding, a petition, a

Reorganization of railroads engaged in interstate commerce.

Petition to be filed.

Copy to Interstate Commerce Commission.

*Proviso.* When railroad wholly within one State.

Filing fee.

Order of approval or dismissal.

Jurisdiction over debtor, if approved.

Service of process; Supreme Court to issue rules concerning.

"Debtor" construed. Petition by corporation owned by railroad corporation filing same.

copy of which shall also be filed at the same time with the Commission, stating that it is insolvent or unable to meet its debts as they mature, and that it desires to effect a reorganization in connection with, or as a part of the plan of reorganization of such other debtor; and upon the filing of such petition, the judge shall enter an order either approving it as properly filed under this section, if satisfied that such petition complies with this section and has been filed in good faith, or dismissing it if not so satisfied, and thereupon such court, if it approves such petition, shall have the same jurisdiction with respect to such debtor, its property and its creditors and stockholders, as the court has with respect to such other debtor.

**Creditors' petition.** Creditors of any railroad corporation, having claims aggregating not less than 5 per centum of all the indebtedness of such corporation as shown in the latest annual report which it has filed with the Commission at the time when the petition is filed, may, if such corporation has not filed a petition under this section, file with the court in which such corporation might file a petition under this section, a petition stating that such corporation is insolvent or unable to meet its debts as they mature and that such creditors have claims aggregating not less than 5 per centum of all such indebtedness of such corporation and propose that it shall effect a reorganization; copies of such petition shall be filed at the same time with the Commission and served upon such corporation. Such corporation shall, within ten days after such service, answer such petition. If such answer shall admit the jurisdiction of the court and the material allegations of the petition, the judge shall enter an order approving the petition as properly filed if satisfied that it complies with this section and has been filed in good faith, or dismissing it, if not so satisfied. If such answer shall deny either the jurisdiction of the court or any material allegation of the petition the judge shall summarily determine the issues presented by the pleadings without the intervention of a jury and if he shall find that the material allegations are sustained by the proofs and that the petition complies with this section and has been filed in good faith, the judge shall enter an order approving the petition; otherwise he shall dismiss the petition. If any such petition shall be so approved, the proceedings thereon shall continue with like effect as if the railroad corporation had itself filed a petition under this section. In case any petition shall be dismissed, neither the petition nor the answer of a debtor shall constitute an act of bankruptcy or an admission of insolvency or of inability to meet maturing obligations or be admissible in evidence, without the debtor's consent, in any proceedings then or thereafter pending or commenced under this Act or in any State or Federal court. If, in any case in which the issues have not already been tried under the provisions of this subdivision, any of the creditors shall, prior to the hearing provided for in paragraph (1) of subsection (c) of this section, appear and controvert the facts alleged in the petition, the judge shall determine, as soon as may be, the issues presented by the pleadings, without the intervention of a jury, and, unless the material allegations of the petition are sustained by the proofs, shall dismiss the petition.

**(b) A plan of reorganization within the meaning of this section**

**(1) shall include provisions modifying or altering the rights of creditors generally, or of any class of them, secured or unsecured, either through the issuance of new securities of any character or otherwise; (2) may include provisions modifying or altering the rights of stockholders generally, or of any class of them, either through the issuance of new securities of any character, or otherwise; (3) may include, for the purpose of preserving such interests**

**Court order of approval or dismissal.**

**Jurisdiction.**

**Copies to Commission and corporation.**

**Answer thereto.**

**Judge to summarily determine issues if answer denies jurisdiction, etc.**

**Order approving petition; dismissal.**

**Proceedings.**

**Neither petition nor answer an act of bankruptcy.**

**Creditors may controvert assertions prior to hearing.**

**Reorganization plan. Provisions included.**



of creditors and stockholders as are not otherwise provided for, provisions for the issuance to any such creditor or stockholder of options or warrants to receive, or to subscribe for, securities of the reorganized company in such amounts and upon such terms and conditions as may be set forth in the plan; (4) shall provide for fixed charges (including fixed interest on funded debt, interest on unfunded debt, amortization of discount on funded debt, and rent for leased railroads) in such an amount that, after due consideration of the probable prospective earnings of the property in light of its earnings experience and all other relevant facts, there shall be adequate coverage of such fixed charges by the probable earnings available for the payment thereof; (5) shall provide adequate means for the execution of the plan, which may include the transfer of any interest in or control of all or any part of the property of the debtor to another corporation or corporations, the merger or consolidation of the debtor with another corporation or corporations, the retention of all or any part of the property by the debtor, the sale of all or any part of the property of the debtor either subject to or free from any lien at not less than a fair upset price, the distribution of all or any assets, or the proceeds derived from the sale thereof, among those having an interest therein, the satisfaction or modification of any liens, indentures, or other similar interests, the curing or waiver of defaults, the extension of maturity dates of outstanding securities, the reduction in principal and/or rate of interest and alteration of other terms of such securities, the amendment of the charter of the debtor, and/or the issuance of securities of either the debtor or any such other corporation or corporations for cash, or in exchange for existing securities, or in satisfaction of claims or rights or for other appropriate purposes; and may deal with all or any part of the property of the debtor; may reject contracts of the debtor which are executory in whole or in part, including unexpired leases; and may include any other appropriate provisions not inconsistent with this section.

The adoption of an executory contract or unexpired lease by the trustee or trustees of a debtor shall not preclude a rejection of such contract or lease in a plan of reorganization approved hereunder, and any claim resulting from such rejection shall not have priority over any other claims against the debtor because such contract or lease had been previously adopted. The term "securities" shall include evidences of indebtedness either secured or unsecured, bonds, stock, certificates of beneficial interest therein, certificates of beneficial interest in property, options, and warrants to receive, or to subscribe for, securities. The term "stockholders" shall include the holders of voting-trust certificates. The term "creditors" shall include, for all purposes of this section all holders of claims of whatever character against the debtor or its property, whether or not such claims would otherwise constitute provable claims under this Act, including the holder of a claim under a contract executory in whole or in part including an unexpired lease.

The term "claims" includes debts, whether liquidated or unliquidated, securities (other than stock and option warrants to subscribe to stock), liens, or other interests of whatever character. For all purposes of this section unsecured claims, which would have been entitled to priority if a receiver in equity of the property of the debtor had been appointed by a Federal court on the day of the approval of the petition, shall be entitled to such priority and the holders of such claims shall be treated as a separate class or classes of creditors. In case an executory contract or unexpired lease of property shall be rejected, or shall not have been adopted by a

Executory contract or unexpired lease.

Adoption of, to vest no claim with priority.

"Securities" construed.

"Stockholders."

"Creditors."

"Claims."

Priority of designated unsecured claims.

Rejected executory contracts, etc.

trustee appointed under this section, or shall have been rejected by a receiver in equity in a proceeding pending prior to the institution of a proceeding under this section, or shall be rejected by any plan, any person injured by such nonadoption or rejection shall for all purposes of this section be deemed to be a creditor of the debtor to the extent of the actual damage or injury determined in accordance with principles obtaining in equity proceedings. The provisions of section 60 of this Act shall apply to a proceeding under this section. For all purposes of this section any creditor or stockholder may act in person or by an attorney at law or by a duly authorized agent or committee subject to the provisions of subsection (p) hereof. The running of all statutes of limitation shall be suspended during the pendency of a proceeding under this section.

(c) After approving the petition:

(1) The judge shall forthwith (and in pending proceedings immediately upon the effective date of this amendatory section) require the debtor to give such notice as the order may direct to the mortgage trustees, creditors and stockholders, and to cause publication thereof for such period and in such newspapers as the judge may direct, of a hearing to be held not later than thirty days after the date of such order, at which hearing or any adjournment thereof the judge shall appoint one or more trustees of the debtor's property. Such appointments shall become effective upon ratification thereof by the Commission without a hearing, unless the Commission shall deem a hearing necessary. Where a trustee is appointed who within one year prior thereto has been an officer, director, or employee of the debtor corporation, any subsidiary corporation, or any holding company connected therewith, the judge, subject to ratification by the Commission as herein provided, shall appoint another trustee or trustees who shall not have had any such affiliations: *Provided*, That the appointment of such additional trustee or trustees shall not be required for a debtor the annual operating revenues of which were less than \$1,000,000 for the previous calendar year.

(2) The judge shall fix the amount of the bond of every trustee. He may thereafter terminate any such appointments on cause shown, and may in that event and in the event of a vacancy from any other cause, in the manner and within the qualifications herein provided for the appointment of trustees, appoint a substitute trustee or trustees, and in the same manner and within the same qualifications may appoint an additional trustee, and shall fix the amount of the bond of every such substitute or additional trustee or trustees. The judge shall in his discretion confirm the appointment of such legal counsel for the trustees as they shall select, with power of removal. The trustee or trustees and their counsel shall receive only such compensation from the estate of the debtor as the judge may from time to time allow within such maximum limits as may be approved by the Commission as reasonable. The trustee or trustees so appointed, upon filing such bond, shall have all the title and shall exercise, subject to the control of the judge and consistently with the provisions of this section, all of the powers of a trustee appointed pursuant to section 44 of this Act or any other section of this Act, and, to the extent not inconsistent with this section, if authorized by the judge, the powers of a receiver in an equity proceeding, and, subject to the control of the judge and the jurisdiction of the Commission as provided by the Interstate Commerce Act as now or hereafter amended, the power to operate the business of the debtor. Prior to the appointment of a trustee, the debtor on behalf of the court shall continue in the possession of the property and shall

Rights of injured parties.

Statutes of limitation suspended.

Duties of judge after approval of petition.

Notice of hearing.

Appointment of trustees.

Additional trustee.

*Proviso.*  
Not required for smaller debtors.

Fix amount of bond, etc.

Appointing substitute trustee.

Legal counsel.

Compensation.

Bond, powers, etc.

Possession and operation of business, etc.

operate the business thereof during such period, and shall have all the title to the property and shall exercise all power consistent with the provisions of this section, subject at all times to the control of the judge, and to such limitations, restrictions, terms, and conditions as he may from time to time impose and prescribe.

(3) The judge may, upon not less than fifteen days' notice published in such manner and in such newspapers as the judge may in his discretion determine, which notice so determined shall be sufficient, for cause shown, and with the approval of the Commission, in accordance with section 20 (a) of the Interstate Commerce Act, as now or hereafter amended, authorize the trustee or trustees to issue certificates for cash, property, or other consideration approved by the judge, for such lawful purposes and upon such terms and conditions and with such security and such priority in payments over existing obligations, secured or unsecured, or receivership charges, as might in an equity receivership be lawful.

Judge may authorize issue of certificates for cash, etc.

(4) The judge shall require the officers of the debtor or the trustee or trustees, at such time or times as the judge may direct, and in lieu of the schedules required by section 7 of this Act, to file with the court such schedules and submit such other information as may be necessary to disclose the conduct of the debtor's affairs and the fairness of any proposed plan; and shall direct the officers of the debtor, or the trustee or trustees, within such time as the judge shall set, to prepare and file with the court a list of all known bondholders and creditors of the debtor, and the amounts and character of their debts, claims, and securities, and the last known post-office address or place of business of each bondholder and creditor, and a list of all known stockholders of the debtor, with the last known post-office address or place of business of each, which lists the judge may require to be brought down to date at any time. The contents of such lists shall not constitute admissions by the debtor or the trustees in a proceeding under this section or otherwise.

Require debtor to file additional schedules. Vol. 30, p. 548; U. S. C., p. 321.

Lists to be prepared.

(5) It shall be the duty of anyone having information as to the names and addresses of the holders of any securities of the debtor to divulge such information to the trustee or trustees, upon written request therefor and, upon petition by any party in interest, and after hearing, the judge may order the production of any such information by anyone having and refusing to divulge it to any trustee, upon written request therefor. The judge may direct that the cost of preparing such information shall be borne by the debtor's estate.

Not deemed admissions by debtor, etc.

Information as to holders of securities of debtor.

(6) If a lease of a line of railroad is rejected, and if the lessee, with the approval of the judge, shall elect no longer to operate the leased line, it shall be the duty of the lessor at the end of a period to be fixed by the judge to begin the operation of such line, unless the judge, upon the petition of the lessor, shall decree after hearing that it would be impracticable and contrary to the public interest for the lessor to operate the said line, in which event it shall be the duty of the lessee to continue operation on or for the account of the lessor until the abandonment of such line is authorized by the Commission in accordance with the provisions of section 1 of the Interstate Commerce Act as amended.

Leases.

(7) The judge shall promptly determine and fix a reasonable time within which the claims of creditors may be filed or evidenced and after which no claim not so filed or evidenced may participate except on order for cause shown, the manner in which such claims may be filed or evidenced and allowed, and for the purposes of the plan and its acceptance, after notice and hearing, the division of creditors and stockholders into classes according to the nature of

Time for filing claims.

Classifications.

- their respective claims and interests. Such division shall not provide for separate classification unless there be substantial differences in priorities, claims, or interests. The trustee or trustees under any mortgage, deed of trust, or indenture outstanding against the property may, within the time prescribed, file a verified claim in behalf of all bonds or securities outstanding under such mortgage, deed of trust, or indenture, in which event it shall be unnecessary for the holders of such bonds or securities to file claims in their own behalf, but nothing herein shall constitute such trustee or trustees the representative or representatives of such holders for the purpose of accepting or rejecting any plan of reorganization.
- Combined claim.** (8) The judge shall cause reasonable notice of the period in which claims may be filed, of hearings on application for the dismissal of the proceedings, or for the final allowance of fees or expenses to be given creditors and stockholders by publication or otherwise.
- Periods for filing claims, hearings, etc.** (9) The judge shall direct the trustee or trustees, and may request the Commission through such of its agencies as it may designate, to report to him any facts pertaining to irregularities, fraud, misconduct, or mismanagement, as a consequence of which the debtor may have a cause of action arising therefrom against any person or corporation.
- Reporting irregularities, etc.** (10) The judge may direct the debtor or the trustee or trustees to keep such records and accounts, in addition to the accounts prescribed by the Commission, as will permit of such a segregation and allocation, as the necessities of the case may require, of the earnings and expenses between and to the divisions and parts of the railroad or other property of the debtor which are separately subject to the liens of the various mortgages or deeds of trust, or are separately subject to lease, and may refer to the Commission for its recommendations after hearings thereon if the parties shall so request and/or the Commission determine necessary or desirable, as to the method or formula by which such segregation and allocation shall be made; and thereafter such segregation and allocation may be made at the expense of the debtor's estate.
- Records and accounts.** (11) The Commission may direct such of its agencies as it may designate to file in the proceedings before the Commission a report, and additional or supplemental reports at such time or times as the Commission shall designate, of such data with reference to the property, business, earnings, and corporate organization of the debtor and such other facts as the Commission, after hearing if it deems necessary, shall determine to be necessary or helpful information for the purposes of the preparation of reorganization plans, and for the purpose of aiding in determining the method or formula of allocating earnings permitted by subdivision (10) of this subsection (c). Such report or reports shall be prima facie evidence of the facts therein stated in any proceeding under this section. The actual cost of preparing said report or reports shall be certified by the Commission and shall be borne by the debtor's estate.
- Reports as to property, business, etc., of debtor.** (12) Within such maximum limits as are fixed by the Commission, the judge may make an allowance, to be paid out of the debtor's estate, for the actual and reasonable expenses (including reasonable attorney's fees) incurred in connection with the proceedings and plan by parties in interest and by reorganization managers and committees or other representatives of creditors and stockholders, and within such limits may make an allowance to be paid out of the debtor's estate for the actual and reasonable expenses incurred in connection with the proceedings and plan and reasonable compensation for services in connection therewith by trustees under indentures, depositaries and such assistants as the Commission with the
- To be prima facie evidence of facts stated.**
- Administration, etc., expense allowances.**

approval of the judge may especially employ. Appeals from orders of the court fixing such allowances may be taken to the circuit court of appeals independently of other appeals in the proceeding and shall be heard summarily. The Commission shall, at such time or times as it may deem appropriate, after hearing, fix the maximum allowances which may be allowed by the court pursuant to the provisions of paragraph (12) of this subsection (c) and, after hearing if the Commission shall deem it necessary, the maximum compensation which may be allowed by the court pursuant to the provisions of paragraph (2) of this subsection (c).

Appeals from court orders.

Maximum compensation allowance.

(13) The judge may on his own motion or at the request of the Commission refer any matters for consideration and report, either generally or upon specified issues, to one of several special masters who shall have been previously designated to act as special masters in any proceedings under this section by order of any circuit court of appeals and may allow such master a reasonable compensation for his services and actual and reasonable expenses. The circuit court of appeals of each circuit shall designate three or more members of the bar as such special masters whom they deem qualified for such services, and shall from time to time revise such designations by changing the persons designated or their number, as the public interest may require: *Provided, however,* That there shall always be three of such special masters qualified for appointment in each circuit who shall hear any matter referred to them under this section by a judge of any district court. The debtor, any creditor or stockholder, or the duly authorized committee, attorney or agent of either or the trustee or trustees of any mortgage, deed of trust or indenture pursuant to which securities of the debtor are outstanding, shall have the right to be heard on all questions arising in the proceedings, and, upon petition therefor and cause shown, any such person or any other interested party may be permitted to intervene. The judge may, after hearing, make reasonable rules defining the matters upon which notice shall be given to other than interveners and the manner of giving such notice.

Reference to special masters.

Designation of.

Proviso. Number.

Right of debtor, creditor, etc., to be heard.

Judge may make appropriate rules.

(d) The debtor, after a petition is filed as provided in subsection (a), shall file a plan of reorganization within six months of the entry of the order by the judge approving the petition as properly filed, or if heretofore approved, then within six months of the effective date of this Act, and not thereafter unless such time is extended by the judge from time to time for cause shown, no single extension at any one time to be for more than six months. Such plan shall also be filed with the Commission at the same time. Such plans may likewise be filed at any time before, or with the consent of the Commission during, the hearings hereinafter provided for, by the trustee or trustees, or by or on behalf of the creditors being not less than 10 per centum in amount of any class of creditors, or by or on behalf of any class of stockholders being not less than 10 per centum in amount of any such class, or with the consent of the Commission by any party in interest. After the filing of such a plan, the Commission, unless such plan shall be considered by it to be prima facie impracticable, shall, after due notice to all stockholders and creditors given in such manner as it shall determine, hold public hearings, at which opportunity shall be given to any interested party to be heard, and following which the Commission shall render a report and order in which it shall approve a plan, which may be different from any which has been proposed, that will in its opinion meet with the requirements of subsections (b) and (e) of this section, and will be compatible with the public interest; or it shall render a report and order in which it shall refuse to approve

Reorganization plans. Filing provisions.

Public hearings.

Report by Commission.

any plan. In such report the Commission shall state fully the reasons for its conclusions.

Report may be supplemented or modified.

Commission to certify plan to court, if it approves.

The Commission may thereafter, upon petition for good cause shown filed within sixty days of the date of its order, and upon further hearings if the Commission shall deem necessary, in a supplemental report and order modify any plan which it has approved, stating the reasons for such modification. The Commission, if it approves a plan, shall thereupon certify the plan to the court together with a transcript of the proceedings before it and a copy of the report and order approving the plan. No plan shall be approved or confirmed by the judge in any proceeding under this section unless the plan shall first have been approved by the Commission and certified to the court.

Notice by court to all parties in interest.  
*Post*, p. 1969.

Hearings.

Approval if designated conditions met.

(e) Upon the certification of a plan by the Commission to the court, the court shall give due notice to all parties in interest of the time within which such parties may file with the court their objections to such plan, and such parties shall file, within such time as may be fixed in said notice, detailed and specific objections in writing to the plan and their claims for equitable treatment. The judge shall, after notice in such manner as he may determine to the debtor, its trustee or trustees, stockholders, creditors, and the Commission, hear all parties in interest in support of, and in opposition to, such objections to the plan and such claims for equitable treatment. After such hearing, and without any hearing if no objections are filed, the judge shall approve the plan if satisfied that: (1) It complies with the provisions of subsection (b) of this section, is fair and equitable, affords due recognition to the rights of each class of creditors and stockholders, does not discriminate unfairly in favor of any class of creditors or stockholders, and will conform to the requirements of the law of the land regarding the participation of the various classes of creditors and stockholders; (2) the approximate amounts to be paid by the debtor, or by any corporation or corporations acquiring the debtor's assets, for expenses and fees incident to the reorganization, have been fully disclosed so far as they can be ascertained at the date of such hearing, are reasonable, are within such maximum limits as are fixed by the Commission, and are within such maximum limits to be subject to the approval of the judge; (3) the plan provides for the payment of all costs of administration and all other allowances made or to be made by the judge, except that allowances provided for in subsection (c), paragraph (12) of this section, may be paid in securities provided for in the plan if those entitled thereto will accept such payment, and the judge is hereby given power to approve the same.

Opinion stating reason, filed if plan disapproved.  
Action to be taken.

If plan approved; procedure.

Submission to creditors of each class whose claims allowed.

If the judge shall not approve the plan, he shall file an opinion, stating his conclusions and the reason therefor, and he shall enter an order in which he may either dismiss the proceedings, or in his discretion and on motion of any party in interest refer the proceedings back to the Commission for further action, in which event he shall transmit to the Commission a copy of any evidence received. If the proceedings are referred back to the Commission, it shall proceed to a reconsideration of the proceedings under the provisions of subsection (d) hereof. If the judge shall approve the plan, he shall file an opinion, stating his conclusions and the reasons therefor, and enter an order to that effect, and shall send a certified copy of such opinion and order to the Commission. The plan shall then be submitted by the Commission to the creditors of each class whose claims have been filed and allowed in accordance with the requirements of subsection (c) hereof, and to the stockholders of each class,

and/or to the committees or other representatives thereof, for acceptance or rejection, within such time as the Commission shall specify, together with the report or reports of the Commission thereon or such a summarization thereof as the Commission may approve, and the opinion and order of the judge: *Provided*, That submission to any class of stockholders shall not be necessary if the Commission shall have found, and the judge shall have affirmed the finding, (a) that at the time of the finding the corporation is insolvent, or that at the time of the finding the equity of such class of stockholders has no value, or that the plan provides for the payment in cash to such class of stockholders of an amount not less than the value of their equity, if any, or (b) that the interests of such class of stockholders will not be adversely and materially affected by the plan, or (c) that the debtor has pursuant to authorized corporate action accepted the plan and its stockholders are bound by such acceptance: *Provided further*, That submission to any class of creditors shall not be necessary if the Commission shall have found, and the judge shall have affirmed the finding, that the interests of such class of creditors will not be adversely and materially affected by the plan, or that at the time of the finding the interests of such class of creditors have no value, or that the plan provides for the payment in cash to such class of creditors of an amount not less than the value of their interests. For the purpose of this section the acceptance or rejection by any creditor or stockholder shall be in writing, executed by him or by his duly authorized attorney, committee, or representative. If the United States of America, or any agency thereof, or any corporation (other than the Reconstruction Finance Corporation) the majority of the stock of which is owned by the United States of America, is a creditor or stockholder, the President of the United States or any officer or agency he may designate, is hereby authorized to act in respect of the interest or claims of the United States or of such agency or other corporation. The expense of such submission shall be certified by the Commission and shall be borne by the debtor's estate. The Commission shall certify to the judge the results of such submission.

Upon receipt of such certification, the judge shall confirm the plan if satisfied that it has been accepted by or on behalf of creditors of each class to which submission is required under this subsection holding more than two-thirds in amount of the total of the allowed claims of such class which have been reported in said submission as voting on said plan, and by or on behalf of stockholders of each class to which submission is required under this subsection holding more than two-thirds of the stock of such class which has been reported in said submission as voting on said plan; and that such acceptances have not been made or procured by any means forbidden by law: *Provided*, That, if the plan has not been so accepted by the creditors and stockholders, the judge may nevertheless confirm the plan if he is satisfied and finds, after hearing, that it makes adequate provision for fair and equitable treatment for the interests or claims of those rejecting it; that such rejection is not reasonably justified in the light of the respective rights and interests of those rejecting it and all the relevant facts; and that the plan conforms to the requirements of clauses (1) to (3), inclusive, of the first paragraph of this subsection (e). If the judge shall confirm the plan, he shall enter an order and file an opinion with a statement of his conclusions and his reasons therefor. If the judge shall not confirm the plan, he shall file an opinion, with a statement of his conclusions and his reasons therefor, and enter an order in which he shall either dismiss

*Proviso.*  
Corporation found insolvent.

Lacking equity value.

Interests not adversely affected.

Corporate acceptance of plan.

Submission unnecessary if class protected.

When United States is a creditor or stockholder.

Confirmation by court.  
Conditions necessary.

*Proviso.*  
Judge may overrule rejection if satisfied plan meets requirements.

Proceedings if not confirmed.

the proceedings, or, in his discretion and on the motion of any party in interest, refer the case back to the Commission for further proceedings, including the consideration of modifications of the plan or the proposal of new plans. In the event of such a reference back to the Commission, the proceedings with respect to any modified or new plan shall be governed by the provisions of this section in like manner as in an original proceeding hereunder.

Appraisal of property.

If it shall be necessary to determine the value of any property for any purpose under this section, the Commission shall determine such value and certify the same to the court in its report on the plan. The value of any property used in railroad operation shall be determined on a basis which will give due consideration to the earning power of the property, past, present, and prospective, and all other relevant facts. In determining such value only such effect shall be given to the present cost of reproduction new and less depreciation and original cost of the property, and the actual investment therein, as may be required under the law of the land, in light of its earning power and all other relevant facts.

Binding, upon court confirmation.

(f) Upon confirmation by the judge, the provisions of the plan and of the order of confirmation shall, subject to the right of judicial review, be binding upon the debtor, all stockholders thereof, including those who have not, as well as those who have, accepted it, and all creditors secured or unsecured, whether or not adversely affected by the plan, and whether or not their claims shall have been filed, and, if filed, whether or not approved, including creditors who have not, as well as those who have, accepted it. Upon confirmation of the plan, the debtor and any other corporation or corporations organized or to be organized for the purpose of carrying out the plan, shall have full power and authority to, and shall put into effect and carry out the plan and the orders of the judge relative thereto, under and subject to the supervision and the control of the judge, the laws of any State or the decision or order of any State authority to the contrary notwithstanding. The property dealt with by the plan, when transferred and conveyed to the debtor or to the other corporation or corporations provided for by the plan, or when retained by the debtor pursuant to the plan, shall be free and clear of all claims of the debtor, its stockholders and creditors, and the debtor shall be discharged from its debts and liabilities, except such as may consistently with the provisions of the plan be reserved in the order confirming the plan or directing such transfer and conveyance or retention, and the judge may require the trustee or trustees appointed hereunder, the debtor, any mortgagee, the trustee of any obligation of the debtor, and all other proper and necessary parties, to make any such transfer or conveyance, and may require the debtor to join in any such transfer or conveyance made by the trustee or trustees. Upon the termination of the proceedings a final decree shall be entered discharging the trustee or trustees, and making such provisions as may be equitable, by way of injunction or otherwise, and closing the case. Upon confirmation of a plan the Commission shall, without further proceedings, grant authority for the issue of any securities, assumption of obligations, transfer of any property, sale, consolidation or merger of the debtor's property, or pooling of traffic, to the extent contemplated by the plan and not inconsistent with the provisions and purposes of the Interstate Commerce Act as now or hereafter amended. The provisions of title I and of section 5 of the Securities Act of 1933, as amended, shall not apply to the issuance, sale, or exchange of any of the following securities, which securities and transactions therein shall, for the purposes of said Securities Act, be treated as if they were

Orders, etc., of court to be executed.

Property to be clear of debtor's claims.

Discharge of debtor; exception.

Final decree.

Prohibited acts under Securities Act not to affect designated transactions.  
Vol. 48, pp. 77, 906;  
U. S. C., p. 521.



specifically mentioned in sections 3 and 4 of the said Securities Act, respectively: (1) All securities issued pursuant to any plan of reorganization confirmed by the judge in accordance with the provisions of this section; (2) all securities issued pursuant to such plan for the purpose of raising money for working capital and other purposes of such plan; (3) all securities issued by the debtor or by the trustee or trustees pursuant to subdivision (c), clause (3) of this section; (4) all certificates of deposit representing securities of, or claims against, the debtor, with the exception of such certificates of deposit as are issued by committees not subject to subsection (p) hereof. The provisions of subdivision (a) of section (14) of the Securities Exchange Act of 1934 shall not be applicable with respect to any action or matter which is within the provisions of subsection (p) hereof.

(g) If in the light of all the existing circumstances there is undue delay in a reasonably expeditious reorganization of the debtor, the judge, in his discretion, shall, on motion of any party in interest or on his own motion, after hearing and after consideration of the recommendation of the Commission, dismiss the proceedings. Upon the filing of such an order of dismissal, all right, title, or interest of the trustee or trustees shall vest by operation of law in the debtor unless otherwise provided by such order.

(h) The provisions of subdivisions 1, 2, and 3 of schedule A of title VIII of the Revenue Act of 1926, as amended by sections 721, 722, and 723 of the Revenue Act of 1932, and the provisions of subdivisions 8 and 9 of the same schedule A as added by sections 724 and 725 of the Revenue Act of 1932, and any amendments thereto unless specifically providing to the contrary, shall not apply to the issuance, transfer, or exchange of securities or the making or delivery of conveyances to make effective any plan of reorganization confirmed under the provisions of this section.

(i) If a receiver or trustee of all or any part of the property of a debtor has been appointed by a Federal or State court, whether before or after this amendatory section takes effect, a petition or answer may be filed under this section at any time thereafter by such debtor, or its creditors as provided in subsection (a) of this section, and if such petition is approved, the trustee or trustees appointed under this section, or the debtor until such trustee or trustees are appointed, shall be entitled forthwith to possession of and be vested with title to such property, and the judge shall make such orders as he may deem equitable for the protection of obligations incurred by the receiver or receivers or prior trustee or trustees and for the payment of such reasonable administrative expenses and allowances in the prior proceedings as may be fixed by the court appointing such receiver or trustee. Whether or not a receiver or trustee has been appointed by a Federal or State court prior or subsequent to the institution of a proceeding under this section and upon the dismissal of such proceeding under this section, the judge may include in the order of dismissal appropriate provisions directing the trustee or trustees, or the debtor if no trustee has been appointed, at the time of such order of dismissal, to transfer possession of the debtor's property within the territorial jurisdiction of such Federal or State court to the prior receiver or trustee, if a prior receiver or trustee has been so appointed by such Federal or State court, or to a receiver or trustee appointed by such Federal or State court, upon such terms as the court in the proceeding under this section may deem equitable for the protection of the obligations incurred by any trustee or trustees appointed under this section and for the payment of administrative expenses and allowances in the

Vol. 48, p. 895.

Judge to dismiss proceedings if reorganization of debtor unduly delayed.

Revenue Acts of 1926 and 1932.  
Vol. 44, p. 101; Vol. 47, p. 272.  
U. S. C., p. 1107.

Stamp tax provisions not applicable.

Filing petition, when receiver appointed.

Trustees to possess property.

Protective measures; expenses, etc.

Order directing transfer of debtor's property.

proceedings hereunder. Upon the filing of such order of dismissal all title to the property in the trust estate shall vest as therein provided. For the purposes of this section the words "Federal court" shall include the district courts of the United States and of the Territories and possessions to which this title is or may hereafter be applicable, the Supreme Court of the District of Columbia, and the United States Court of Alaska.

"Federal court" construed.

Further stay of pending suits.

Proviso. Transportation damage claims.

Removal of causes to District Court.

Title of any owner to equipment not impaired.

Certified copy of order, as evidence.

Effect of proceedings hereunder.

"Railroad corporation" construed.

(j) In addition to the provisions of section 11 of this Act for the staying of pending suits against the debtor, the judge may enjoin or stay the commencement or continuation of suits against the debtor until after final decree; and may, upon notice and for cause shown, enjoin or stay the commencement or continuance of any judicial proceeding to enforce any lien upon the estate until after final decree: *Provided*, That suits or claims for damages caused by the operation of trains, busses, or other means of transportation may be filed and prosecuted to judgment in any court of competent jurisdiction and any order staying the prosecution of any such cause of action or appeal shall be vacated. Proceedings under section 77 or under this amendatory Act shall not be grounds for the removal of any cause of action to the United States District Court which was not removable before the passage and approval of said section 77 and any order removing any cause of action or enjoining the prosecution of any such cause of action in any court is null and void and any cause of action heretofore removed from a State court on account of said section 77 shall be remanded to the court from which it was removed. The title of any owner, whether as trustee or otherwise, to rolling-stock equipment leased or conditionally sold to the debtor, and any right of such owner to take possession of such property in compliance with the provisions of any such lease or conditional sale contract, shall not be affected by the provisions of this section.

(k) A certified copy of the final order confirming a plan of reorganization, or of any other order or decree entered in a proceeding under this section, shall be evidence of the jurisdiction of the court, the regularity of the proceedings, and the fact that the order or decree was made. A certified copy of an order directing the transfer and conveyance of the property dealt with by the plan as provided in subsection (f) of this section, or as specified in an order dismissing the proceedings as provided in subsection (i), shall be evidence of the transfer and conveyance of title accordingly, and if recorded shall impart the same notice that a deed, if recorded, would impart.

(l) In proceedings under this section and consistent with the provisions thereof, the jurisdiction and powers of the court, the duties of the debtor and the rights and liabilities of creditors, and of all persons with respect to the debtor and its property, shall be the same as if a voluntary petition for adjudication had been filed and a decree of adjudication had been entered on the day when the debtor's petition was filed.

(m) The term "railroad corporation" as used in this amendatory section means any common carrier by railroad engaged in the transportation of persons or property in interstate commerce, except a street, a suburban, or interurban electric railway which is not operated as a part of a general railroad system of transportation or which does not derive more than 50 per centum of its operating revenues from the transportation of freight in standard steam railroad freight equipment. Wherever used in this section the term "person" shall include an individual, corporation, partnership, association, joint-stock company, unincorporated organization, or a government or political subdivision thereof.

(n) In proceedings under this section, claims for personal injuries to employees of a railroad corporation, claims of personal representatives of deceased employees of a railroad corporation, arising under State or Federal laws, and claims now or hereafter payable by sureties upon supersedeas, appeal, attachment, or garnishment bonds executed by sureties without security for and in any action brought against such railroad corporation or trustee appointed pursuant to this section, shall be preferred against and paid out of the assets of such railroad corporation as operating expenses of such railroad. No judge or trustee acting under this Act shall change the wages or working conditions of railroad employees except in the manner prescribed in the Railway Labor Act, as amended June 21, 1934, or as it may be hereafter amended. No reorganization effected under this Act and no order of the court or Commission in connection therewith shall relieve any carrier from the obligation of any final judgment of any Federal or State court rendered prior to January 1, 1929, against such carrier or against one of its predecessors in title, requiring the maintenance of offices, shops, and round-houses at any place, where such judgment was rendered on account of the making of a valid contract or contracts by such carrier or one of its predecessors in title.

Claims for personal injuries to employees.

Wages and working conditions.  
Vol. 48, p. 1195.

(o) The trustee or trustees, from time to time, shall determine what lines or portions of lines of railroad and what other property of the debtor, if any, should be abandoned or sold during the pendency of the proceedings in the interest of the debtor's estate and of ultimate reorganization but without unduly or adversely affecting the public interest, and shall present to the judge petitions, in which other parties in interest may join, for authority to abandon or to sell any such property; and upon order of the judge made after a hearing pursuant to such reasonable notice by publication or otherwise as the judge may direct to parties in interest, authorizing any such abandonment or sale, but only with the approval and authorization of the Commission when required by the Interstate Commerce Act as amended February 28, 1920, or as it may be hereafter amended, the trustee or trustees shall take all steps and carry out all proceedings necessary for the consummation of any such abandonment or sale in accordance with the order of the judge. Any such order of the judge shall be a final order for the purposes of appeal. The judge may order and decree any sale of property, whether or not incident to an abandonment, under this subsection at public or private sale and subject to or free from liens. The proceeds derived from any such sales shall be received by the trustee or trustees subject, in case the property was sold free from lien, to any liens thereon at the time of sale, and shall be applied or disposed of in such manner as the judge by further order shall direct. The expense of such sale shall be borne in such manner as the judge may determine to be equitable. The judge may order the trustee or trustees of the debtor to deposit such proceeds with any mortgage trustee entitled thereto, to be applied in payment of all or part of such mortgage.

Reorganization plans.  
Abandonment or sale of portions.

Approval, etc., necessary.  
Vol. 41, p. 456; U. S. C., p. 2238.

Use of proceeds from property sales.

(p) It shall be unlawful for any person, during the pendency of proceedings under this section or of receivership proceedings against a railroad corporation in any State or Federal court, (a) to solicit, or permit the use of his name to solicit, from any creditor or shareholder of any railroad corporation by or against whom such proceedings have been instituted, any proxy or authorization to represent any such creditor or shareholder in such proceedings or in any matters relating to such proceedings, or to vote on his behalf for or

Proxies.

Soliciting, use, etc.

against, or to consent to or reject, any plan of reorganization proposed in connection with such proceedings; or (b) to use, employ, or act under or pursuant to any such proxy or authorization from any such creditor or shareholder which has been solicited or obtained prior to the institution of such proceedings; or (c) to solicit the deposit by any such creditor, or shareholder, of his claim against or interest in such railroad corporation, or any instrument evidencing the same, under any agreement authorizing anyone other than such depositor to represent such depositor in such proceedings or in any matters relating to such proceedings, including any matters relating to the deposited security or claim; or to vote such claim or interest or to consent to or reject any such plan of reorganization; or (d) to use, employ, or act under or pursuant to any such agreement with such depositor which has been solicited or obtained prior to the institution of such proceedings; unless and until, upon proper application by any person proposing to make such solicitation or to use, employ, or act under or pursuant to such proxies, authorizations, or deposit agreements, and after consideration of the terms and conditions (including provisions governing the compensation and expenses to be received by the applicant, its agents and attorneys, for their services) upon which it is proposed to make such solicitation or to use, employ, or act under or pursuant to such proxies, authorizations, or deposit agreements, the Commission after hearing by order authorizes such solicitation, use, employment, or action: *Provided, however,* That nothing contained in this section shall be applicable to or construed to prohibit any person, when not part of an organized effort, from acting in his own interest, and not for the interest of any other, through a representative or otherwise, or from authorizing a representative to act for him in any of the foregoing matters, or to prohibit groups of not more than twenty-five bona fide holders of securities or claims or groups of mutual institutions from acting together for their own interests and not for others through representatives or otherwise or from authorizing representatives of such groups to act for them in respect to any of the foregoing matters. The Commission shall make such order only if it finds that the terms and conditions upon which such solicitation, use, employment or action is proposed are reasonable, fair, and in the public interest, and conform to such rules and regulations as the Commission may provide. The Commission shall have the power to make such rules and regulations respecting such solicitation, use, employment, or action and with respect to the terms and the provisions of such proxies, authorizations, and deposit agreements, and with respect to such other matters in connection with the administration of this subsection as it deems necessary or desirable to promote the public interest, and to insure proper practices in the representation of creditors and stockholders through the use of such proxies, authorizations, or deposit agreements and in the solicitation thereof. It shall be unlawful for any person to solicit any such proxy, authorization, or the deposit of any such claim or interest or to use, employ, or act under or pursuant to any such proxy, authorization, or deposit agreement which has been solicited or obtained prior to the institution of such proceedings in violation of the rules and regulations so prescribed.

*Proviso.*  
Personal interest  
only.

Cooperative actions.

Rules to be pre-  
scribed.

Form, etc., of appli-  
cations.

Right to modify, etc.,  
orders.

Every application for authority shall be made in such form and contain such matters as the Commission may prescribe. Every such application shall be made under oath, signed by, or on behalf of, the applicant by a duly authorized agent having knowledge of the matters therein set forth. The Commission may modify any order authorizing such solicitation, use, employment, or action by a sup-

plemental order, but no such modification shall invalidate action previously taken, or rights or obligations which have previously arisen, in conformity with the Commission's prior order or orders authorizing such solicitation, use, employment, or action.

The Commission may, in its discretion, make such investigations as it deems necessary to determine whether any person has violated or is about to violate any provision of this subsection (p) or any rule or regulation thereunder, and may require or permit any person to file with it a statement in writing, under oath, or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated. The Commission is authorized, in its discretion, to publish information concerning any such violations, and to investigate any such facts, conditions, practices, or matters as it may deem necessary or proper to aid in the enforcement of the provisions of this subsection (p), in the prescribing of rules and regulations thereunder, or in securing information to serve as a basis for recommending further legislation concerning the matters to which this subsection relates.

Any person who willfully violates any provision of this subsection, or any rule or regulation made thereunder the violation of which is made unlawful, or any person who willfully and knowingly makes, or causes to be made, any statement in any application, report, or document required to be filed hereunder or under any rule or regulation authorized hereby, which statement is false or misleading with respect to any material fact, shall be guilty of a misdemeanor, and on conviction in any United States court having jurisdiction, shall be punished by a fine of not less than \$1,000 nor more than \$10,000 or by imprisonment for not less than one year nor more than three years, or by both such fine and imprisonment, in the discretion of the court; but no person shall be subject to imprisonment under this section for the violation of any rule or regulation if he proves that he had no knowledge of such rule or regulation.

The provisions of this subsection (p) shall not be applicable to any person or committee which has begun to solicit, obtain, or use proxies, authorizations, or deposit agreements prior to the effective date of this amendatory section in connection with proceedings under this section as in force prior to such effective date or receivership proceedings against a railroad then pending in any State or Federal court, unless such person or committee makes application to the Commission and receives authority to act as in this subsection provided, in which event the provisions of this subsection (p) shall be applicable to such person or committee, but such authorization shall not be upon terms which shall invalidate any action theretofore taken, or any rights or obligations which have theretofore arisen: *Provided*, That with respect to committees which are not subject to this subsection (p) the judge shall scrutinize and may disregard any limitations or provisions of any deposit agreements, committee, or other authorizations affecting any creditor or stockholder acting under this section and may enforce an accounting thereunder or restrain the exercise of any power which he finds to be unfair or not consistent with public policy, including the collection of unreasonable amounts for compensation and expenses.

(q) The provisions of section 12 of the Interstate Commerce Act, as amended March 2, 1889, February 10, 1891, and February 28, 1920, shall be applicable to enable the Commission to perform its duties under this section and the provisions of such section shall apply to the debtor, any subsidiary or affiliated company, or any other person as herein defined.

Investigating violations.

Publication of.

Rules to be prescribed.

Punishment for violations.

Provisions not retroactive.

Terms not to invalidate previous action.

*Proviso.*  
Court review.

Powers of Commission extended.  
Vol. 25, p. 838; Vol. 26, p. 743; Vol. 41, p. 484.  
U. S. C., p. 2221.

Saving clause.

(r) If any provision of this amendatory section, or the application thereof to any person or circumstances, is held invalid, the remainder of this amendatory section, or application of such provision to other persons or circumstances, shall not be affected thereby.

Pending proceedings governed by provisions of this Act.  
Vol. 47, p. 1474; U. S. C., p. 337.

(s) Proceedings pending under this section (Act of March 3, 1933) on the effective date of this amendatory section shall continue under, and be governed by, the provisions of this amendatory section: *Provided*, That the enactment of this amendatory section shall not invalidate any action taken before its effective date pursuant to this section as it existed prior to the enactment of this amendatory section.

*Proviso.*  
Prior action not invalidated.

Approved, August 27, 1935.

[CHAPTER 775.]

AN ACT

August 27, 1935.

[H. R. 8977.]

[Public, No. 382.]

To authorize the Secretary of the Treasury to acquire a site for the erection of a post-office building at Columbus, Mississippi.

Columbus, Miss.  
Acquisition of site for public building at.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury, subject to the availability of appropriated moneys therefor, is authorized, in his discretion, to acquire a new site in the city of Columbus, county of Lowndes, State of Mississippi, and to construct a post-office building thereon.

Lease authorized.

SEC. 2. That the Secretary of the Treasury may acquire such site by lease rather than by purchase, if in his discretion it is deemed desirable that the site should be located in section 16, fractional township 18, south of range 18, west of the basis meridian of Madison County, Alabama, in which section the said city of Columbus is in large part situated; in which case the Secretary of the Treasury may lease such site from the mayor and city council of the city of Columbus, at such rental as he deems reasonable, for a term of ninety-nine years from the 1st day of August 1921, renewable forever, as provided by Acts of the Legislature of Mississippi approved December 13, 1830 (Laws of Mississippi, 1830, ch. II), and March 20, 1914 (Laws of Mississippi, 1914, ch. 462), or may obtain by assignment, by condemnation, or otherwise, an existing lease, for the same term, of such site.

Appropriation authorized; limitation waived.  
Vol. 47, p. 412; U. S. C., p. 1771.

SEC. 3. There is authorized to be appropriated, without regard to the limitations of section 322 of part II of the Legislative Appropriation Act for the fiscal year ending June 30, 1933, approved June 30, 1932, such amounts as may be necessary to pay the installments of rent provided for in a lease obtained pursuant to the authority contained in section 2 of this Act: *Provided*, That the first annual installment of rent and the original purchase price, if any, of such lease shall be paid out of any funds made available for the acquisition of the site and the construction of a building thereon.

*Proviso.*  
Payment.

Approved, August 27, 1935.

[CHAPTER 776.]

JOINT RESOLUTION

August 27, 1935.

[H. J. Res. 129.]

[Pub. Res., No. 59.]

To amend the joint resolution entitled "Joint resolution for the relief of Porto Rico", approved December 21, 1928, to permit an adjudication with respect to liens of the United States arising by virtue of loans under such joint resolution.

Puerto Rican relief.  
Vol. 45, p. 1067,  
amended.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the joint resolution entitled "Joint resolution for the relief of Porto Rico", approved December 21, 1928, is hereby amended by adding at the end thereof a new section reading as follows:

“SEC. 7. (a) Upon the conditions herein prescribed for the protection of the United States, the consent of the United States is given, to be named a party in any suit which is now pending or which may hereafter be brought in any of the insular courts of the island of Puerto Rico by the Federal Land Bank of Baltimore or the Federal Farm Mortgage Corporation for the foreclosure of any mortgage or other lien upon real estate for the purpose of any mortgage or other lien upon real estate for the purpose of <sup>1</sup> securing an adjudication touching any junior mortgage or other junior lien the United States may have or claim by virtue of loans made pursuant to the provisions of this joint resolution. Service upon the United States shall be made by serving the process of the court with a copy of the bill of complaint upon the United States attorney for the district or division in which the suit has been or may be brought and by sending copies of the process and bill, by registered mail, to the Attorney General of the United States at Washington, District of Columbia. The United States shall have sixty days after service as above provided, or such further time as the court may allow, within which to appear and answer, plead, or demur. Any such suit brought against the United States in any insular court may be removed by the United States to the United States District Court for the district in which the suit may be pending. The removal shall be effected in the manner prescribed by section 29 of the Judicial Code (U. S. C., title 28, sec. 72): *Provided*, That the petition for removal may be filed at any time before the expiration of thirty days after the time herein or by the court allowed by the United States to answer, and no removal bond shall be required. The court to which the cause is removed may, before judgment, remand it to the insular court if it shall appear that there is no real dispute respecting the rights of the United States, or all the other parties shall concede of record the claims of the United States. Except as herein otherwise provided, a judicial sale made in pursuance of a judgment in such a suit shall have the same effect respecting the discharge of the property from liens and encumbrances held by the United States as may be provided with respect to such matters by the law of Puerto Rico and in which island the land is situated: *Provided*, That a sale to satisfy a lien inferior to one of the United States shall be made subject to and without disturbing the lien of the United States, unless the United States, by its attorneys, consents that the property may be sold free of its mortgage or lien and the proceeds divided as the parties may be entitled. In any case where the debt to the United States is due, the United States may ask, by way of affirmative relief, for the foreclosure of its own lien or mortgage and in any case where the property is sold to satisfy a first mortgage or first lien held by the United States, the United States may bid at the sale such sum not exceeding the amount of its claim with expenses of sale, as may be directed by the chief of the department, bureau, or other agency of the Government which has charge of the administration of the laws in respect of which the claim of the United States arises. No judgment for costs or other money judgment shall be rendered against the United States in any suit or proceeding which may be instituted under the provisions of this section. Nor shall the United States be or become liable for the payment of the costs of any such suit or proceeding or any part thereof: *Provided*, That if the Federal Land Bank of Baltimore or the Federal Farm Mortgage Corporation acquire the property involved in the proceedings in which the United States was made a party under the provisions of this section, any amount the Federal Land Bank of Baltimore or the Federal Farm Mortgage Corporation may receive upon the ultimate disposition of the property, exceeding the amount of its investment, but

Mortgage foreclosures, etc.  
Consent to name Government party defendant in suits involving, granted.

Service of process upon United States.

Removal of suits from insular courts.

U. S. C., p. 1234.

*Provisos.*  
Procedure.

Judicial sales; effect of.

Satisfying lien inferior to that of Government.  
Exception.

Foreclosure of Government's liens, etc.

No Federal liability for costs.

Sums over certain investments to be paid to Hurricane Relief Commission.

<sup>1</sup> So in original.

not to exceed the amount of the Commission's lien, shall be paid by the said bank or the said corporation to the Puerto Rican Hurricane Relief Commission.

Priorities arising out of reamortization agreements.

"(b) The Hurricane Relief Commission is hereby authorized to waive any priorities it may have or claim over liens in favor of the Federal Land Bank of Baltimore, such priorities arising out of reamortization agreements entered into between the Federal Land Bank of Baltimore and its borrowers who are also indebted to the Commission.

Method of extinguishing liens without judicial proceedings.

"(c) If the Federal Land Bank of Baltimore or the Federal Farm Mortgage Corporation acquires or deems it necessary to acquire by foreclosure proceedings any real or personal property in Puerto Rico by virtue of a lien upon the said referred property duly filed of record in the jurisdiction in which the same is located, and a junior lien in favor of the United States attached to such property by virtue of loans made pursuant to the provisions of this joint resolution the said banking institution may make a written request to the Puerto Rican Hurricane Relief Commission to have the same extinguished. If after appropriate investigation, it appears to such Commission that the proceeds from the sale of the property would be insufficient to satisfy in whole or in part, the lien of the United States, or that the claim of the United States has been satisfied, or by lapse of time or otherwise has become unenforceable, such Commission shall so report to the Comptroller General, who thereupon may authorize it to issue a certificate of release, which shall operate to release the property from such lien: *Provided*, That any amount that may be realized by the Federal Land Bank of Baltimore or the Federal Farm Mortgage Corporation in the ultimate sale of this property, over and above its investment, but not to exceed the amount of the Commission's lien, shall be paid by the said bank or the said Corporation to the Puerto Rican Hurricane Relief Commission.

Issue of certificate of release.

*Proviso.*  
Any amount over investment to be paid to Hurricane Relief Commission.

Terms defined.  
"Puerto Rican Hurricane Relief Commission"; "Hurricane Relief Commission"; "Commission".

"(d) For the purposes of this section the terms 'Puerto Rican Hurricane Relief Commission', 'Hurricane Relief Commission', and 'Commission' shall be deemed to refer to the department, bureau, or other agency of the Government having charge of the administration of this resolution."

Approved August 27, 1935.

#### [CHAPTER 777.]

#### JOINT RESOLUTION

August 27, 1935.  
[H. J. Res. 257.]  
[Pub. Res., No. 60.]

To amend a joint resolution entitled "Joint resolution for the relief of Porto Rico", approved December 21, 1928, as amended by the Second Deficiency Act, fiscal year 1929, approved March 4, 1929.

Puerto Rican relief.  
Vol. 45, p. 1067; Vol. 45, p. 1627, amended.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That in carrying out the provisions of the joint resolution entitled "Joint resolution for the relief of Porto Rico", approved December 21, 1928, as amended by the Second Deficiency Act, fiscal year 1929, approved March 4, 1929, the Puerto Rican Hurricane Relief Commission or its successor is authorized, when in the judgment of the Commission or its successor it is consistent with the best interests of the United State<sup>1</sup>, to make, in the name of the United States or in its own name for and on behalf of the United States, compositions and adjustments in any loans heretofore made by it upon the security of land or other property, real or personal, in the island of Puerto Rico, either by reduction in the rate of interest or in the indebtedness or

Puerto Rican Hurricane Relief Commission, etc., authorized to make adjustments of its loans.

<sup>1</sup> So in original.



by extension or other adjustment of the time for any payments of principal or interest or other indebtedness, or otherwise: *Provided*, That it shall be unlawful for any person to charge a fee for the purpose of preparing or assisting in the preparation of any papers of an applicant for the composition or adjustment of a loan under the provisions of this Act, and any person receiving or agreeing to receive a fee for any such purpose in violation of this proviso shall be guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding six months, or both.

*Proviso.*  
*Fees.*

SEC. 2. That the Commission or its successor is further authorized to acquire title, either by voluntary conveyance as the result of a composition or an agreement with a debtor or in satisfaction of judgments or decrees<sup>1</sup> of foreclosure of mortgages or at sales under such judgments or decrees, to parcels of land or other property, real or personal, in the name of the United States or in its own name for and on behalf of the United States and also to take possession and occupy and hold and administer and to lease, sell, or otherwise dispose of as in the judgment of the Commission or its successor is consistent with the best interests of the United States any land or other property, real or personal, so acquired by it; and in the exercise of these powers may execute deeds or other necessary or appropriate instruments in the name of the United States or in its own name for and on behalf of the United States.

Acquisition and disposal of land when foreclosure necessary.

SEC. 3. The Commission or its successor is further authorized, in any case when in the judgment of the Commission or its successor it is consistent with the best interests of the United States, to subordinate the lien securing any loan heretofore made by the Commission to the lien securing any loan or loans hereafter made by the Federal Land Bank of Baltimore, or by the Land Bank Commissioner on behalf of the Federal Farm Mortgage Corporation.

Liens may be subordinated to those designated.

Approved, August 27, 1935.

[CHAPTER 778.]

JOINT RESOLUTION

Authorizing the Federal Trade Commission to make an investigation with respect to agricultural income and the financial and economic condition of agricultural producers generally.

August 27, 1935.  
[S. J. Res. 9.]

[Pub. Res., No. 61.]

Whereas the decline in agricultural income and the unsatisfactory condition of agriculture and of those engaged therein is a matter of increasing concern to the Congress, and affects the general welfare of the Nation and its citizens; and

Agricultural income, etc., investigation.  
Preamble.

Whereas in recent years the agricultural income has decreased while the earnings and profits of concerns processing or dealing in certain lines of farm products have increased or declined only moderately; and

Whereas there has developed an increasingly large proportionate spread between the prices received by the farmer for his products and the prices paid therefor by the consumer; and

Whereas, according to the latest statistics of income published by the Bureau of Internal Revenue, twenty-two large corporations reported making over 45 per centum of the gross sales of all corporations engaged in the processing and manufacture of food products in 1931, and one hundred and two large corporations reported making 60 per centum of the gross sales of such corporations; and

<sup>1</sup> So in original.

Whereas it is charged that monopolistic, oppressive, and unfair methods and practices of various middlemen, warehousemen, processors, manufacturers, packers, and handlers are in whole or in part responsible for the conditions above described, and that wasteful and uneconomic methods have contributed toward bringing about these conditions; and

Whereas it is charged that said various middlemen, warehousemen, processors, manufacturers, packers, handlers, and others have violated the various antitrust laws of the United States, that they have burdened, restricted and restrained interstate and foreign commerce and adversely affected the volume and price of farm products moving in intrastate and foreign commerce; and

Whereas it is charged that many lines of processing, warehousing, and/or dealing in farm products are so dominated by a handful of large concerns as to impede the free flow of interstate and foreign commerce to the detriment of both the farmer and the consumer; and

Whereas it is charged that through the payment of high and excessive salaries and other devices said middlemen, warehousemen, processors, manufacturers, packers, and others escape just taxation by the United States, that said salaries tend unduly to diminish the tax revenues of the United States and tend to burden and restrain interstate and foreign commerce in farm products, and to divert and conceal the earnings and profits of the concerns paying said salaries, and that by various devices those receiving said salaries escape their just share of Federal taxation; and

Whereas it is believed that the Congress should consider whether new legislation should be enacted or existing legislation amended on any of the subjects hereinbefore described and in aid thereof should be informed on all of said subjects: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Trade Commission is hereby authorized and directed to investigate and report, at the next session of Congress—*

Federal Trade Commission to investigate and report upon designated subjects.

*Post*, pp. 1256, 1566.  
Extent of recent agricultural income decline.

First. (1) The extent of the decline in agricultural income in recent years, including the amount and percentage of such decline;

(2) The extent of the increases or decreases in recent years in the income of the principal corporations engaged in the sale, manufacturing, warehousing and/or processing of the principal farm products, and of the other principal sellers, manufacturers, warehousemen, and/or processors of the principal farm products, as compared with the decline in agricultural income, including the amount and percentage of such changes; and

(3) The proportion of total consumer cost of representative products manufactured or processed from the principal farm products which is represented by the proceeds received by (a) the farmer, (b) the manufacturers, processors, and warehousemen, and (c) the distributors and such principal farm products and such representative products manufactured therefrom.

Financial position of principal marketing, etc., corporations.

Second. The financial position of the principal corporations engaged in the manufacturing, processing warehousing, distribution, and marketing of the representative major products manufactured from such principal farm products, including—

(1) The capitalization and assets of such corporations and the means and sources of the growth of such capitalization and assets;

(2) The investment, costs, profits, and rates of return of such corporations;

(3) The salaries of the officers of such companies; and

(4) The extent to which said corporations avoid income taxes, if at all, and the extent to which officers receiving such salaries paid income taxes thereon.

Third. The extent of concentration of control and of monopoly in the manufacturing, processing, warehousing, distribution, and marketing of representative major farm products which is maintained or has been obtained by any corporation or other organization, including—

Extent of control and monopoly in processing, etc., farm products.

(1) Methods and devices used by such corporations for obtaining and maintaining their control or monopoly of the manufacturing, marketing, processing, warehousing, and distribution of such commodities, and the proportion of any such major farm commodity handled by each of the large units involved; and

(2) The extent to which fraudulent, dishonest, unfair, and injurious methods are employed in the grading, warehousing, and transportation of such farm products, including combinations, monopolies, price fixing, and manipulation of prices on the commodity exchanges.

Fourth. The extent to which the cooperative agencies have entered into the processing, warehousing, and marketing of representative major farm products and the general effects of such cooperative agencies upon the producer and consumer.

Extent of cooperative agencies.

Fifth. The extent to which other countries have adopted or promoted processing, warehousing, and marketing agencies of a public, quasi-public, or cooperative sort for the simplification and cheapening of the processing, warehousing, and marketing of agricultural products, and other administrative agencies which may have been set up for the protection of the farmer-producer and the consumer.

Studies of foreign policies.

Sixth. Any conclusions and/or recommendations with regard to increasing the income of farm producers or other recommendations with regard to the improvement of the economic position of farmers or consumers growing out of the inquiry.

Recommendations.

SEC. 2. The Department of Agriculture, the National Recovery Administration, the Department of Justice, and other agencies of the Government are directed to cooperate with the Commission in such inquiry to the fullest extent possible.

Agencies to cooperate.

SEC. 3. For the purposes of this resolution the Federal Trade Commission shall have the same right to obtain data and to inspect income-tax returns as the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, and to submit any relevant or useful information thus obtained to the Congress or to either House thereof.

Power to obtain data, etc.

SEC. 4. For the purpose of carrying out this resolution the Federal Trade Commission, the Attorney General, and the courts of the United States shall have and may exercise all of the powers and jurisdiction severally conferred upon them by the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", approved September 28, 1914.

Jurisdiction extended.  
Vol. 38, p. 717.  
U. S. C., p. 514.

SEC. 5. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$150,000 which shall be available for expenditure, as the Federal Trade Commission may direct, for expenses and all necessary disbursements, including salaries, in carrying out this resolution and prosecuting litigation necessary in aid of the powers conferred hereunder.

Sum authorized for salaries and expenses.  
Post, p. 1257.

SEC. 6. The Federal Trade Commission is directed to present an interim report to the Congress on January 1, 1936, describing the progress made and the status of its work hereunder, and a final report with recommendations for legislation not later than July 1, 1936.

Preliminary and final reports.

Approved, August 27, 1935.

[CHAPTER 779.]

JOINT RESOLUTION

August 27, 1935.  
[S. J. Res. 159.]  
[Pub. Res., No. 62.]

Granting the consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of the Interstate Sanitation District and the establishment of the Interstate Sanitation Commission.

Interstate Sanitation District.  
Preamble.

Whereas the State of New York and the State of New Jersey desire to create the Interstate Sanitation District and to establish the Interstate Sanitation Commission, in accordance with the terms of a compact to which by its terms the State of Connecticut is empowered to become a party, which compact is as follows:

Tri-State Compact.

TRI-STATE COMPACT

Whereas the tremendous growth of population and the development of the territory surrounding and adjacent to the Harbor of New York has resulted in recent years in an increasingly serious pollution of the harbor, coastal, and tidal waters in such area and the tributary waters therein; and

Whereas such pollution constitutes a grave menace to the health, welfare, and recreational facilities of the people living in such area and is occasioning great economic loss; and

Whereas the control of future pollution and the abatement of existing pollution in the waters in such area is of prime importance to the people living in such area and can best be accomplished through the cooperation of the States of New Jersey and New York and Connecticut by and through a joint or common agency: Now, therefore,

The State of New York and the State of New Jersey and the State of Connecticut do agree and are bound as follows:

ARTICLE I

Agreement by States of New York, New Jersey, and Connecticut.

Abatement of existing pollution of streams.

1. Each of the signatory States pledges each to the other faithful cooperation in the control of future pollution and agrees to provide for the abatement of existing pollution in the tidal and coastal waters in the adjacent portions of the signatory States defined herein as coming within the district, and consistent with such object, to enact adequate legislation which will enable each of the signatory States to put and maintain the waters thereof in a satisfactory sanitary condition and particularly to protect public health; to render safe such waters as are now used or may later become available for bathing and recreational purposes; to abate and eliminate such pollution as becomes obnoxious or causes a nuisance; to permit the maintenance of major fish life, shellfish, and marine life in waters now available or that may by practicable means be made available for the development of such fish, shellfish, or marine life; to prevent oil, grease, or solids from being carried on the surface of the water; to prevent the formation of sludge deposits along the shores or in the waterways; and with the fulfillment of these objectives to abate and avoid incurring unnecessary<sup>1</sup> economic loss by safeguarding the rights of the public in its varied legitimate uses of the waters of the district.

Public health measures.

Protection of marine life.

Sludge deposits.

ARTICLE II

"Interstate Sanitation District" established.

1. To that end they do agree that there shall be created, and they do hereby create, a district, to be known as the "Interstate Sanitation District" (hereinafter referred to as the "district"), which shall embrace the territory described as follows:

<sup>1</sup> So in original.

All the coastal, estuarial, and tidal waters within or covering portions of the signatory States as follows: Jurisdiction.

(a) In Connecticut, Long Island Sound and estuaries and tidal waters thereof between the easterly side of New Haven Harbor at Morgan Point and the Connecticut-New York State boundary, and the Housatonic River up to the northerly boundary lines of the towns of Stratford and Milford.

(b) In New York, all of the tidal waters of Greater New York City; including Kill Van Kull and Arthur Kill, Long Island Sound and the estuaries and tidal waters thereof between the New York City line and the New York-Connecticut State boundary and between the New York City line and the easterly side of Port Jefferson Harbor; the Atlantic Ocean and the estuaries and tidal waters thereof between the New York City line and the easterly side of Fire Island Inlet; and the Hudson River and estuaries and tidal waters thereof between the New York-New Jersey State boundary and the northerly line of Rockland County on the westerly side and between the northerly line of New York City and the northerly line of Westchester County on the easterly side of the river.

(c) In New Jersey, the Hudson River and New York Upper Bay, and estuaries and tidal waters thereof, between the New York-New Jersey boundary and Constable Point on Constable Hook; the Kill Van Kull and Arthur Kill to the mouths of the rivers entering into the Kills; Newark Bay and the estuaries thereof up to the mouth of the Passaic River, and up to the mouth of the Hackensack River; Raritan Bay together with the Raritan River up to the Victory Bridge on said river between Perth Amboy and South Amboy, together with the Cheesequake Creek up to the New York and Long Branch Railroad bridge on said creek at Morgan; together with the Matawan Creek up to the New York and Long Branch Railroad bridge on said creek at Matawan; Sandy Hook Bay; together with the Shrewsbury River up to the passenger railroad bridge between Navesink Light and Highland Beach on said river.

### ARTICLE III

1. There is hereby created the Interstate Sanitation Commission (hereinafter referred to as the "commission") which shall be a body corporate and politic, having the powers, duties, and jurisdiction herein enumerated and such other and additional powers as shall be conferred upon it by the act or acts of a signatory State concurred in by the others and by the Act or Acts of Congress when necessary.

Interstate Sanitation Commission created.

Powers, etc.

### ARTICLE IV

1. The commission shall consist of five commissioners from each State, each of whom shall be a resident voter of the State from which he is appointed.

Commissioners, number, selection, etc.

The commissioners shall be chosen in the manner and for the terms provided by law of the State from which they shall be appointed, and each commissioner may be removed or suspended from office as provided by the law of the State from which he shall be appointed. The commissioners shall serve without compensation but shall be paid their actual expenses incurred incident to the performance of their duties.

## ARTICLE V

Officers, etc., of commission.  
Corporate authority.

1. The commission shall elect from its number a chairman and vice chairman and shall appoint and at its pleasure remove or discharge such officers and legal, clerical, expert, and other assistants as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications, and compensations.

It shall adopt a seal and suitable bylaws and shall promulgate rules and regulations for its management and control.

It may maintain one or more offices for the transaction of its business and may meet at any time or place within the signatory States.

A majority of the members from each State shall constitute a quorum for the transaction of business, the exercise of any powers, or the performance of any duties, but no action of the commission shall be binding unless at least three of the members from each State shall vote in favor thereof.

Records, reports, etc.

The commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report to the governor and the legislature of each State setting forth in detail the operations and transactions conducted by it pursuant to this compact, and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the signatory States which may be necessary to carry out the intent and purpose of this compact, and changes in the district which concentration of population or other cause may require.

Auditing accounts.

The commission shall not incur any obligations for salaries or office or other administrative expenses prior to the making of appropriations adequate to meet the same, nor shall the commission pledge the credit of any of the signatory States except by and with the authority of the legislatures thereof. Each State reserves the right to provide hereafter by law for the examination and audit of the accounts of the commission by its comptroller or other official.

The commissioners shall meet and organize within ten days after the effective date of this compact.

## ARTICLE VI

Purity standards.

1. It is recognized by the signatory States that, where tidal waters are used for such varied purposes as bathing, navigation, shellfish culture, the development of fish life, and the disposal of wastes, no single standard of purity is practicable in all parts of the district. In order to attain the objects of this compact, the commission, after proper study and after conducting public hearings upon due notice, shall group the designated waters of the district into classes. Where local conditions shall have changed in the future to such an extent that changes in classification become necessary, the commission may, after conducting public hearings upon due notice, adopt such changes.

Classifications.

Two general classifications shall be used:

(1) Class A, in which the designated water areas are expected to be used primarily for recreational purposes, shellfish culture, or the development of fish life;

(2) Class B, in which the designated water areas are not expected to be used primarily for recreational purposes, shellfish culture, or the development of fish life.

## ARTICLE VII

1. It is agreed between the signatory States that no sewage or other polluting matters shall be discharged or permitted to flow into, or be placed in, or permitted to fall or move into the tidal waters of the district, except under the following conditions and restrictions:

Discharge of sewage, etc.

(1) All sewage discharged or permitted to flow into class A waters of the district shall first have been so treated as—

(a) to remove all floating solids and at least 60 per centum of the suspended solids; and

(b) to effect a reduction of organisms of the *B. coli* group (intestinal bacilli) so that the probable number of such organisms shall not exceed one per cubic centimeter in more than 50 per centum of the samples of sewage effluent tested by the partially confirmed test: *Provided, however,* That in the case of discharge into waters used primarily for bathing, this bacterial standard need not be required except during the bathing season; and

(c) to effect a reduction in the oxygen demand of the sewage effluent sufficient to maintain an average dissolved-oxygen content in the tidal waters of the district and in the general vicinity of the point of discharge of the sewage into those waters, at a depth of about five feet below the surface, of not less than 50 per centum saturation during any week of the year.

(2) All sewage discharged or permitted to flow into class B waters of the district shall first have been so treated as—

(a) to remove all floating solids and at least 10 per centum of the suspended solids, or such additional percentage as may by reason of local conditions be necessary to avoid the formation of sludge deposits in the class B waters of the district; and

(b) to effect a reduction in the oxygen demand of the sewage effluent sufficient to maintain an average dissolved-oxygen content in the tidal waters of the district and in the general vicinity of the point of discharge of the sewage into those waters, at a depth of about five feet below the surface, of not less than 30 per centum saturation during any week of the year.

## ARTICLE VIII

1. Each of the signatory States agrees that, insofar as waters within its jurisdiction may flow into any portion of the district, all sewage discharged or permitted to flow into any stream tributary to the tidal waters of the district shall be treated to that extent, if any, which may be necessary to maintain such tributary immediately above its confluence with the tidal waters of the district in a sanitary condition at least equal to the classification requirements determined by the commission for the tidal waters of the district into which it discharges. The waters of the Hudson River, immediately above the mouth of Sparkhill Creek on the westerly side and the New York-New Jersey boundary extended on the easterly side of the river, shall be maintained in a sanitary condition at ebb tide at least equal to the sanitary condition prevailing in the waters of the river immediately below said boundary at flood tide.

Tributary streams.

## ARTICLE IX

1. Nothing in this compact shall be construed to repeal or prevent the enactment of any legislation or the enforcement of any

Existing laws, etc., not affected.

requirement by any signatory State imposing any additional conditions and restrictions to further lessen or prevent the pollution of waters within its jurisdiction.

#### ARTICLE X

Commission's orders concerning sewage treatment.

1. Subject to the provisions of this compact, the commission, as soon as may be after its organization, after an investigation and after conducting public hearings upon due notice, shall by order prescribe the reasonable date on or before which each municipality or other entity discharging sewage into the designated waters within the district shall be treating such sewage in accordance with the standards specified in this compact. Such order may prescribe that certain specific progress shall be made at certain definite times prior to the final date fixed in such order.

It is the desire of all parties to accomplish the objects herein set forth with the least possible injury to investments which have already been made in the construction of sewage-treatment plants within the district, and where changes or additions to such plants would be necessary to conform to the standards herein adopted, a reasonable time to effect such changes or additions may, in the discretion of the commission, be granted.

#### ARTICLE XI

Duties and obligations of signatory States.

1. Each of the signatory States agrees that it will prohibit the pollution of the said waters within the district in accordance with the several articles of this compact, and that it will enact suitable and adequate legislation which will accomplish effectively the objects of this compact and which will enable its officers, departments, boards, and agents to accomplish satisfactorily the obligations and duties assumed by the State under the terms of this compact; and it is further agreed that the courts of the several States shall have jurisdiction<sup>1</sup> to enforce as against any person, corporation, municipality, or other entity or any employee, department, or subdivision of the respective signatory States any and all provisions of this compact.

Investigations authorized.

The commission shall have authority to investigate and determine if the requirements of the compact and/or the orders of the commission pursuant thereto are complied with and if satisfactory progress has not been made, to bring action in its own name in the proper court or courts to compel the enforcement of any and all of the provisions of this compact, and/or the orders of the commission pursuant thereto.

#### ARTICLE XII

Cooperation with States.

1. In order that future pollution be controlled and existing pollution be abated with the greatest possible economy and efficiency, the commission shall cooperate and advise with the respective State and district authorities having jurisdiction over stream pollution, with a view to coordinating their activities and securing the most satisfactory results at lower cost. For such purpose the commission may prepare a general plan of the most practicable and economical method of securing conformity with the standards herein set forth, having in view the future growth and development of the district. Such plan when completed shall be submitted to the Governor and the Legislature of each State and to the State agency or agencies or district agencies in charge of sewage problems.

<sup>1</sup> So in original.



The provisions of this act shall not affect the discharge from the outfall pipes of the Passaic Valley sewerage system into the waters of New York Harbor: *Provided, however,* That said discharge shall be in accordance with the terms and provisions of the stipulation entered into on April fourteenth, one thousand nine hundred and ten, between the United States of America and Passaic Valley Sewerage Commissioners.

Passaic Valley system not affected.

*Proviso.*  
Conformity with existing stipulation.

### ARTICLE XIII

1. Terms used in this compact are defined as follows:

"District" means the area more particularly described in article II of this compact.

"Commission" means the Interstate Sanitation Commission.

"Municipality" means any city, incorporated village, borough, county, town, township, district, or any municipality governed by an improvement commission, any joint sewer commission, or any other subdivision of any one of the signatory States located within the district.

"Rule or regulation" means any rule or regulation established by the commission not inconsistent with the Constitution of the United States or of any signatory State, promulgated by the commission touching the abatement of pollution of the waters of the district.

"Tidal waters" means all those waters which ebb and flow within the designated district.

"Dissolved oxygen" is the gaseous oxygen held in solution by the water at any given time. It is expressed as a percentage of the maximum amount of oxygen that would be required to saturate the water under the existing conditions of temperature and salinity.

"Pollution" is any foreign matter which renders waters unfit to sustain fish life and unsatisfactory for bathing.

"Sewage effluent" means the treated sewage discharged from a treatment plant.

"Suspended solids" means those solid particles carried in suspension in the untreated sewage or sewage effluent.

"Entity" means any organization or association owning, controlling, or operating a sewerage system or treatment plant within a municipality.

Definitions.

"District."

"Commission."

"Municipality."

"Rule or regulation."

"Tidal waters."

"Dissolved oxygen."

"Pollution."

"Sewage effluent."

"Suspended solids."

"Entity."

### ARTICLE XIV

1. The signatory States agree to appropriate annually for the salaries and office and other administrative expenses such sum or sums as shall be recommended by the commission and approved by the Governors of the signatory States, the State of New York and the State of New Jersey agreeing each to appropriate 45 per centum thereof, and the State of Connecticut agreeing to appropriate 10 per centum thereof. The State of New York and the State of New Jersey obligate themselves hereunder, however, only to the extent of \$15,000 each in any one year, and the State of Connecticut obligates itself hereunder only to the extent of \$3,333.34 in any one year.

Payment of salaries and expenses.

### ARTICLE XV

1. Should any part of this compact be held to be contrary to the constitution of any signatory State or of the United States, all other severable objects of this compact shall continue to be in full force and effect.

Separability of provisions.

## ARTICLE XVI

Effective dates.

1. This compact shall become effective as to the State of New Jersey and the State of New York immediately upon the signing thereof by the representatives of such States, and thereafter it shall also become effective as to the State of Connecticut immediately upon the signing thereof by the Representatives of such State: *Provided, however,* That prior to the signing of this compact by the representatives of the State of Connecticut, the district as set forth in article II shall not embrace any territory within the jurisdiction of the State of Connecticut, nor shall the commission exercise any jurisdiction or perform any duties or acts affecting such territory; and the appropriations for salaries and office and other administrative expenses shall be borne equally by the State of New York and the State of New Jersey.

Now, therefore, be it

*Proviso.*  
Territory within  
Connecticut excluded.

Division of expenses.

*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 States of New York, New Jersey, and Connecticut to enter into the compact hereinbefore recited, and to each and every part and article thereof: *Provided,* That nothing contained in such compact shall be construed as empowering or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of such compact.

Agreement consented  
to.

*Proviso.*  
Federal rights not  
affected.

Amendment.

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

Approved, August 27, 1935.

[CHAPTER 780.]

## JOINT RESOLUTION

August 27, 1935.

[H. J. Res. 348.]

[Pub. Res., No. 63.]

Authorizing exchange of coins and currencies and immediate payment of gold-clause securities by the United States; withdrawing the right to sue the United States thereon; limiting the use of certain appropriations; and for other purposes.

United States gold  
clause securities.

Preamble.  
Vol. 48, p. 112; U. S.  
C., p. 1389.

Whereas in order to maintain the uniform value of all coins and currencies of the United States, Public Resolution Numbered 10 of June 5, 1933, declared provisions known as "gold clauses" to be against public policy, prohibited their use in obligations thereafter incurred, and provided that money of the United States legal tender for obligations generally was legal tender for all obligations with or without gold clauses; and

Whereas the United States has paid and will continue to pay to the holders of all its securities their principal and interest, dollar for dollar, in lawful money of the United States: Now, therefore, be it

Exchange of coins  
and currencies.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the lawful holders of the coins or currencies of the United States shall be entitled to exchange them, dollar for dollar, for other coins or currencies which may be lawfully acquired and are legal tender for public and private debts; and that the owners of the gold clause securities of the United States shall be, at their election, entitled to receive immediate payment of the stated dollar amount thereof with interest to the date of payment or to prior maturity or to prior redemption date, whichever is earlier. The Secretary of the Treasury is authorized and directed to make such exchanges and payments upon presentation hereunder in the manner provided in regulations prescribed by him. The period within which the owners of gold-clause securities shall be entitled hereunder to receive payment prior to maturity shall expire January 1, 1936, or on such later date, not after July 1, 1936, as may be fixed by the Secretary of the Treasury.

Holders of gold bonds  
entitled to immediate  
payment of stated dollar  
amount thereof.

Period within which  
payments may be  
made.

SEC. 2. Any consent which the United States may have given to the assertion against it of any right, privilege, or power whether by way of suit, counterclaim, set-off, recoupment, or other affirmative action or defense in its own name or in the name of any of its officers, agents, agencies, or instrumentalities in any proceeding of any nature whatsoever (1) upon any gold-clause securities of the United States or for interest thereon, or (2) upon any coin or currency of the United States, or (3) upon any claim or demand arising out of any surrender, requisition, seizure, or acquisition of any such coin or currency or of any gold or silver and involving the effect or validity of any change in the metallic content of the dollar or other regulation of the value of money, is withdrawn: *Provided*, That this section shall not apply to any suit heretofore commenced or which may be commenced by January 1, 1936, or to any proceeding referred to in this section in which no claim is made for payment or credit in an amount in excess of the face or nominal value in dollars of the securities, coins or currencies of the United States involved in such proceeding.

Withdrawal of consent to sue Government for any claim, etc., arising hereunder.

*Proviso.*  
Suits commenced by January 1, 1936, excepted.

SEC. 3. Except in cases with respect to which consent is not withdrawn under section 2, no sums, whether heretofore or hereafter appropriated or authorized to be expended, shall be available for, or expended in, payment upon securities, coins, or currencies of the United States except on an equal and uniform dollar for dollar basis.

Conformity of appropriations to designated construction.

SEC. 4. As used in this resolution the phrase "gold clause" means a provision contained in or made with respect to an obligation which purports to give the obligee a right to require payment in gold, or in a particular kind of coin or currency of the United States, or in an amount in money of the United States measured thereby, declared to be against public policy by Public Resolution Numbered 10 of June 5, 1933; and the phrase "securities of the United States" means the domestic public debt obligations of the United States, including bonds, notes, certificates of indebtedness, and Treasury bills, and other obligations for the repayment of money, or for interest thereon, made, issued or guaranteed by the United States.

"Gold clause" defined.

"Securities of the United States."

Approved, August 27, 1935, six p. m., E. S. T.

[CHAPTER 781.]

### JOINT RESOLUTION

Consenting to an interstate oil compact to conserve oil and gas.

August 27, 1935.

[H. J. Res. 407.]

[Pub. Res., No. 64.]

*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 an interstate compact to conserve oil and gas, executed in the city of Dallas, Texas, the 16th day of February, 1935, by the representatives of the States of Oklahoma, Texas, California, and New Mexico, and there recommended for ratification by representatives of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and since ratified by the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, which compact has been deposited in the Department of State of the United States, and reads as follows:

Oil and gas conservation.

Consent given to an interstate compact relative to.

Text of compact.

#### "ARTICLE I

"This agreement may become effective within any compacting State at any time as prescribed by that State, and shall become effective within those States ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico have ratified and Congress has given its consent. Any oil-producing State may become a party hereto as hereinafter provided.

## "ARTICLE II

"The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

## "ARTICLE III

"Each State bound hereby agrees that within a reasonable time it will enact laws, or if laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

"(a) The operation of any oil well with an inefficient gas-oil ratio.  
 "(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas in paying quantities.

"(c) The avoidable escape into the open air or the wasteful burning of gas from a natural-gas well.

"(d) The creation of unnecessary fire hazards.

"(e) The drilling, equipping, locating, spacing, or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

"(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

"The enumeration of the foregoing subjects shall not limit the scope of the authority of any State.

## "ARTICLE IV

"Each State bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

## "ARTICLE V

"It is not the purpose of this compact to authorize the States joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

## "ARTICLE VI

"Each State joining herein shall appoint one representative to a Commission hereby constituted and designated as 'The Interstate Oil Compact Commission', the duty of which said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said Commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection.

"The Commission shall have power to recommend the coordination of the exercise of the police powers of the several States within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said States, and to recommend

measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

"No action shall be taken by the Commission except: (1) by the affirmative votes of the majority of the whole number of the compacting States, represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting States at said meeting, such interest to be determined as follows: Such vote of each State shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting States during said period.

"ARTICLE VII

"No State by joining herein shall become financially obligated to any other State, nor shall the breach of the terms hereof by any State subject such State to financial responsibility to the other States joining herein.

"ARTICLE VIII

"This compact shall expire September 1, 1937. But any State joining herein may, upon sixty days' notice, withdraw herefrom.

"The representatives of the signatory States have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the Governor of each of the signatory States.

"This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified and ratified.

"Done in the City of Dallas, Texas, this 16th day of February, 1935."

SEC. 2. The right to alter, amend, or repeal the provisions of section 1 is hereby expressly reserved.

Powers reserved.

Approved, August 27, 1935.

[CHAPTER 791.]

AN ACT

Relative to the retirement of certain officers and employees.

August 28, 1935.

[S. 2364.]

[Public, No. 383.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all officers and employees of the United States Government or of the government of the District of Columbia who had reached the retirement age prescribed for automatic separation from the service on or before July 1, 1932, or during the month of July 1932, and who were continued in active service for a period of less than thirty-one days after June 30, 1932, shall be regarded as having been retired and entitled to annuity beginning with the day following the date of separation from active service, instead of August 1, 1932, and the United States Civil Service Commission is hereby authorized and directed to make payments accordingly from the civil-service retirement and disability fund to those persons entitled and who make application therefor.

Retirement of certain officers and employees who reached retirement age before August 1, 1932.

Approved, August 28, 1935.

## [CHAPTER 792.]

## AN ACT

August 28, 1935.

[S. 3002.]

[Public, No. 384.]

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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 75 of said Act, as amended, be further amended by amending the second sentence of subsection (b), so as to read as follows: "The conciliation commissioner shall receive as compensation for his services a fee of \$25 for each case submitted to him, and when docketed, to be paid out of the Treasury."

Bankruptcy Act of 1898; amendment.

Vol. 30, p. 544; Vol. 47, p. 1470; Vol. 48, p. 925; U. S. C., p. 335.

Fee of conciliation commissioner; amount and payment.

Vol. 47, p. 1472; U. S. C., p. 335.

Application for confirmation of a composition or extension proposal; filing.

Vol. 47, p. 1472; U. S. C., p. 336.

Effect of confirmation.

*Proviso.*  
Secured creditors.

Vol. 47, p. 1473; U. S. C., p. 336.

Jurisdiction of court over farmer and his property when petition filed.

Period of redemption or confirmation of sale; extensions authorized.

"Period of redemption" construed.

Jurisdiction and powers of court hereunder.

SEC. 2. That section 75 of said Act, as amended, be further amended by amending subsection (g) to read as follows:

"(g) An application for the confirmation of a composition or extension proposal may be filed in the court of bankruptcy after, but not before, it has been accepted in writing, by a majority in number of all creditors whose claims have been allowed, including secured creditors whose claims are affected, which number shall represent a majority in amount of such claims."

SEC. 3. That section 75 of said Act, as amended, be further amended by amending subsection (k) to read as follows:

"(k) Upon its confirmation, a composition or extension proposal shall be binding upon the farmer and his secured and unsecured creditors affected thereby: *Provided, however,* That such extension and/or composition shall not reduce the amount of or impair the lien of any secured creditor below the fair and reasonable market value of the property securing any such lien at the time that the extension and/or composition is accepted, but nothing herein shall prevent the reduction of the future rate of interest on all debts of the debtor, whether secured or unsecured."

SEC. 4. That section 75 of said Act, as amended, be further amended by amending subsection (n) to read as follows:

"(n) The filing of a petition or answer with the clerk of court, or leaving it with the conciliation commissioner for the purpose of forwarding same to the clerk of court, praying for relief under section 75 of this Act, as amended, shall immediately subject the farmer and all his property, wherever located, for all the purposes of this section, to the exclusive jurisdiction of the court, including all real or personal property, or any equity or right in any such property, including, among others, contracts for purchase, contracts for deed, or conditional sales contracts, the right or the equity of redemption where the period of redemption has not or had not expired, or where a deed of trust has been given as security, or where the sale has not or had not been confirmed, or where deed had not been delivered, at the time of filing the petition.

"In all cases where, at the time of filing the petition, the period of redemption has not or had not expired, or where the right under a deed of trust has not or had not become absolute, or where the sale has not or had not been confirmed, or where deed had not been delivered, the period of redemption shall be extended or the confirmation of sale withheld for the period necessary for the purpose of carrying out the provisions of this section. The words 'period of redemption' wherever they occur in this section shall include any State moratorium, whether established by legislative enactment or executive proclamation, or where the period of redemption has been extended by a judicial decree. In proceedings under this section, except as otherwise provided herein, the jurisdiction and powers

of the courts, the title, powers, and duties of its officers, the duties of the farmer, and the rights and liabilities of creditors, and of all persons with respect to the property of the farmer and the jurisdiction of the appellate courts, shall be the same as if a voluntary petition for adjudication had been filed and a decree of adjudication had been entered on the day when the farmer's petition, asking to be adjudged a bankrupt, was filed with the clerk of court or left with the conciliation commissioner for the purpose of forwarding same to the clerk of court."

SEC. 5. That section 75 of said Act, as amended, be further amended by amending subsection (p) to read as follows:

Vol. 47, p. 1473; U. S. C., p. 336.

"(p) The prohibitions of subsection (o) shall apply to all judicial or official proceedings in any court or under the direction of any official, and shall apply to all creditors, public or private, and to all of the debtor's property, wherever located. All such property shall be under the sole jurisdiction and control of the court in bankruptcy, and subject to the payment of the debtor farmer's creditors, as provided for in section 75 of this Act."

Application of enumerated prohibitions.

SEC. 6. That section 75 of said Act, as amended, be further amended by adding a new subsection (s), after subsection (r), to read as follows:

"(s) Any farmer failing to obtain the acceptance of a majority in number and amount of all creditors whose claims are affected by a composition and/or extension proposal, or if he feels aggrieved by the composition and/or extension, may amend his petition or answer, asking to be adjudged a bankrupt. Such farmer may, at the same time, or at the time of the first hearing, petition the court that all of his property, wherever located, whether pledged, encumbered, or unencumbered, be appraised, and that his unencumbered exemptions, and unencumbered interest or equity in his exemptions, as prescribed by State law, be set aside to him, and that he be allowed to retain possession, under the supervision and control of the court, of any part or parcel or all of the remainder of his property, including his encumbered exemptions, under the terms and conditions set forth in this section. Upon such a request being made, the referee, under the jurisdiction of the court, shall designate and appoint appraisers, as provided for in this Act. Such appraisers shall appraise all of the property of the debtor, wherever located, at its then fair and reasonable market value. The appraisals shall be made in all other respects with rights of objections, exceptions, and appeals, in accordance with this Act: *Provided*, That in proceedings under this section, either party may file objections, exceptions, and take appeals within four months from the date that the referee approves the appraisal.

Amendment of petition or answer.

Petition for appraisal of property.

Appointment of appraisers.

Duties.

*Proviso.*  
Time for filing objections, exceptions, etc.

Order setting aside unencumbered exemptions.

Property to remain in debtor.

Status of existing mortgages, liens, etc.

"(1) After the value of the debtor's property shall have been fixed by the appraisal herein provided, the referee shall issue an order setting aside to such debtor his unencumbered exemptions, and his unencumbered interest or equity in his exemptions, as prescribed by the State law, and shall further order that the possession, under the supervision and control of the court, of any part or parcel or all of the remainder of the debtor's property shall remain in the debtor, as herein provided for, subject to all existing mortgages, liens, pledges, or encumbrances. All such existing mortgages, liens, pledges, or encumbrances shall remain in full force and effect, and the property covered by such mortgages, liens, pledges, or encumbrances shall be subject to the payment of the claims of the secured creditors, as their interests may appear.

Stay of proceedings  
against debtor.

Rental payments.

Time of making.

Manner of payment;  
distribution.

Sale of unexempt  
perishable property.

Payments on princi-  
pal.

Payment of ap-  
praised value.

*Provisos.*  
Reappraisals.

Payment of amount  
determined by reap-  
praisal.

Sale of property at  
public auction upon  
request of secured cre-  
ditor.

Redemption.

Limitation.

“(2) When the conditions set forth in this section have been complied with, the court shall stay all judicial or official proceedings in any court, or under the direction of any official, against the debtor or any of his property, for a period of three years. During such three years the debtor shall be permitted to retain possession of all or any part of his property, in the custody and under the supervision and control of the court, provided he pays a reasonable rental semiannually for that part of the property of which he retains possession. The first payment of such rental shall be made within one year of the date of the order staying proceedings, the amount and kind of such rental to be the usual customary rental in the community where the property is located, based upon the rental value, net income, and earning capacity of the property. Such rental shall be paid into court, to be used, first, for payment of taxes and upkeep of the property, and the remainder to be distributed among the secured and unsecured creditors, and applied on their claims, as their interests may appear. The court, in its discretion, if it deems it necessary to protect the creditors from loss by the estate, and/or to conserve the security, may order sold any unexempt perishable property of the debtor, or any unexempt personal property not reasonably necessary for the farming operations of the debtor, such sale to be had at private or public sale, and may, in addition to the rental, require payments on the principal due and owing by the debtor to the secured or unsecured creditors, as their interests may appear, in accordance with the provisions of this Act, and may require such payments to be made quarterly, semiannually, or annually, not inconsistent with the protection of the rights of the creditors and the debtor's ability to pay, with a view to his financial rehabilitation.

“(3) At the end of three years, or prior thereto, the debtor may pay into court the amount of the appraisal of the property of which he retains possession, including the amount of encumbrances on his exemptions, up to the amount of the appraisal, less the amount paid on principal: *Provided*, That upon request of any secured or unsecured creditor, or upon request of the debtor, the court shall cause a reappraisal of the debtor's property, or in its discretion set a date for hearing, and after such hearing, fix the value of the property, in accordance with the evidence submitted, and the debtor shall then pay the value so arrived at into court, less payments made on the principal, for distribution to all secured and unsecured creditors, as their interests may appear, and thereupon the court shall, by an order, turn over full possession and title of said property, free and clear of encumbrances to the debtor: *Provided*, That upon request in writing by any secured creditor or creditors, the court shall order the property upon which such secured creditors have a lien to be sold at public auction. The debtor shall have ninety days to redeem any property sold at such sale, by paying the amount for which any such property was sold, together with 5 per centum per annum interest, into court, and he may apply for his discharge, as provided for by this Act. If, however, the debtor at any time fails to comply with the provisions of this section, or with any orders of the court made pursuant to this section, or is unable to refinance himself within three years, the court may order the appointment of a trustee, and order the property sold or otherwise disposed of as provided for in this Act.



“(4) The conciliation commissioner, appointed under subsection (a) of section 75 of this Act, as amended, shall continue to act, and act as referee, when the farmer debtor amends his petition or answer, asking to be adjudged a bankrupt under the provisions of subsection (s) of section 75 of this Act, and continue so to act until the case has been finally disposed of. The conciliation commissioner, as such referee, shall receive such an additional fee for his services as may be allowed by the court, not to exceed \$35 in any case, to be paid out of the bankrupt’s estate. No additional fees or costs of administration or supervision of any kind shall be charged to the farmer debtor when or after he amends his petition or answer, asking to be adjudged a bankrupt, under subsection (s) of section 75 of this Act, but all such additional filing fees or costs of administration or supervision shall be charged against the bankrupt’s estate. Conciliation commissioners and referees appointed under section 75 of this Act shall be entitled to transmit in the mails, free of postage, under cover of a penalty envelope, all matters which relate exclusively to the business of the courts, including notices to creditors. If, at the time that the farmer debtor amends his petition or answer, asking to be adjudged a bankrupt, a receiver is in charge of any of his property, such receiver shall be divested of possession, and the property returned to the possession of such farmer, under the provisions of this Act. The provisions of this Act shall be held to apply also to partnerships, common, entirety, joint, community ownerships, or to farming corporations where at least 75 per centum of the stock is owned by actual farmers, and any such parties may join in one petition.

Conciliation commissioner; authority.

Fee.

Restriction on additional costs to farmer.

Franking privilege.

Status of receiver when petition or answer amended.

Application of provisions.

Application of Act to pending cases.

Vol. 48, p. 1279.

Emergency nature of Act.

“(5) This Act shall be held to apply to all existing cases now pending in any Federal court, under this Act, as well as to future cases; and all cases that have been dismissed by any conciliation commissioner, referee, or court because of the Supreme Court decision holding the former subsection (s) unconstitutional, shall be promptly reinstated, without any additional filing fees or charges. Any farm debtor who has filed under the General Bankruptcy Act may take advantage of this section upon written request to the court; and a previous discharge of the debtor under any other section of this Act shall not be grounds for denying him the benefits of this section.

“(6) This Act is hereby declared to be an emergency measure and if in the judgment of the court such emergency ceases to exist in its locality, then the court, in its discretion, may shorten the stay of proceedings herein provided for and proceed to liquidate the estate.

Approved, August 28, 1935.

[CHAPTER 793.]

AN ACT

To provide for the appointment of an additional district judge in the United States District Court for the Eastern District of New York.

August 28, 1935.  
[S. 3414.]  
[Public, No. 385.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, an additional district judge in the United States District Court for the Eastern District of New York.

U. S. District Court,  
Eastern District of  
New York.  
Appointment of additional judge.

Approved, August 28, 1935.

## [CHAPTER 794.]

## AN ACT

To provide for unemployment compensation in the District of Columbia, authorize appropriations, and for other purposes.

August 28, 1935.  
[H. R. 7167.]  
[Public, No. 386.]

District of Columbia  
Unemployment Com-  
pensation Act.

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

## Definitions.

## DEFINITIONS

SECTION 1. As used in this Act, unless the context indicates otherwise—

“Employer.”

(a) The term “employer” means the District, and every individual and type of organization for whom services are performed under a contract of employment.

“Employment.”  
*Post*, p. 1138.

(b) The term “employment” means any service, of whatever nature, including employment in interstate commerce, performed after December 31, 1935, within the United States, by any individual under any contract of hire, oral or written, express or implied, so long as the greater part, as determined by the Board under regulations prescribed by it, of the service performed under such contract is performed within the District, except—

(1) domestic service in a private home;

(2) casual labor not in the course of the employer’s trade or business;

(3) service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(4) service performed in the employ of the United States Government or of an instrumentality of the United States;

(5) service performed in the employ of a Senator, Representative, Delegate, or Resident Commissioner, insofar as such service directly assists him in carrying out his legislative duties; and

(6) service performed in the employ of the District as a school officer or teacher, or as a member of the police or fire department, or by an individual who is subject to the Act entitled “An Act for the retirement of employees in the classified Civil Service, and for other purposes”, approved May 22, 1920, as amended.

Vol. 41, p. 614; Vol. 46, p. 468; U. S. C., p. 91.

“Wages.”

(c) The term “wages” means all remuneration for employment, including the cash value, as determined by the Board under regulations prescribed by it, of all remuneration paid in any medium other than cash. Whenever gratuities are received by an individual in the course of his employment from persons other than his employer, the Board, under regulations prescribed by it, shall determine the average amount of such gratuities generally received by individuals performing services of that nature, and the amount so determined shall, for the purpose of the contributions required and the benefits provided under this Act, be included as a part of the wages of such individual.

“Weekly wage.”

(d) The phrase “weekly wage” as applied to any individual who has been engaged in employment for at least thirty hours in each of twenty-six or more weeks within the period of one hundred and four weeks ending with the week in which such individual was last engaged in employment, means the sum obtained by dividing the total of the wages earned in all the weeks within such period in which he was engaged in employment at least thirty hours by the number of such weeks; and, as applied to any individual who has not been engaged in employment for at least thirty hours in each of twenty-six or more weeks within such period of one hundred and four weeks, means the sum obtained by dividing the total of the

wages earned in such period by the total number of weeks within such period in which he was engaged in employment.

(e) The phrase "totally unemployed" means that the individual concerned has performed in the particular week no services whatsoever for which remuneration (of any nature whatsoever) is payable, has not engaged in any self-employment, and is found by the Board to have been unable to engage in any self-employment in which he was formerly engaged.

"Totally unemployed."

(f) The phrase "partially unemployed" means that the individual concerned has failed to earn in the particular week remuneration (of any nature whatsoever) of at least \$2 more than the benefit he would be entitled to receive under this Act with respect to such week if totally unemployed and otherwise eligible.

"Partially unemployed."

(g) The phrase "dependent relative" means a mother, father, stepmother, stepfather, brother, or sister, who, because of age or physical disability, is unable to work, or a child under sixteen years of age, who is wholly or mainly supported by the individual receiving the benefit.

"Dependent relative."

(h) The term "Board" means the District Unemployment Compensation Board established by section 15<sup>1</sup> of this Act.

"Board."

(i) The term "District" means the District of Columbia.

"District."

(j) The term "benefits" means the payments to unemployed individuals provided for in section 8.

"Benefits."

(k) The term "week" means the period commencing at 12:01 o'clock ante meridian Sunday and ending at 12 o'clock midnight the following Saturday.

"Week."

(l) The term "month" means calendar month; except that for the purpose of computing the contributions payable with respect to any calendar month, and for that purpose only, such calendar month shall be deemed, if, and to the extent that individuals are paid on a weekly basis, to be the period covered by all the weeks which commence within such calendar month.

"Month."

(m) The phrase "Unemployment Trust Fund" means the Unemployment Trust Fund established by section 904 of the Social Security Act.

"Unemployment Trust Fund." *Act*, p. 640.

(n) The phrase "employment office" means a free public employment office or branch thereof in the District, operated by the United States Employment Service.

"Employment office."

DISTRICT UNEMPLOYMENT FUND

District Unemployment Fund.

SEC. 2. There is hereby established the District Unemployment Fund, into which shall be paid all contributions received or collected pursuant to this Act and from which shall be paid all benefits provided for under this Act. The Fund shall be managed and controlled by the Board in the manner provided in this Act; and the Board shall keep complete and accurate accounts of the status of the Fund, and shall include a statement of such status in its yearly report to Congress.

Establishment.

Management and control. Accounts.

EMPLOYER CONTRIBUTIONS

Employer contributions.

SEC. 3. (a) Every employer who employs one or more individuals in any employment shall for each month, beginning with the month of January 1936, pay contributions equal to the following percentages of the total wages payable (regardless of the time of payment) with respect to such employment by him during such month:

Requirement.

(1) With respect to employment during the calendar year 1936 the rate shall be 1 per centum;

Percentages.

(2) With respect to employment during the calendar year 1937 the rate shall be 2 per centum;

Calendar year 1936.

1937.

<sup>1</sup> So in original.

1938-1940.

(3) With respect to employment during the calendar years 1938, 1939, and 1940, the rate shall be 3 per centum;

Determination of rate for calendar year 1941 and thereafter.

(4) With respect to employment during the calendar year 1941 and during each succeeding calendar year, the rate applicable to any employer shall be the rate determined pursuant to subsection (b) of this section.

Method.

(b) The Board shall for each calendar year, commencing with the calendar year 1941, on the basis of the unemployment hazard attached to employment by the respective employers, (1) segregate the employers into classes, and (2) determine the rate of contribution, which shall not be less than 1½ per centum nor more than 4 per centum, to be paid by the employers of each such class: *Provided*, That in any such year the rate of contribution applicable to any employer shall be 3 per centum unless there shall have been at least three calendar years throughout which benefits were payable with respect to any individual in his employ who became unemployed and was eligible for compensation, and the estimated total contributions payable by all employers in any such calendar year shall not be less than 3 per centum of the estimated wages with respect to which such contributions are payable. In making such classifications the Board shall take into account all relevant and measurable factors which it deems to have a bearing on the unemployment hazard attached to employment by any employer, and shall apply such form of classification or such rating system as in its judgment is best calculated to rate individually the unemployment hazard most equitably for each employer or group of employers, and to encourage the stabilization of employment. The standards to be used as a basis of such classification for each calendar year shall be adopted by the Board at least sixty days prior to January 1 of such year, and shall be published in at least two newspapers of general circulation in the District once each week for three successive weeks during the month of November of the year preceding such January 1.

*Proviso.*  
Rate of contribution applicable to employer.

Factors to be considered in making classifications.

Adoption of standards.

METHOD OF PAYING EMPLOYER CONTRIBUTIONS

Method of paying employer contributions.

SEC. 4. (a) The contributions required by section 3 shall be paid to and collected by the Board, and shall, immediately upon collection, be paid into the District Unemployment Fund.

Payment and collection.

Returns.

(b) Not later than the fifteenth day after the close of each month, every employer shall make a return of and shall pay the contributions which shall have accrued with respect to wages payable with respect to employment by him within such month. Each such return shall be made under oath (except where the amount of the contribution payable is less than \$10), shall be filed with the Board, and shall contain such information and be made in such manner as the Board may by regulations prescribe. No extension of the time for filing the return or for payment of the contributions shall be allowed to any employer.

Filing; contents.

No extensions to be allowed.

Interest on contributions in default.

(c) If the contributions are not paid when due, there shall be added, as part of the contributions, interest at the rate of 1 per centum per month from the date the contributions became due until paid.

Priority of claim for contributions.

(d) In the event of the dissolution, insolvency, bankruptcy, composition, or assignment for benefit of creditors, of any employer, contributions then or thereafter due from such employer under this section shall have priority over all other claims, except taxes due the United States or the District, and wages (not exceeding \$250 with respect to any individual) due for employment performed within the six months preceding such event.

(e) In payment of any contribution, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

Fractional part of cent.

DISTRICT CONTRIBUTIONS

SEC. 5. (a) The District of Columbia shall pay contributions, in addition to its contributions as an employer, in the following amounts: For the calendar year 1936, \$100,000; for the calendar year 1937, \$125,000; and for the calendar year 1938, \$175,000.

District contributions.

Amounts, calendar years 1936-1938.

(b) The contributions required by this section for each calendar year shall be paid by the District to the Board, and shall, immediately upon receipt by the Board, be paid into the District Unemployment Fund.

Payment.

APPROPRIATIONS

SEC. 6. There is hereby authorized to be appropriated to the District for each fiscal year, commencing with the fiscal year ending June 30, 1936, such sum as may be necessary to permit the District to pay the contributions required of it under this Act.

Appropriations.

Sum authorized. Post, pp. 1611, 1858.

DEPOSIT IN UNEMPLOYMENT TRUST FUND

SEC. 7. All moneys received in the District Unemployment Fund from sources other than the Unemployment Trust Fund shall be immediately paid over to the Secretary of the Treasury to the credit of the Unemployment Trust Fund to be held in trust for the District upon the terms and conditions provided in section 904 of the Social Security Act.

Deposit in Unemployment Trust Fund.

Payment.

Ante, p. 640.

AMOUNT AND DURATION OF BENEFITS

SEC. 8. (a) Subject to the provisions of subsections (b) and (c) of this section, the Board shall pay, from the District Unemployment Fund, to every eligible individual (1) with respect to each week, commencing with the week beginning January 2, 1938, in which such individual was totally unemployed, a week's benefit, which shall be an amount, computed to the nearest half-dollar, equal to 40 per centum of his weekly wage, plus 10 per centum of such weekly wage if he has a dependent spouse, plus an additional 5 per centum of such weekly wage for each dependent relative: *Provided*, That in no case shall the amount paid to any such individual for any week exceed \$15, or 65 per centum of his weekly wage, whichever is the lesser; and (2) with respect to each week commencing with the week beginning January 2, 1938, in which such individual was partially unemployed, an amount which when added to the total amount of remuneration (of any nature whatsoever) payable for services performed by such individual during such week, will total \$2 more than the week's benefit to which he would be entitled if totally unemployed during such week.

Amount and duration of benefits.

Weekly payment of benefit.

Computation of amount.

Proviso. Limitation on total amount.

(b) With respect to unemployment occurring within any period of fifty-two weeks, benefits shall be payable to every eligible unemployed individual (1) in the ratio of one-third of a week's benefit to each credit week which occurred within the period of one hundred and four weeks ending with the week in which he was last engaged in employment, until a total amount equivalent to sixteen times a week's benefit has been paid to him; and (2) after such total has been paid, in the ratio of one-twentieth of a week's benefit to each credit week which occurred within the period of two hundred and sixty weeks ending with the week in which he was last engaged in employment.

Previous employment.

Payments to be charged against earliest available credit week.

"Credit week" construed.

Proviso. School or college attendance.

(c) All payments of benefits under this section shall be charged, in accordance with the applicable ratio, against the earliest credit week or part thereof available for such purpose.

(d) As used in this section, the term "credit week" means a week in which the individual concerned performed some employment, against which no benefits have been charged, and with respect to which no benefits were paid to the individual: *Provided*, That any week occurring within the customary school vacation period shall not be counted as a credit week in the case of any individual who attended a school, college, or university in the last preceding school term, and returns to a school, college or university at the end of such vacation period.

Method of paying benefits.

Requisition of amount required.

Deposit of amount received.

Payments.

#### METHOD OF PAYING BENEFITS

SEC. 9. Each week the Board shall requisition, from the moneys to the credit of the District in the Unemployment Trust Fund, the amount required to pay the benefits accruing with respect to such week. Upon receipt of the amount requisitioned, the Board shall deposit it as part of the District Unemployment Fund in the Treasury of the United States as a special deposit to be used solely to pay the benefits provided in this Act. All payments of benefits shall be made by checks drawn by the Board, shall be made at the employment offices designated by the Board, and shall be subject to a post, but not a prior, audit by the District auditor.

Eligibility for benefits.

Requirements.

#### ELIGIBILITY FOR BENEFITS

SEC. 10. (a) An unemployed individual shall be eligible to receive benefits with respect to any week only if it has been found by the Board—

(1) that he has filed a claim for benefits in the form and at the time prescribed, and at the employment office designated, by the Board;

(2) that he has performed employment in at least thirteen weeks within the period of fifty-two weeks ending with the week in which he was last engaged in employment;

(3) that he is physically able to work;

(4) that he is available for work and has registered and inquired for work at the employment office designated by the Board, with such frequency and in such manner as the Board may by regulations prescribe: *Provided*, That failure to comply with this condition may be excused by the Board upon a showing of good cause for such failure;

(5) that he has been totally unemployed and otherwise eligible for benefits under this Act for a waiting period of at least three weeks with respect to which he received no benefits, prior to the week for which he claims benefits; and for the purpose of computing such waiting-period, two weeks of partial unemployment shall be counted as one week of total unemployment. Such weeks of unemployment need not be consecutive but may be accumulated over the period of fifty-two weeks prior to the week for which he claims benefits; and

(6) that the total or partial unemployment in such week is not directly due to a strike or jurisdictional labor dispute still in active progress in the establishment where he is partially employed or was last employed.

Regulations to be furnished employer.

(b) Copies of the regulations prescribed by the Board pursuant to paragraph (4) shall be furnished by the Board to each employer;

and each employer shall post one of such copies on each of his premises in a conspicuous and easily accessible place and shall furnish a copy to each individual who leaves his employ.

Posting.

#### DISQUALIFICATION FOR BENEFITS

SEC. 11. (a) An individual who has left his work voluntarily without good cause, as determined by the Board under regulations prescribed by it, shall not be eligible for benefits with respect to the week in which he so left nor with respect to the three weeks immediately following.

Disqualification for benefits.

When voluntarily leaving work without good cause.

(b) An individual who has been discharged for misconduct occurring in the course of his work, proved to the satisfaction of the Board, shall not be eligible for benefits with respect to the week in which such discharge occurred nor with respect to such additional number of weeks immediately following (not less than one nor more than six) as the Board may determine, under regulations prescribed by it, in proportion to the degree of such misconduct.

When discharged for misconduct.

(c) If an individual otherwise eligible for benefits fails, without good cause as determined by the Board under regulations prescribed by it, either to apply for new work found by the Board to be suitable when notified by any employment office, or to accept any such work when offered to him, he shall not be eligible for benefits with respect to the week in which such failure occurred nor with respect to the three weeks immediately following. In determining whether or not work is suitable within the meaning of this subsection the Board shall consider (1) the physical fitness and prior training and experience of the individual, (2) the distance of the place of work from the individual's place of residence, and (3) the risk involved as to health, safety, or morals. Benefits shall not be denied to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (2) if the wages, hours, or other conditions of the work offered are less favorable to the individual than those prevailing for similar work in the locality; (3) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

Refusal to work.

(d) If an individual under twenty-one years of age otherwise eligible for benefits fails, without good cause as determined by the Board under regulations prescribed by it, to attend courses at a vocational or other school when recommended by the manager of the employment office or by the Board and such courses are available at public expense, he shall not be eligible for benefits with respect to any week in which such failure occurred.

Individual under twenty-one falling to attend vocational, etc., school.

#### DETERMINATION OF CLAIMS

SEC. 12. (a) As soon as possible after an individual has filed a claim for benefits, an agent of the Board designated by it for such purpose shall determine whether or not such individual is entitled thereto and, if such individual is found to be so entitled, shall determine the week with respect to which payments will commence and the amount of the payments per week. Upon such determination, the agent shall give notice thereof to such individual and to his most recent employer, and benefits shall be paid or denied accordingly; but either party may file an appeal to the Board from such determination within ten days after such notification was delivered to him or mailed to him at his last known address, and in the event

Determination of claims.

Filing of claim.

Notice required.

Appeals.

that any such appeal is filed, no benefits shall be paid to the individual until the appeal shall have been finally decided by the Board.

Hearings.

(b) Upon the filing of any such appeal, the Board shall appoint, in its discretion, either an examiner regularly employed by it on a salary basis or an appeal tribunal, to hold hearings at which both parties shall be given opportunity to present evidence and to be heard. In the conduct of such hearings, the parties shall not be bound by rules of evidence or other technical rules of procedure, but the examiner or appeal tribunal, as the case may be, shall use due diligence to ascertain the true facts of the case.

Procedural rules.

Findings of fact and decision.

(c) On the basis of the evidence presented at such hearings, the examiner or appeal tribunal, as the case may be, shall make a finding of the facts of the case and shall render a decision in accordance therewith. Each such decision shall automatically become the decision of the Board and effective as such as of the tenth day following the date such decision was rendered, unless, before such tenth day, upon petition of either party under regulations prescribed by the Board or upon its own motion, the Board has affirmed, reversed, or modified such decision, or has set it aside and ordered a rehearing or the taking of additional evidence before the same or a different examiner or appeal tribunal, or the Board. All decisions rendered by the Board affirming, reversing, or modifying any decision of an examiner or appeal tribunal, shall become effective immediately.

Effective date.

Composition of appeal tribunal.

(d) Each appeal tribunal shall consist of an examiner regularly employed by the Board on a salary basis and a representative of employees and a representative of employers designated by the Board. No such representative shall be regularly employed by the Board or have any financial interest, direct or indirect, in the case. In no case shall the hearings proceed unless the examiner designated as a member of the appeal tribunal is present; and, if either or both of such representatives fail to appear for any such hearing, the examiner shall proceed to hear the case. Each such representative shall be paid such sum, not in excess of \$10, as the Board shall by regulations prescribe, for each day on which he actively engaged, or was present and prepared to engage, in the conduct of any such hearings.

Representative of employers.

Requirement of attendance at hearing.

Compensation.

Power to administer oaths, etc.

(e) In the discharge of the duties imposed by this section, any member of the Board and any duly authorized examiner shall have power to administer oaths, take depositions, certify to official acts, and issue subpoenas to compel attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the disputed claim.

Record of proceedings.

(f) A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at every hearing on any such claim shall be taken down by a stenographer, but shall not be transcribed except upon order of the Board or in the event of an appeal pursuant to section 13. Upon any such appeal, a copy of all the testimony and of the finding of facts upon which the Board's decision was based shall be filed with the court, and the facts so found shall, if supported by the evidence, be binding on the court.

Refusals to obey subpoenas.

(g) In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Board may invoke the aid of the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda and other records. Such court may issue an order requiring such person to appear before the Board or officer designated by the Board, there to produce records, if so ordered, or



to give testimony touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda and other records, if in his power so to do, in obedience to the subpoena of the Board, shall be guilty of a misdemeanor, and, upon conviction shall be subject to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or both.

(h) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before the Board or in obedience to the subpoena of the Board or any member thereof or any officer designated by it, or in any cause or proceeding instituted by the Board, 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 subject 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.

(i) Witnesses subpoenaed pursuant to this section shall be allowed fees at a rate fixed by the Board. Such fees and all other expenses of proceedings involving disputed claims shall be deemed part of the expense of administering this Act.

Securing testimony.

Immunity from self-incrimination.

Witness fees.

COURT REVIEW

Court review.

SEC. 13. (a) Within thirty days after the decision of the Board has become final, either party may appeal to the Supreme Court of the District of Columbia from such decision. Upon the filing of any such appeal notice thereof shall be served upon the Board by the appellant. Such appeals shall be heard by the Court at the earliest possible date and shall be given precedence over all other civil cases. It shall not be necessary on any such appeal to enter exceptions to the rulings of the Board and no bond shall be required for entering such appeal. In no event shall an appeal act as a supersedeas.

Time allowed for appeal.

Service of notice.

Hearing of appeal.

(b) An appeal may be taken from a decision of such Court to the United States Court of Appeals for the District.

ADMINISTRATION

Administration.

SEC. 14. (a) The Board is hereby authorized and directed to administer the provisions of this Act. The Board is further authorized to employ such officers, examiners, accountants, attorneys, experts, agents, and other persons, and to make such expenditures, as may be necessary to administer this Act, and to authorize any such person to do any act or acts which could lawfully be done by the Board. The Board may, in its discretion, require bond from any of its employees engaged in carrying out the provisions of this Act.

Authority of Board.  
Appointment of personnel.

Bond.

(b) The Board is further authorized to prescribe all regulations which may be necessary to carry out the provisions of this Act. Such regulations shall become effective five days after they have been published in a newspaper of general circulation in the District.

Regulations.  
Effective date.

(c) The Board shall each year, not later than February 1, submit to Congress a report covering the administration and operation of this Act during the preceding calendar year, and containing such recommendations as the Board wishes to make.

Annual report.

Recommendation to protect solvency of fund.

(d) The Board shall, whenever it believes that a change in the contribution or benefit rates is necessary to protect the solvency of the fund, at once recommend such change to Congress if in session.

Cooperation with Social Security Board. *Ante*, p. 635.

(e) The Board is hereby authorized and directed, in the administration of this Act, to cooperate to the fullest practicable extent with the Social Security Board created by the Social Security Act; to make such reports in such form and containing such information as the Social Security Board may from time to time require, and to comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports; and to comply with the regulations prescribed by the Social Security Board governing the expenditure of such sums as may be allotted and paid to the District under Title III of the Social Security Act for the purpose of assisting in administering this Act.

Method of paying administrative expenses. Deposit of receipts. *Ante*, p. 626.

METHOD OF PAYING ADMINISTRATIVE EXPENSES

SEC. 15. All moneys received by the Board from the United States under Title III of the Social Security Act or from other sources for administering this Act shall, immediately upon such receipt, be deposited in the Treasury of the United States as a special deposit to be used solely to pay such administrative expenses. All such payments of expenses shall be made by checks drawn by the Board and shall be subject to audit by the District auditor in the same manner as are payments of other expenses of the District.

Payments; audit.

District Unemployment Compensation Board. Establishment; composition.

DISTRICT UNEMPLOYMENT COMPENSATION BOARD

SEC. 16. (a) There is hereby established the District Unemployment Compensation Board, to be composed of the Commissioners of the District as members *ex-officio*, and one representative of employees and one representative of employers to be appointed by the Commissioners. Each such representative shall be a resident of the District and shall hold office for a term of three years from the date of his appointment; except that (1) any representative 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 remainder of such term, and (2) the term of office of the first representative of employees shall be two years. The chairman of the Commissioners of the District shall be chairman of the Board.

Residence; terms of office.

Vacancy.

Chairman.

(b) The Board shall administer this Act through an executive officer to be appointed and employed by the Board. Such executive officer shall act as secretary of the Board and is hereby authorized to act in the name of the Board in all matters specifically delegated to him by the Board.

Administration of Act.

Service of Commissioners.

(c) The Commissioners of the District shall serve on the Board without additional compensation, but the representatives of employees and employers, respectively, shall be paid \$10 for each day of active service.

Reciprocal agreements with States.

RECIPROCAL AGREEMENTS WITH STATES

Authority to enter.

SEC. 17. The Board is hereby authorized, upon such terms as in its judgment will not result in any loss to the District Unemployment Fund, to enter into agreements with the proper authorities under State unemployment-compensation laws whereby there shall be effected with respect to individuals who have removed from employment in the District to employment in the State covered by the agreement, or who have removed from employment in such State to employment in the District, an exchange of the rights acquired by

such individuals with respect to unemployment benefits in the place of their former employment. The terms of all such agreements entered into by the Board shall be published at least once in a newspaper of general circulation in the District.

Publication of terms.

#### RECORDS AND REPORTS

Records and reports.

SEC. 18. (a) Every employer shall keep true and accurate employment records of all individuals employed by him in employment, including the hours of employment and the wages payable therefor. Such records shall be open to inspection by the Board every day except Saturdays, Sundays, and legal holidays, between the hours of 9 o'clock ante meridian and 4 o'clock post meridian.

Employment records.

Inspection of.

(b) The Board may require from any such employer such reports in connection with his business, covering employment, employees, wages, hours, unemployment, and related matters, as the Board deems necessary to the effective administration of this Act. Information thus obtained shall not be published or be open to the public in any manner which will reveal the employer's identity; and any person who violates any provision of this section shall be fined not less than \$20 nor more than \$200 or imprisoned not longer than ninety days, or both.

Employer reports.

Confidential nature of.

Punishment for violations.

(c) Upon request therefor, the Board shall furnish to any agency of the United States or of the District charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and a statement of such recipient's rights to further benefits under this Act.

Information respecting beneficiary.

#### PROTECTION OF RIGHTS AND BENEFITS

Protection of rights and benefits.

SEC. 19. (a) No agreement by any individual to waive any of his rights under this Act, or to pay any part of the contribution payable by his employer with respect to his or any other individual's employment shall be valid; nor shall any employer make, require, or permit any deduction from the wages payable to his employees for the purpose of paying any part of the contributions required of the employer under this Act, or require or attempt to induce any individual to waive any right he may acquire under this Act. Any employer who violates any provision of this subsection shall, for each such offense, be fined not less than \$100 nor more than \$1,000 or be imprisoned not more than six months, or both.

Invalidity of agreements to waive rights.

Deductions from employees' wages.

Punishment for violations.

(b) No assignment of any right to benefits which are or may become due or payable under this Act shall be valid or enforceable; and the right to any such benefits shall be exempt from levy, execution, attachment, and any other remedy whatsoever provided for the collection of debt; and the benefits received by any individual shall be exempt from the payment of all debts except debts accrued for necessities furnished to such individual or his spouse at a time when such individual was unemployed. Exemptions provided for in this subsection may not be waived.

Assignments.

Exemption of benefits from attachment, etc.

(c) No individual seeking to establish a claim for benefits shall be charged any fee whatsoever by the Board; and no person who represents any such individual in any proceeding shall charge or receive for his services a sum in excess of 10 per centum of the aggregate amount of benefits received by such individual pursuant to the decision in such proceedings. Any person who violates any provision of this subsection shall, for each such offense, be fined not more than \$500 or imprisoned not more than one year, or both.

Fees for seeking to establish claim.

Penalties.

PENALTIES

False statements.

SEC. 20. (a) Whoever makes a false statement or representation, knowing it to be false, to obtain or increase any payment provided for in this Act, for himself or any other individual, shall, for each such offense, be fined not less than \$20 nor more than \$100 or imprisoned not more than sixty days, or both.

False employer records.

(b) Any employer, and any officer or agent of an employer, who furnishes a false record or makes a false statement or representation, knowing it to be false, to avoid the payment of any or all of the contributions required of such employer under this Act, or to prevent or reduce the payment of benefits to any individual entitled thereto, and any employer who willfully refuses to pay the contributions or to furnish any report required of him under this Act, shall, for each such offense, be fined not less than \$100 nor more than \$1,000 or imprisoned not more than six months, or both.

Disposition of fines.

DISPOSITION OF FINES

SEC. 21. The amount of all fines collected pursuant to the provisions of this Act shall be turned over to the Board and by it paid into the District Unemployment Fund.

Representation in court.

REPRESENTATION IN COURT

SEC. 22. (a) On the request of the Board the United States district attorney for the District shall represent the Board in any action in court arising under this Act or in connection with the administration and enforcement of its provisions, including actions for the collection of contributions due hereunder; but in any civil action the Board may be represented by its own counsel.

(b) Violations of any provision of this Act shall be prosecuted by the United States district attorney for the District.

Reservation of right to amend or repeal.

RIGHT TO AMEND OR REPEAL

SEC. 23. All the rights, privileges, or immunities conferred by this Act or by acts done pursuant thereto shall exist subject to the power of Congress to amend or repeal this Act at any time.

Separability of provisions.

SEPARABILITY OF PROVISIONS

SEC. 24. 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 and circumstances, shall not be affected thereby.

Short title.

SHORT TITLE

SEC. 25. This Act may be cited as the "District of Columbia Unemployment Compensation Act".

Approved, August 28, 1935.

[CHAPTER 795.]

AN ACT

To provide for the compiling and publishing of the Official Register of the United States.

August 28, 1935.

[H. R. 8473.]

[Public, No. 387.]

Official Register of the United States. Annual publication. Contents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Civil Service Commission shall cause to be compiled, edited, indexed, and published each year an Official Register of the United

States, which shall contain a full and complete list of all persons occupying administrative and supervisory positions in the legislative, executive, and judicial branches of the Government, including the District of Columbia, in connection with which salaries are paid from the Treasury of the United States. The register shall show the name; official title; salary, compensation, and emoluments; legal residence and place of employment for each person listed therein: *Provided, however,* That the Official Register shall not contain the name of any postmaster or assistant postmaster, or any officer of the Army, Navy, and Marine Corps, unless such officer is assigned as an administrative officer.

*Proviso.*  
Postmasters, Army  
and Navy personnel.

SEC. 2. To enable the United States Civil Service Commission to compile and publish the Official Register of the United States as early as practicable after the first of June of each year, the Executive Office, the legislative and judicial branches of the Government, the Commissioners of the District of Columbia, and the head of each executive department, independent office, establishment, and commission of the Government shall, as of the 1st day of May of each year, beginning with May 1, 1936, supply to the United States Civil Service Commission the data required by this Act, upon forms approved and furnished by the Commission, in due time to permit the publication of the Official Register as herein provided; and no extra compensation shall be allowed to any officer, clerk, or employee of the United States Civil Service Commission for compiling the Official Register.

Data to be furnished  
by branches of the  
Government.

Work to be per-  
formed without addi-  
tional compensation.

SEC. 3. Of the Official Register there shall be printed, bound, and delivered to the Superintendent of Documents and charged to the Congressional allotment for printing and binding a sufficient number of copies for distribution as follows: To the President of the United States, four copies, one copy of which shall be for the library of the Executive Office; to the Vice President of the United States, two copies; to each Senator, Representative, Delegate, and Resident Commissioner in Congress, three copies; to the Secretary and the Sergeant at Arms of the Senate and to the Clerk, the Sergeant at Arms, and the Doorkeeper of the House of Representatives, each one copy; to the library of the Senate and the House, each, not to exceed fifteen copies; to the library of the Supreme Court, two copies; to the Library of Congress, for international exchange and for official use in Washington, District of Columbia, not to exceed one hundred and fifty copies; to the municipal library of the District of Columbia, two copies; and to the Commissioners of the District of Columbia, ten copies. The "usual number" shall not be printed.

Distribution.

"Usual number"  
not printed.

SEC. 4. The head of each executive department, independent office, or establishment of the Government, not mentioned above, desiring copies of the Official Register shall issue, on or before May 1 of each year, a requisition upon the Public Printer for the number of copies of the Official Register necessary to meet its official requirements, the cost of such supply to be charged to the appropriations available for printing and binding for such executive department, independent office, or establishment.

Copies for executive  
departments, independ-  
ent agencies, etc.

SEC. 5. That section 510 of the Revised Statutes of the United States and section 2 of the Act discontinuing the printing of certain Government publications, and for other purposes (43 Stat. 1105), approved March 3, 1925, and all Acts or parts of Acts amendatory thereof or supplementary thereto, be, and the same are hereby, repealed.

Repeals.  
R. S., sec. 510, p. 84.  
Vol. 43, p. 1105;  
U. S. C., p. 457.

Approved, August 28, 1935.

## [CHAPTER 801.]

## AN ACT

To provide for the Andrew Johnson Homestead National Monument.

August 29, 1935.

[H. R. 1420.]

[Public, No. 388.]

Andrew Johnson National Monument; establishment.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That when title to the site of the Andrew Johnson Homestead and the site of the tailor shop in which Andrew Johnson worked (now owned and administered by the State of Tennessee), located in Greeneville, Tennessee, together with such buildings and property located thereon as may be designated by the Secretary of the Interior as necessary or desirable for national-monument purposes shall have been vested in the United States, said area and improvements, if any, together with the burial place of Andrew Johnson, now administered as a national cemetery, shall be designated and set apart by proclamation of the President for preservation as a national monument for the benefit and inspiration of the people and shall be called the "Andrew Johnson National Monument."

Acquisition of land, etc.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to acquire on behalf of the United States out of any funds allotted and made available for this project by proper authority or out of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of the Act of August 1, 1888 (25 Stat. 357), or to accept by donation, such land, interest in land, and/or buildings, structures, and other property within the boundaries of said national monument as determined and fixed hereunder, and he is further authorized to accept donations of funds for the purchase and/or maintenance thereof.

Vol. 25, p. 357; U. S. C., p. 1785.

Administration. Vol. 39, p. 535; U. S. C., p. 591.

SEC. 3. That the administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes", as amended.

Approved, August 29, 1935.

## [CHAPTER 802.]

## AN ACT

To amend the Inland Waterways Corporation Act, approved June 3, 1924, as amended.

August 29, 1935.

[S. 1994.]

[Public, No. 389.]

Inland Waterways Corporation Act, amendment.

Vol. 43, p. 361; Vol. 45, p. 978; Vol. 48, p. 968; U. S. C., p. 2247.

Certificate of convenience when conducting a common carrier service on designated rivers.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subdivision (e) of section 3 of the Act entitled "An Act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the Transportation Act, and for other purposes", approved June 3, 1924, as amended, is amended by striking out the words "or Snake Rivers", and inserting in lieu thereof "Snake, Sacramento, San Joaquin, or Savannah Rivers".

Approved, August 29, 1935.

[CHAPTER 803.]

## AN ACT

Amending section 5 of Public Law Numbered 264, Seventy-third Congress, approved May 29, 1934, relative to the appointment of Naval Academy graduates as ensigns in the Navy.

August 29, 1935.  
[S. 2521.]  
[Public, No. 390.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5 of Public Law Numbered 264, Seventy-third Congress is hereby amended to read as follows:

Naval Academy  
graduates.  
Vol. 48, p. 814.

“SEC. 5. That section 1 of the Act approved May 6, 1932 (47 Stat. 149; U. S. C., Supp. VII, title 34, sec. 12), is hereby amended by inserting the words ‘in 1934 and hereafter’ after the words ‘midshipmen who’, and the words ‘*Provided*, That all former midshipmen graduated in 1933 who received a certificate of graduation and honorable discharge or who resigned and whether they have since been married or not may, upon their own application, if physically qualified, and under such regulations as the Secretary of the Navy may prescribe, be appointed as ensigns prior to November 1, 1935, by the President and shall take rank next after the junior ensign of the Navy and among themselves in accordance with their proficiency as shown by the order of merit at date of graduation: *And provided further*,’ after the words ‘Naval Academy’ and by striking out ‘in 1932, and at least 50 per centum of all graduates in subsequent years: *Provided*’, so that as amended the said section will read as follows:

“‘That the President of the United States<sup>1</sup> is authorized, by and with the advice and consent of the Senate, to appoint as ensigns in the line of the Navy all midshipmen who in 1934 and hereafter graduate from the Naval Academy: *Provided*, That all former midshipmen graduated in 1933 who received a certificate of graduation and honorable discharge or who resigned and whether they have since been married or not may, upon their own application, if physically qualified, and under such regulations as the Secretary of the Navy may prescribe, be appointed as ensigns prior to November 1, 1935, by the President and shall take rank next after the junior ensign of the Navy and among themselves in accordance with their proficiency as shown by the order of merit at date of graduation: *And provided further*, That the number of such officers so appointed shall, while in excess of the total number of line officers otherwise authorized by law, be considered in excess of the number of officers in the grade of ensign as determined by any computation, and shall be excluded from any computation made for the purpose of determining the authorized number of line officers in any grade on the active list above the grade of lieutenant (junior grade) until the total number of line officers shall have been reduced below the number otherwise authorized by law.’”

Appointments as ensigns.

*Provisos.*  
Class of 1933.

Rank.

Number.

Approved, August 29, 1935.

<sup>1</sup> So in original.

[CHAPTER 804.]

AN ACT

Relative to limitation of shipowners' liability.

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

LIMITATION OF SHIPOWNERS' LIABILITY

Limitation of ship-owners' liability.

R. S., sec. 4283, p. 827; U. S. C., p. 1998.

Amount of liability. Post, p. 1479.

Tonnage of steam or motor vessel construed.

Liability of owner. Post, p. 1481.

Stipulations limiting time for filing claims and commencing suit. Unlawful acts.

When failure to give notice not to bar claim.

Claim filed by legal representative.

SECTION 1. Revised Statutes 4283, United States Code, title 46, section 183, shall be amended by adding the following proviso at the end thereof: "Provided, That the total liability of the owner or owners of any sea-going sailing, steam, or motor vessel, whether American or foreign, other than tugs, barges, fishing vessels and their tenders, for the entire loss of life or personal injuries caused without the fault or privity of such owner or owners to any person, shall be in an amount not less than an amount equal to \$60 for each ton of the tonnage of such vessel or vessels, or the amount or value of the interest of such owner in such vessel and her freight then pending, if the latter be the greater amount. The tonnage of a steam or motor vessel shall be her gross tonnage without deduction on account of engine room, and the tonnage of a sailing vessel shall be her registered tonnage, provided that there shall not be included in such tonnage any space occupied by seamen or apprentices and appropriated to their use. The owner of every sea-going vessel or share therein shall be liable in respect of every such loss of life or personal injury arising on distinct occasions to the same extent as if no other loss or injury had arisen."

SEC. 2. In respect of loss of life or bodily injury, the actual privity or knowledge of the master of a sea-going vessel (other than tugs, barges, fishing vessels and their tenders), or of the superintendent or managing agent of the owner thereof, at or prior to the commencement of each voyage, shall be deemed conclusively the privity or knowledge of the owner of such vessel.

SEC. 3. Chapter 6 of Title 48 of the Revised Statutes is amended by inserting after section 4283, as amended, the following new section:

"SEC. 4283A. STIPULATIONS LIMITING TIME FOR FILING CLAIMS AND COMMENCING SUIT.—(a) It shall be unlawful for the manager, agent, master, or owner of any sea-going vessel (other than tugs, barges, fishing vessels and their tenders) transporting passengers or merchandise or property from or between ports of the United States and foreign ports to provide by rule, contract, regulation, or otherwise a shorter period for giving notice of, or filing claims for loss of life or bodily injury, than six months, and for the institution of suits on such claims, than one year, such period for institution of suits to be computed from the day when the death or injury occurred.

"(b) Failure to give such notice, where lawfully prescribed in such contract, shall not bar any such claim—

"(1) If the owner or master of the vessel or his agent had knowledge of the injury, damage, or loss and the court determines that the owner has not been prejudiced by the failure to give such notice; nor

"(2) If the court excuses such failure on the ground that for some satisfactory reason such notice could not be given; nor

"(3) Unless objection to such failure is raised by the owner.

"(c) If a person who is entitled to recover on any such claim is mentally incompetent or a minor, or if the action is one for wrongful death, any lawful limitation of time prescribed in such contract



shall not be applicable so long as no legal representative has been appointed for such incompetent, minor, or decedent's estate, but shall be applicable from the date of the appointment of such legal representative: *Provided, however,* That such appointment be made within three years after the date of such death or injury."

Approved, August 29, 1935.

*Proviso.*  
Limitation.

[CHAPTER 805.]

AN ACT

Authorizing construction, operation, and maintenance of Rio Grande canalization project and authorizing appropriation for that purpose.

August 29, 1935.

[S. 3085.]

[Public, No. 392.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That upon the completion of the engineering investigation, study, and report to the Secretary of State, as heretofore authorized by Public Resolution Numbered 4, Seventy-fourth Congress, approved February 13, 1935, the Secretary of State, acting through the American Section, International Boundary Commission, United States and Mexico, in order to facilitate compliance with the convention between the United States and Mexico concluded May 21, 1906, providing for the equitable division of the waters of the Rio Grande, and to properly regulate and control, to the fullest extent possible, the water supply for use in the two countries as provided by treaty, is authorized to construct, operate, and maintain, in substantial accordance with the engineering plan contained in said report, a diversion dam in the Rio Grande wholly in the United States, with appurtenant connections to existing irrigation systems, and to acquire by donation, condemnation, or purchase such real and personal property as may be necessary therefor.

Rio Grande canalization project.  
Construction of diversion dam authorized.  
*Ante*, p. 24.

Vol. 34, p. 2953.

SEC. 2. There is authorized to be appropriated the sum of \$1,000,000 for the purposes of carrying out the provisions of section 1 hereof, other than for operation and maintenance, including salaries and wages, fees for professional services; rents, travel expenses; per diem in lieu of actual subsistence; printing and binding, law books and books of reference: *Provided,* That the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) shall not apply to any purchase made or service procured when the aggregate amount involved is \$100 or less; purchase, exchange, maintenance, repair and operation of motor-propelled passenger- and freight-carrying vehicles; hire with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment; acquisition by donation, condemnation, or purchase of real and personal property; transportation (including drayage) of personal effects of employees upon change of station; telephone, telegraphic, and air-mail communications; rubber boots for official use by employees; ice; equipment, services, supplies, and materials and other such miscellaneous expenses as the Secretary of State may deem necessary properly to carry out the provisions of the Act: *Provided,* That any part of any appropriation made hereunder may be transferred to, for direct expenditure by, the Department of the Interior pursuant to such arrangements therefor as may be from time to time effected between the Secretary of State and the Secretary of the Interior, or as directed by the President of the United States.

Appropriation authorized.

*Provisos.*  
Minor purchases.  
R. S., sec. 3709, p. 733;  
U. S. C., p. 1803.

Transfer of appropriations to Interior Department.

Approved, August 29, 1935.

[CHAPTER 806.]

AN ACT

August 29, 1935.  
[S. 3204.]  
[Public, No. 393.]

To provide additional funds for the completion of the Mount Rushmore National Memorial, in the State of South Dakota, and for other purposes.

Mount Rushmore National Memorial. Appropriation authorized for completing. Post, p. 1760.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of \$200,000, in addition to the amount previously authorized, for the purpose of defraying the cost of completing the Mount Rushmore National Memorial, in the State of South Dakota, including landscaping of the contiguous grounds thereof, constructing the entrances thereto, and constructing a suitable museum room in connection therewith.

Contracts authorized.

SEC. 2. The Mount Rushmore National Memorial Commission, with the approval of the Secretary of the Interior, is hereby authorized to enter into contract for the execution and completion of the work and to fix the compensations to be paid to artists, sculptors, landscape architects, and others, who may be employed by the Mount Rushmore National Memorial Commission, in the completion of the said Mount Rushmore National Memorial pursuant to the provisions of section 3 of Public Law Numbered 805, Seventieth Congress, approved February 25, 1929, as amended by section 1 of Public Law Numbered 471, Seventy-third Congress, approved June 26, 1934.

Vol. 45, p. 1300; Vol. 48, p. 1223.

Approved, August 29, 1935.

[CHAPTER 807.]

AN ACT

August 29, 1935.  
[S. 3433.]  
[Public, No. 394.]

Limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in certain cases.

Criminal Code. Vol. 35, p. 1107; U. S. C., p. 734. R. S., sec. 190, p. 30; U. S. C., p. 43.

Operation of designated sections limited respecting counsel in cases entitled "The Farmers' Loan and Trust Company."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That nothing in sections 109 and 113 of an Act entitled "An Act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909, as amended (U. S. C., title 18, secs. 198 and 203), or in section 190 of the Revised Statutes of the United States (U. S. C., title 5, sec. 99), or in any other Act of Congress forbidding officers or employees or former officers or employees of the United States from acting as counsel, attorney, or agent for another before any court, department, or branch of the Government or from receiving or agreeing to receive compensation therefor, shall be deemed to apply to attorneys or counselors to be specially employed, retained, or appointed by the Attorney General or under authority of the Department of Justice to assist in the conduct of the cases entitled The Farmers' Loan and Trust Company (a corporation) as trustee under a deed of trust made by William Waldorf Astor, and so forth, against Frank C. Bowers, and so forth (L 35/74 and L 35/75) pending in the United States District Court for the Southern District of New York and in the Circuit Court of Appeals for the Second Circuit, including all proceedings to review any judgment or decree that may be rendered therein, and any other case or proceeding involving the matters or any of them involved in the said cases.

Approved, August 29, 1935.

[CHAPTER 808.]

AN ACT

To authorize cooperation with the several States for the purpose of stimulating the acquisition, development, and proper administration and management of State forests and coordinating Federal and State activities in carrying out a national program of forest-land management, and for other purposes.

August 29, 1935.  
[H. R. 6914.]  
[Public, No. 395.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purpose of stimulating the acquisition, development, and proper administration and management of State forests and of insuring coordinated effort by Federal and State agencies in carrying out a comprehensive national program of forest-land management, the Secretary of Agriculture is hereby authorized to enter into cooperative agreements with appropriate officials of any State or States for acquiring in the name of the United States, by purchase or otherwise, such forest lands within the cooperating State as in his judgment the State is adequately prepared to administer, develop, and manage as State forests in accordance with the provisions of this Act and with such other terms not inconsistent therewith as he shall prescribe, such acquisition to include the mapping, examination, appraisal, and surveying of such lands and the doing of all things necessary to perfect title thereto in the United States: *Provided*, That, since it is the declared policy of Congress to maintain and, where it is in the national interest to extend the national-forest system, nothing herein shall be construed to modify, limit, or change in any manner whatsoever the future ownership and administration by the United States of existing national forests and related facilities, or hereafter to restrict or prevent their extension through the acquisition by purchase or otherwise of additional lands for any national-forest purpose: *Provided further*, That this Act shall not be construed to limit or repeal any legislation authorizing land exchanges by the Federal Government, and private lands acquired by exchange within the limits of any area subject to a cooperative agreement of the character herein authorized shall hereafter be subject to the provisions of this Act.

Forest land management.  
Cooperative agreements with State officials.

Purpose.

*Provided*.  
Ownership and management of existing national forests and related facilities.

Land acquired through exchanges.

SEC. 2. No cooperative agreement shall be entered into or continued in force under the authority of this Act or any land acquired hereunder turned over to the cooperating State for administration, development, and management unless the State concerned, as a consideration for the benefits extended to it thereunder, complies in a manner satisfactory to the Secretary of Agriculture with the following conditions and requirements which shall constitute a part of every such agreement:

Conditions and requirements of agreements.

(a) In order to reduce the need for public expenditures in the acquisition of lands which may be brought into public ownership through the enforcement of appropriate tax delinquency laws, and, by bringing about the handling of such lands upon a sound social and economic basis, to terminate a system of indeterminate and unsound ownership injurious to the private and public interest alike, no additional lands shall be acquired within any State by the United States under this Act after June 30, 1942, unless the State concerned has prior thereto provided by law for the reversion of title to the State or a political unit thereof of tax-delinquent lands and for blocking into State or other public forests the areas which are more suitable for public than private ownership, and which in the public interest should be devoted primarily to the production of timber crops and/or the maintenance of forests for watershed protection, and for the enforcement of such law: *Provided*, That in the administration of this Act prior to June 30, 1942, preference will be given

Restriction on acquisition of additional lands after June 30, 1942.

Requirement of State legislation.

*Provided*.  
Preference.

to States applying for cooperation hereunder which provide by law for such reversion of title under tax delinquency laws.

(b) In order to insure a stable and efficient organization for the development and administration of the lands acquired under this Act, the State shall provide for the employment of a State forester, who shall be a trained forester of recognized standing.

(c) The Secretary of Agriculture and the appropriate authorities of each cooperating State shall work out a mutually satisfactory plan defining forest areas within the State which can be most effectively and economically administered by said State, which plan shall constitute a part of the cooperative agreement between the United States and the State concerned: *Provided*, That nothing herein shall be held to prevent the Secretary of Agriculture from later agreeing with the proper State authorities to desirable modifications in such plan.

(d) No payment of Federal funds shall be made for land selected for purchase by the United States under this Act until such proposed purchase has been submitted to and approved by the National Forest Reservation Commission created by section 4 of the Act approved March 1, 1911 (36 Stat. 9661; <sup>1</sup> U. S. C., title 16, sec. 513).

(e) Subject to the approval of the National Forest Reservation Commission, the Secretary of Agriculture is authorized to pay out of any available money appropriated for carrying out the purposes of this Act any State, county, and/or town taxes, exclusive of penalties, due or accrued on any forest lands acquired by the United States under donations from the owners thereof and which lands are to be included in a State or other public forest pursuant to this Act.

(f) The State shall prepare such standards of forest administration, development, and management as are necessary to insure maximum feasible utility for timber production and watershed protection, and are acceptable to the Secretary of Agriculture and shall apply the same to lands acquired and placed under the jurisdiction of the State pursuant to this Act.

(g) That with the exception of such Federal expenditures as may be made for unemployment relief, the State shall pay without assistance from the Federal Government the entire future cost of administering, developing, and managing all forest lands acquired and over which it has been given jurisdiction under this Act.

(h) During the period any cooperative agreement made under this Act remains in force, one-half of the gross proceeds from all lands covered by said agreement and to which the United States holds title shall be paid by the State to the United States and covered into the Treasury. All such payments shall be credited to the purchase price the State is to pay the United States for said land, such purchase price to be an amount equal to the total sum expended by the United States in acquiring said lands. Upon payments of the full purchase price, either as herein provided or otherwise, title to said lands shall be transferred from the Federal Government to the State, and the Secretary of Agriculture is authorized to take such action and incur such expenditures, as may be necessary to effectuate such transfer.

(i) Upon the request of the State concerned, any agreement made pursuant to this Act may be terminated by the Secretary of Agriculture. The Secretary of Agriculture may, with the consent and approval of the National Forest Reservation Commission, after due notice given the State and an opportunity for hearing by said Commission, terminate any such agreement for violations of its terms and/or the provisions of this Act. If such agreement is terminated,

Employment of State forester; qualifications.

Plan defining State forest areas.

*Proviso.*  
Modifications.

Approval of proposed acquisitions by National Forest Reservation Commission.  
Vol. 36, p. 962; U. S. C., p. 665.

Payment of taxes due on lands acquired under donation.

Preparation and application of standards of forest administration.

Payment of future administration costs.

Division of gross proceeds from lands covered by agreement.

Credit of payments.

Transfer of title upon payment of full purchase price.

Termination of agreement.

Reimbursements.

<sup>1</sup> So in original.

the United States shall reimburse the State for so much of the State funds as have been expended in the administration, development, and management of the lands involved as the Secretary of Agriculture may decide to be fair and equitable.

(j) The State shall furnish the Secretary of Agriculture with such annual, periodic, or special reports as he may require respecting the State's operations under its agreement with him.

(k) When a State or political unit thereof acquires under tax delinquency laws title to forest lands without cost to the United States and which lands are included within a State or other public forest, the Secretary of Agriculture, on behalf of the Federal Government, may contribute annually out of any funds made available under this Act not to exceed one-half the cost of administering, developing, and managing said lands.

Sec. 3. For the purposes of this Act, there is hereby authorized to be appropriated, a sum or sums out of any money in the Treasury not otherwise appropriated, not to exceed \$5,000,000, as Congress may from time to time appropriate.

Approved, August 29, 1935.

Reports.

Contributions.

Appropriation authorized.

[CHAPTER 809.]

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.

August 29, 1935.  
[H. R. 7858.]  
[Public, No. 396.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (1) of subsection (e) of section 77B of the Act of July 1, 1898, entitled "An Act to establish a uniform system of bankruptcy throughout the United States", as amended, be, and is hereby, amended to read as follows:

Bankruptcy Act of 1898; amendment. Vol. 48, p. 912. Corporate reorganizations.

"(e) (1) A plan of reorganization shall not be confirmed until it has been accepted in writing, whether before or after the filing of the petition or answer under this section, and such acceptance shall have been filed in the proceeding by or on behalf of creditors holding two-thirds in amount of the claims of each class whose claims have been allowed and would be affected by the plan and by or on behalf of stockholders of the debtor holding a majority of the stock of each class: *Provided, however,* That such acceptance shall not be requisite to the confirmation of the plan by any creditor or class of creditors, (a) whose claims are not affected by the plan, or (b) if the plan makes provision for the payment of their claims in cash in full, or (c) if provision is made in the plan for the protection of the interests, claims, or liens of such creditor or class of creditors in the manner provided in subdivision (b), clause (5), of this section: *And provided further,* That such acceptance shall not be requisite to the confirmation of the plan by any stockholder or class of stockholders (1) if the judge shall have determined either that the debtor is insolvent, or that the interests of such stockholder or stockholders will not be affected by the plan, or (2) if provision is made in the plan for the protection of the interests of such stockholder or class of stockholders in the manner provided in subdivision (b), clause (4), of this section. With such acceptance there shall be set forth, verified in such manner as the judge shall require, what, if any, contracts of the debtor are executory in whole or in part, and what unexpired leases have been rejected and surrendered. With such acceptance there shall be filed a statement, verified in such manner as the judge shall require, showing what, if any, claims and

Plan of reorganization; acceptance and confirmation.

Provisos. Classes of creditors whose acceptance not requisite.

Classes of stockholders, etc.

Debtor's contracts and leases.

Statement of claims and shares of stock transferred by persons accepting plan.

Waiver of filing when statement deemed impractical.

United States as a creditor.

Authority to accept or reject plan.

Proviso. Presumption of approval.

shares of stock have been purchased or transferred by those accepting the plan after the commencement or in contemplation of the proceeding, and the circumstances of such purchase or transfer: *Provided, however,* That if the judge is satisfied that by reason of the number of securities outstanding and the extent of the public dealing therein the preparation of such a statement would be impractical, he may direct that it be not filed. If the United States of America is a creditor or stockholder, the interests or claims thereof shall be deemed to be affected by the plan, and the Secretary of the Treasury is hereby authorized to accept or reject a plan in respect of the interests or claims of the United States. If, in any reorganization proceeding under this section, the United States is a creditor on claims for taxes or customs duties (whether or not the United States has any other interest in, or claim against, the debtor, as creditor or stockholder), no plan which does not provide for the payment thereof shall be confirmed by the judge except upon the acceptance of a lesser amount by the Secretary of the Treasury certified to the court: *Provided,* That if the Secretary of the Treasury shall fail to accept or reject a plan for more than ninety days after receipt of written notice so to do from the court to which the plan has been proposed, accompanied by a certified copy of the plan, his consent shall be conclusively presumed.

Approved, August 29, 1935.

[CHAPTER 810.]

AN ACT

August 29, 1935.

[H. R. 7974.]

[Public, No. 397.]

To withdraw and restore to their previous status under the control of the Territory of Hawaii certain Hawaiian homes lands now in use as an airplane landing field.

Hawaiian Homes Commission Act, 1920. Vol. 42, p. 109; U. S. C., p. 2157.

Restoration of certain lands to previous status.

On the Island of Molokai.

Description.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of section 203 of title 2 of the Act entitled "Hawaiian Homes Commission Act, 1920", approved July 9, 1921 (42 Stat. 108), as designates the land hereinafter described as "available lands" within the meaning of that Act, is hereby repealed and the land restored to its previous status under the control of the Territory of Hawaii.

On the Island of Molokai: Those portions of Hoolehua, apana 2, and Palaau, apana 2, comprising the Molokai airplane landing field as set aside for public purposes by Executive Order Numbered 307 of the Governor of the Territory of Hawaii, dated December 15, 1927, consisting of two hundred four and nine-tenths acres, more or less, and particularly described as follows:

Beginning at a point on the southeast corner of the said land, from which the azimuth (measured clockwise from true south) and distance to United States Coast and Geodetic Survey Triangulation Station Middle Hill (Kaulapuu) is two hundred and seventy-two degrees twenty-three minutes thirty-nine seconds, twelve thousand seven hundred twenty and nine-tenths feet, thence from said point of beginning by metes and bounds; eighty-five degrees ten minutes thirty seconds, three thousand four hundred and twenty-seven feet; one hundred and eighty degrees fifty-six minutes thirty seconds, two thousand six hundred thirty and two-tenths feet; two hundred and seventy-nine degrees fifty-five minutes thirty seconds, four thousand nine hundred seven and three-tenths feet; three hundred and forty-six degrees twenty minutes, three hundred forty-two and three-tenths feet near west edge of Kakainapahao Gulch; three degrees twenty-six minutes, four hundred twenty-seven and one-tenth feet; eighty-three degrees twenty-four minutes, one thousand

four hundred sixty-eight and two-tenths feet; five degrees fifty-eight minutes, five hundred seventy-one and three-tenths feet to the point of beginning.

SEC. 2. This Act shall take effect upon its approval.

Approved, August 29, 1935.

Effective date.

[CHAPTER 811.]

AN ACT

To authorize the transfer of a certain military reservation to the Department of the Interior.

August 29, 1935.  
[H. R. 8444.]  
[Public, No. 398.]

*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 to transfer to the Department of the Interior the mansion site and such portions of the grounds of Belvoir, part of the estate of Lord Fairfax, located within the Belvoir Military Reservation, Virginia, as may be necessary for the restoration and operation of the historic home and grounds for the benefit and inspiration of the people: *Provided,* That upon cessation of such use the premises so transferred shall revert to the jurisdiction of the War Department: *Provided, however,* That nothing in this Act shall be construed as authorizing the transfer of any part of the said reservation which, in the judgment of the Secretary of War, is needed for the proper development, control, or use of the reservation for military purposes: *Provided further,* That upon cessation of such use the premises so transferred shall revert to the jurisdiction of the War Department: *And provided further,* That the transfer authorized by this Act shall not require discontinuance of the operation of the Fort Belvoir Fish Cultural Station, however, its removal and establishment elsewhere on the Belvoir Military Reservation, Virginia, as may be agreed upon by the Secretary of Commerce and the Secretary of War, is hereby authorized.

Belvoir Military Reservation, Va.  
Transfer of part of Lord Fairfax estate authorized.

*Proviso.*

Reverter provision.

Restriction.

Reverter provision.

Fish cultural station.

Approved, August 29, 1935.

[CHAPTER 812.]

AN ACT

To establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes.

August 29, 1935.  
[H. R. 8651.]  
[Public, No. 399.]

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

Railroad Retirement Act of 1935.  
Vol. 48, p. 1283.

DEFINITIONS

SECTION 1. For the purposes of this Act—

(a) The term "carrier" means any express company, sleeping-car company, or carrier by railroad, subject to the Interstate Commerce Act, and any company which may be directly or indirectly owned or controlled thereby or under common control therewith, and which operates any equipment or facilities or performs any service (other than trucking service) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of and operating the business of any such "carrier": *Provided, however,* That the term "carrier" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but

Definitions.

"Carrier."

*Proviso.*  
Street, interurban, or suburban electric railway.

shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Board or upon complaint of any party interested to determine after hearing whether any line operated by electric power falls within the terms of this proviso.

"Employee."

(b) The term "employee" means any person (1) who shall be at the enactment hereof or shall have been at any time after the enactment hereof in the service of a carrier, or who shall be at the enactment hereof or shall have been at any time after the enactment hereof in the employment relation to a carrier, and (2) each officer or other official representative of an "employee organization", herein called "representative" who before or after the enactment hereof has performed service for a carrier, who at the enactment hereof or at any time after the enactment is or shall be duly designated and authorized to represent employees in accordance with the Railway Labor Act, and who, during, or immediately following employment by a carrier, is, shall be, or shall have been engaged in such representative service in behalf of such employees.

Persons deemed in service of carrier.

(c) A person shall be deemed to be in the service of a carrier whenever he may be subject to its continuing authority to supervise and direct the manner of rendition of his service, for which service he receives compensation.

Persons in employment relation.

(d) A person is in the employment relation to a carrier when furloughed or on leave of absence, and subject to call for service and ready and willing to serve, all in accordance with the established rules and practices usually in effect on railroads.

"Service period."

(e) The term "service period" means the total service of a person for one or more carriers whether or not continuously performed either before or after the effective date, and includes as one month every calendar month during which such person has rendered service to a carrier for compensation and includes as one year every twelve such months. An ultimate fraction of six months or more shall be computed as one year.

"Annuity."

(f) The term "annuity" means a fixed sum payable at the beginning of each month during retirement, ceasing at death except as otherwise provided in section 5 hereof or at resumption of service for which an employee receives compensation.

"Compensation."

(g) The term "compensation" means any form of money remuneration for service, received by an employee from a carrier, including salaries and commissions, but shall not include free transportation nor any payment received on account of sickness, disability, pensions, or other form of relief.

"Retirement."

(h) The term "retirement" means the status of cessation of compensated service with the right to receive an annuity.

"Age."

(i) The term "age" means age at the latest attained birthday.

"Board."

(j) The term "Board" means the Railroad Retirement Board.

"Effective date."

(k) The term "effective date" means the 1st day of March 1936.

"Enactment."

(l) The term "enactment" means the date on which this Act shall become a law.

Retirement.

## RETIREMENT

Annuity of employee continued in service after attaining age of sixty-five.

SEC. 2. Upon the attainment of sixty-five years of age and continuance in service by the employee (but not before the effective date of this Act), the annuity of such employee shall be reduced one-fifteenth for every year of such continued service beyond the age of sixty-five years; except that such reduction shall not apply during any period, beginning at the age of sixty-five and not extending beyond the age of seventy, while the employee is continued in employment under an agreement in writing between the carrier and

Exception.



employee filed with the Board, which agreement may provide for extension of employment for one year and thereafter in like manner for successive periods of one year each. Such reduction of annuity shall not apply to an employee who occupies an official position in the service of a carrier or to employees' representatives.

Employees in official positions.

### ANNUITIES

Annuities.

SEC. 3. The following-described employees, after retirement whether or not then in the service of a carrier, shall be paid annuities:

Classes of persons to whom paid.  
Post, p. 1178.

(a) A person (without regard to the period of service and whether rendered before or after the enactment hereof), who either at the enactment hereof or thereafter shall be sixty-five years of age or over.

When attaining sixty-five years.

(b) A person who either at the enactment hereof or who thereafter shall be fifty years of age or over and who shall have completed a service period of thirty years. An annuity paid under this subdivision shall be reduced by one-fifteenth of such annuity for each year such employee may be less than sixty-five years of age at the time of the first annuity payment.

When attaining fifty years and completing thirty years' service.  
Reduction.

(c) A person who either before or after the enactment shall have completed a service period of thirty years and who shall be after the enactment hereof retired by the carrier on account of mental or physical disability. An annuity paid under this subdivision shall not be subject to the deduction specified in subdivision (b) of this section.

When having completed thirty years' service and retired because of mental or physical disability.  
No reduction.

The annuities hereinbefore mentioned shall be paid out of any money in the Treasury which may be appropriated for that purpose. An annuity shall begin as of a date to be specified in a written application to be signed by the employee entitled thereto, and approved by the Board, which date shall not be more than sixty days before the filing of the application, nor before the date on which the first annuity shall have become due and payable. An annuity shall not be due and payable until ninety days after the effective date hereof. The annuity shall be payable on the 1st day of the month during the lifetime of the annuitant. Such annuity shall be based upon the service period of the employee and shall be the sum of the amounts determined by multiplying the total number of years of service not exceeding thirty years by the following percentages of the monthly compensation: 2 per centum of the first \$50; 1½ per centum of the next \$100; and 1 per centum of the compensation in excess of \$150. The "monthly compensation" shall be the average of the monthly compensation paid to the employee by the carrier, except that where applicable for service before the effective date the monthly compensation shall be the average of the monthly compensation for all pay-roll periods for which the employee shall have received compensation from any carrier out of eight consecutive calendar years of such services ended December 31, 1931. No part of any monthly compensation in excess of \$300 shall be recognized in determining any annuity. Any employee who shall be entitled to an annuity with a commuted value determined by the Board of less than \$300 shall be paid such value in a lump sum.

Payment.

Date annuity to begin.

Monthly payments.

Computation of amounts.

"Monthly compensation" construed.

Restriction.

Lump sum payments.

Annuities to representatives.

Determination of.

### ANNUITIES TO REPRESENTATIVES

SEC. 4. The annuity of a representative shall be determined according to such rules and regulations as the Board shall deem just and reasonable and, as near as may be, shall be the same annuity as if the representative were still in the employ of his last former carrier.

Payments upon death.

PAYMENTS UPON DEATH

Amount to widow or next of kin.

SEC. 5. If a person receiving or entitled to receive an annuity shall die, the Board, for one year after the first day of the month in which the death may have occurred, shall pay, as herein provided, an annuity equal to one-half of the annuity which such person so dying may have received or may have been entitled to receive, to the widow or widower of the deceased, or if there be no widow or widower, to the dependent next of kin of the deceased. Any employee may elect, on making application for an annuity, to have the present value of the annuity apply to the payment of a reduced annuity to the employee during life and an annuity during the life of a surviving spouse. The present values and amounts of the annuity payments shall be determined on the basis of the combined annuity tables with interest at 3 per centum per annum.

Election of employee respecting payments.

Determination of present values and amounts.

Retirement Board.

RETIREMENT BOARD

Personnel.

PERSONNEL

Establishment of Board.

Post, pp. 1112, 1178, 1603.

Appointment; number.

Terms of office.

Vacancies.

SEC. 6. (a) There is hereby established as an independent agency in the executive branch of the Government a Railroad Retirement Board, to be composed of three members appointed by the President, by and with the advice and consent of the Senate. Each member shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of the term and the terms of office of the members first taking office after the date of enactment of this Act shall expire, as designated by the President, one at the end of two years, one at the end of three years, and one at the end of four years, after the date of enactment of this Act. One member shall be appointed from recommendations made by representatives of the employees and one member shall be appointed from recommendations made by representatives of the carriers, in both cases as the President shall direct, so as to provide representation on the Board satisfactory to the largest number, respectively, of employees and carriers concerned. One member, who shall be the chairman of the Board, shall be appointed initially, for a term of two years without recommendation by either carriers or employees and shall not be in the employment of or be pecuniarily or otherwise interested in any carrier or organization of employees. Vacancies in the Board shall not impair the powers nor affect the duties of the Board nor of the remaining members of the Board of whom a majority of those in office shall constitute a quorum for the transaction of business. Each of said members shall receive a salary of \$10,000 per year, together with necessary traveling expenses and subsistence expenses, or per diem allowance in lieu thereof, while away from the principal office of the Board on duties required by this Act.

Representation of employees and carriers on Board.

Chairman; term of office; qualifications.

Effect of vacancies on Board.

Compensation of members.

Duties.

DUTIES

Duties and powers of Board; enforcement of Act.

(b) The Board shall have and exercise all the duties and powers necessary to administer this Act. The Board shall take such steps as may be necessary to enforce this Act and make and certify awards and payments.

Certification of names, etc., of persons entitled to annuity.

The Board shall from time to time certify to the Secretary of the Treasury the name and address of each person entitled to receive a payment under this Act, the amount of such payment, and the time at which it should be made, and the Secretary of the Treasury through the Division of Disbursement of the Treasury Department,

and prior to audit or settlement by the General Accounting Office, shall make payment in accordance with the certification by the Board.

The Board shall establish and promulgate rules and regulations and provide for the adjustment of all controversial matters, with power as a Board or through any member or subordinate designated thereof, to require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations in any matter involving annuities or other payments, and shall maintain such offices, provide such equipment, furnishings, supplies, services, and facilities, and employ such persons and provide for their compensation and expenses, as may be necessary to the proper discharge of its functions. All rules, regulations, or decisions of the Board shall require the approval of at least two members and shall be entered upon the records of the Board which shall be a public record. The Board shall gather, keep, compile, and publish in convenient form such records and data as may be necessary, and at intervals of not more than two years shall cause to be made actuarial surveys and analyses, to determine from time to time the payments to be required to provide for all annuities, other disbursements, and expenses, and to assure proper administration and the adequacy and permanency of the retirement system hereby established. The Board shall have power to require all carriers and employees and any officer, board, commission, or other agency of the United States to furnish such information and records as shall be necessary for the administration of this Act. The Board shall make an annual report to the President of the United States to be submitted to Congress. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

#### SPECIAL REPORT

SEC. 7. Not later than four years from the effective date, the Board, in a special report to the President of the United States to be submitted to Congress, shall make specific recommendations for such changes in the retirement system hereby created as shall assure the adequacy of said retirement system on the basis of its experience and all information and experience then available. For this purpose the Board shall from time to time make such investigations and actuarial studies as shall provide the fullest information practicable for such report and recommendations. The Board shall in a like special report to be made at the earliest practicable time, make specific recommendations with regard to the desirability and practicability of substituting the provisions for annuities and other benefits to employees under this Act for any obligation for prior service or for any existing provisions for the voluntary payment of pensions to employees subject to this Act by a carrier or any employees subject to this Act, so as to relieve such carrier from its obligations for age retirement benefits under its existing pension systems and transfer such obligations to the retirement system herein established.

It is recognized that existing individual carrier pension plans are wholly at the option of the carriers unless in any case express provision is made otherwise, and no restriction is imposed under this Act upon such plans; nor is it expected that carriers will modify existing pension plans on account of this Act beyond a reduction of current pension payments under such existing plans in amounts equal to the annuity payments currently received by the employee under this Act.

Payments.

Rules and regulations.

Approval required.

Compilation and publication of records and data.  
Actuarial surveys and analyses.

Authority of Board to compel furnishing of information.

Annual report.

Witness fees.

Special report.

Recommendations; time of making.

Investigations.

Report on existing pension systems.

Effect of provisions hereof on existing plans.

INVESTIGATION COMMISSION

Investigation Commission.

Appointment; composition.

Chairman. Investigations and report.

Hearings.

Assistance of Federal agencies, etc.

Recommendations.

Powers of Commission.

Compliance with Commission's orders, etc.

Service of court orders, writs, and processes.

Administrative provisions.

Personnel; appointment, compensation. U. S. C., pp. 81, 85.

Compensation of members of Commission.

Expenses.

Appropriation authorized. Post, p. 1113.

Proviso. Total amount.

SEC. 8. (a) That a commission be appointed which shall be composed of three Members of the Senate designated by the President of the Senate; three Members of the House of Representatives designated by the Speaker of the House of Representatives; and three members who shall be designated by the President of the United States. The President shall designate one member to be chairman and another to be vice chairman of the Commission. The Commission is hereby authorized and directed to make, and report through the President to the Congress of the United States not later than January 1, 1936, the results of, a thorough investigation of all pertinent facts relating to a retirement annuity system applicable by law to carriers by railroad engaged in interstate commerce and particularly any and all questions for the investigation of which provision is made under the preceding section. The Commission is also authorized to hold hearings respecting desirable provisions of a sound retirement and annuity system. In the making of such investigation the Commission may consider the experience of other industries and of governments, as well as of the railroad industry, and may avail itself of the assistance of all agencies of the Federal Government. Until January 1, 1936, the duties and authority of the Board under the preceding section are limited to cooperation with and action under the direction of the Commission. With its report setting forth the results of its investigation, the Commission shall include such recommendations for legislation, if any, as it may deem necessary to give effect to its conclusions.

(b) The Commission, in the performance of its duties, is authorized to sit and act at such times and places either in the District of Columbia or elsewhere during the sessions, recesses, and adjourned periods of the Seventy-fourth Congress, to require by subpoena or otherwise the attendance of such witnesses and the production and impounding of such books, papers, records, files, and documents, to have access to such books, papers, records, files, and documents of any corporation or person, to administer such oaths and to take such testimony and to make such expenditures, as it may deem advisable. The several district courts of the United States and the Supreme Court of the District of Columbia shall have jurisdiction upon application by the Commission through its attorneys to compel obedience to any order or subpoena of the Commission issued pursuant to this section. The orders, writs, and processes of the Supreme Court of the District of Columbia in such matters may run and be served anywhere in the United States.

(c) The Commission shall maintain such offices, provide such equipment, furnishings, supplies, services, and facilities, and to employ, without regard to the provisions of the Civil Service Act such experts and clerical, stenographic, legal, and other assistance as may be necessary for the proper discharge of its duties, and without respect to the provisions of the Classification Act of 1923, as amended, fix the compensation of any person employed. The President shall fix the compensation to be paid the three members of the Commission to be appointed by the President. All expenses of the Commission for all time in which the Commission shall be actually engaged in this investigation shall be paid out of any funds in the Treasury of the United States, not otherwise appropriated, on a certificate of the chairman of the Commission, and the sum necessary for carrying out the provisions of this resolution is hereby authorized to be appropriated: *Provided*, That the total expense authorized for the purposes of the Commission shall not exceed

the sum of \$60,000 which shall include the compensation herein authorized.

#### COURT JURISDICTION

Court jurisdiction.

SEC. 9. The several District Courts of the United States and the Supreme Court of the District of Columbia, respectively, shall have jurisdiction to entertain an application and to grant appropriate relief in the following cases which may arise under the provisions of this Act:

Nature of cases in which application may be entertained and relief granted.

(a) An application by an employee or other person aggrieved in or to the district court of any district wherein the Board may have established an office, to compel the Board to set aside an action or decision claimed to be in violation of a legally enforceable right of the applicant, or to take action, or to make a decision necessary for the enforcement of a legal right of the applicant.

(b) The jurisdiction herein specifically conferred upon the said Federal courts shall not be held exclusive of any jurisdiction otherwise possessed by said courts to entertain actions at law or suits in equity in aid of the enforcement of rights or obligations arising under the provisions of this Act.

(c) The Railroad Retirement Board, as hereinbefore established, shall be and constitute a body corporate and be capable of suing and being sued as such.

#### EXEMPTION

Exemption.

SEC. 10. No annuity payment shall be assignable or be subject to any tax or to garnishment, attachment, or other legal process under any circumstances whatsoever, nor shall the payment thereof be anticipated.

Annuity payment.

#### PENALTIES

Penalties.

SEC. 11. Any officer or agent of a carrier, as the word "carrier" is hereinbefore defined, or any employee as such word is hereinbefore defined, or any person whether or not of the character hereinbefore defined, who shall willfully fail or refuse to make any report or furnish any information required by the Board in the administration of this Act, or who shall knowingly make any false or fraudulent statement or report in response to any report or statement required to be made for the purpose of this Act, or who shall knowingly make or aid in making any false or fraudulent statement or claim for the purpose of receiving any award or payment under this Act, shall be punished by a fine of not less than \$100 nor more than \$10,000 or by imprisonment not exceeding one year.

Failure to make report or furnish information.

Making false statement or claim.

Punishment.

#### SEPARABILITY

Separability provision.

SEC. 12. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act or application of such provision to other persons or circumstances shall not be affected thereby.

#### APPROPRIATION AUTHORIZED

Appropriation authorized.

SEC. 13. The appropriation of such money from time to time out of the Treasury of the United States as may be necessary to carry this Act into effect, is hereby authorized.

#### SHORT TITLE

Short title.

SEC. 14. This Act may be cited as the "Railroad Retirement Act of 1935".

"Employment", as defined in Social Security Act.  
*Ante*, p. 625.

SEC. 15. The term "employment", as defined in subsection (b) of section 210 of Title II of the Social Security Act, shall not include service performed in the employ of a carrier as defined in subdivision (a) of section 1 of the Railroad Retirement Act of 1935.

Approved, August 29, 1935.

[CHAPTER 813.]

AN ACT

August 29, 1935.  
 [H. R. 8652.]  
 [Public, No. 400.]

To levy an excise tax upon carriers and an income tax upon their employees, and for other purposes.

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

Definitions.

DEFINITIONS

SECTION 1. That as used in this Act—

"Carrier."

(a) The term "carrier" means any express company, sleeping-car company, or carrier by railroad, subject to the Interstate Commerce Act, and any company which may be directly or indirectly owned or controlled thereby or under common control therewith, and which operates any equipment or facilities or performs any service (other than trucking service) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of and operating the business of any such "carrier": *Provided, however,* That the term "carrier" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Commissioner of Internal Revenue or upon complaint of any party interested to determine after hearing whether any line operated by electric power falls within the terms of this proviso.

*Proviso.*  
 Street, interurban,  
 or suburban electric  
 railway.

"Employee."

(b) The term "employee" means (1) each person who at or after the enactment hereof is in the service of a carrier, and (2) each officer or other official representative of an "employee organization", herein called "representative", who before or after the effective date has performed service for a carrier, who is duly designated and authorized to represent employees under and in accordance with the Railway Labor Act, and who, during, or immediately following employment by a carrier, was or is engaged in such representative service in behalf of such employees.

Persons deemed in service of carrier.

(c) A person shall be deemed to be in the service of a carrier whenever he may be subject to its continuing authority to supervise and direct the manner of rendition of his service, for which service he receives compensation.

"Compensation."

(d) The term "compensation" means any form of money remuneration for active service, received by an employee from a carrier, including salaries and commissions, but shall not include free transportation nor any payment received on account of sickness, disability, or other form of personal relief.

"Effective date."

(e) The term "effective date" means March 1, 1936.

"Enactment."

(f) The term "enactment" means the date on which this Act may be approved by the President or be finally passed.

## INCOME TAX ON EMPLOYEES

SEC. 2. In addition to other taxes, there shall be levied, collected, and paid upon the income of every employee,  $3\frac{1}{2}$  per centum of the compensation of such employee (except a representative) not in excess of \$300 per month, received by him after the effective date.

Income tax on employees.  
Imposition.

## DEDUCTION OF TAX FROM WAGES

SEC. 3. (a) The tax imposed by section 2 of this Act shall be collected by the employer of the taxpayer, by deducting the amount of the tax from the compensation of the employee as and when paid. Every employer required so to deduct the tax is hereby made liable for the payment of such tax and is hereby indemnified against the claims and demands of any person for the amount of any such payment made by such employer.

Deduction of tax from wages.  
Duty of employer.

(b) If more or less than the correct amount of tax imposed by section 2 is paid with respect to any compensation payment, then, under regulations made under this Act by the Commissioner of Internal Revenue, proper adjustments, with respect both to the tax and the amount to be deducted, shall be made, without interest, in connection with subsequent wage payments to the same employee by the same employer.

Liability for payment.

Adjustment of tax authorized.

## EXCISE TAX ON CARRIERS

SEC. 4. In addition to other taxes, every carrier shall pay an excise tax of  $3\frac{1}{2}$  per centum of the compensation not in excess of \$300 per month paid by it to its employees after the effective date.

Excise tax on carriers.  
Imposition.

## ADJUSTMENT OF TAX

SEC. 5. If more or less than the correct amount of the tax imposed by section 4 is paid, with respect to any compensation payment, then, under regulations made by the Commissioner of Internal Revenue, proper adjustments with respect to the tax shall be made, without interest, in connection with subsequent excise-tax payments made by the same employer.

Adjustment of tax authorized.

## REFUNDS AND DEFICIENCIES

SEC. 6. If more or less than the correct amount of the tax imposed by sections 2 or 4 of this Act is paid or deducted with respect to any compensation payment and the overpayment or underpayment of the tax cannot be adjusted under sections 3 or 5, the amount of the overpayment shall be refunded, or the amount of the underpayment shall be collected in such manner and at such times (subject to the statute of limitations properly applicable thereto) as may be prescribed by regulations under this Act as made by the Commissioner of Internal Revenue.

Refunds and deficiencies.

Rules and regulations governing.

## INCOME TAX ON EMPLOYEES' REPRESENTATIVE

SEC. 7. In addition to other taxes, there shall be levied, collected, and paid upon the compensation of each employees' representative received by such representative an income tax of 7 per centum annually upon that portion of the compensation of such employees' representative not in excess of \$300 per month. The compensation of a representative for the purpose of ascertaining the tax thereon shall be determined according to such rules and regulations as the Commissioner of Internal Revenue shall deem just and reasonable and as near as may be shall be the same compensation as if the representative were still in the employ of the last former carrier.

Income tax on employees' representative.  
Imposition.

Determination of compensation.

Collection and payment of taxes.

Duty of Commissioner of Internal Revenue.

Interest charge on payments in default.

Rules and regulations.

Provisions of law applicable.

Vol. 44, pp. 93, 99; Vol. 48, p. 768. U. S. C., pp. 1107, 1133, 1134.

Fractional part of cent.

Court jurisdiction.

Nature of cases in which application may be entertained and relief granted.

Penalties.

Failure to make required report.

Fraudulent statements.

Punishment.

"Employment", as defined in Social Security Act. *Ante*, p. 639.

Termination of taxes.

## COLLECTION AND PAYMENT OF TAXES

**SEC. 8. (a)** The taxes imposed by this Act shall be collected by the Commissioner of Internal Revenue and shall be paid into the Treasury of the United States as internal-revenue receipts. If the taxes are not paid when due, there shall be added as part of the tax (except in the case of adjustments made in accord with the provisions of this Act) interest at the rate of 6 per centum per annum, or for any part of a month, from the date the tax became due until paid.

(b) Such taxes shall be collected and paid quarterly in such manner and under such conditions not inconsistent with this Act as may be prescribed by the Commissioner of Internal Revenue.

(c) All provisions of law, including penalties, applicable with respect to any tax imposed by section 600 or section 800 of the Revenue Act of 1926, and the provisions of section 607 of the Revenue Act of 1934, insofar as applicable and not inconsistent with the provisions of this Act, shall be applicable with respect to the taxes imposed by this Act.

(d) In the payment of any tax under this Act a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

## COURT JURISDICTION

**SEC. 9.** The several Districts<sup>1</sup> Courts of the United States and the Supreme Court of the District of Columbia, respectively, shall have jurisdiction to entertain an application and to grant appropriate relief in the following cases which may arise under the provisions of this Act:

(a) An application by the Commissioner of Internal Revenue to compel an employee or other person residing within the jurisdiction of said court or a carrier subject to service of process within said jurisdiction, to comply with any obligations imposed on said employee, other person, or carrier under the provisions of this Act.

(b) The jurisdiction herein specifically conferred upon the said Federal courts shall not be held exclusive of any jurisdiction otherwise possessed by said courts to entertain actions at law or suits in equity in aid of the enforcement of rights or obligations arising under the provisions of this Act.

## PENALTIES

**SEC. 10.** Any person or any carrier which shall willfully fail or refuse to make any report in accordance with this Act required by the Commissioner of Internal Revenue in the administration of this Act, or which shall knowingly make any false or fraudulent statement or report in response to any report or statement required by this Act shall be punished on conviction by a fine of not less than \$100 nor more than \$10,000.

## SOCIAL SECURITY ACT

**SEC. 11.** The term "employment", as defined in subsection (b) of section 811 of Title VIII of the Social Security Act, shall not include service performed in the employ of a carrier as defined in subdivision (a) of section 1 of this Act.

## TERMINATION OF TAXES

**SEC. 12.** The taxes imposed by this Act shall not apply to any compensation received or paid after February 28, 1937.

<sup>1</sup> So in original.



## SEPARABILITY

SEC. 13. If any provision of this Act, or the application thereof to any person or circumstance, 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, August 29, 1935, 3 p. m.

[CHAPTER 814.]

## AN ACT

To further protect the revenue derived from distilled spirits, wine, and malt beverages, to regulate interstate and foreign commerce and enforce the postal laws with respect thereto, to enforce the twenty-first amendment, and for other purposes.

*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 "Federal Alcohol Administration Act."*

## FEDERAL ALCOHOL ADMINISTRATION

SEC. 2. (a) There is hereby created the Federal Alcohol Administration as a division in the Treasury Department.

(b) The Administration shall be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall for his services receive compensation at the rate of \$10,000 per annum, together with actual and necessary traveling and subsistence expenses while engaged in the exercise of his powers and duties outside the District of Columbia. No person shall be eligible to appointment, or continue in office, as Administrator if he is engaged or financially interested in, or is an officer or director of or employed by a corporation engaged in, the production or sale or other distribution of alcoholic beverages, or the financing thereof.

(c) The Administrator shall, without regard to the civil-service laws and the Classification Act of 1923, as amended, appoint and fix the compensation and duties of such officers and employees as he deems necessary to carry out his powers and duties, but the compensation so fixed shall be subject to the approval of the Secretary of the Treasury. The Administrator is authorized to adopt an official seal, which shall be judicially noticed.

(d) The Administrator is authorized and directed to prescribe such rules and regulations as may be necessary to carry out his powers and duties. All rules and regulations prescribed by the Administrator shall be subject to the approval of the Secretary of the Treasury.

(e) Appropriations to carry out powers and duties of the Administrator shall be available for expenditure, among other purposes, for personal services and rent in the District of Columbia and elsewhere, expenses for travel and subsistence, for law books, books of reference, magazines, periodicals, and newspapers, for contract stenographic reporting services, for subscriptions for library services, for purchase of samples for analysis or use as evidence, and for holding conferences of State and Federal liquor control officials.

(f) The Administrator may, with the consent of the department or agency affected, utilize the services of any department or other agency of the Government to the extent necessary to carry out his powers and duties and authorize officers and employees thereof to act as his agents.

Separability provision.

August 29, 1935.

[H. R. 8870.]

[Public, No. 401.]

Federal Alcohol Administration Act.

Federal Alcohol Administration.

Division established. *Post*, pp. 1964, 1965.

Organization. Administrator; appointment, compensation.

Expenses.

Qualifications.

Personnel; appointment, compensation.

Official seal.

Rules and regulations.

Approval of.

Appropriations. *Post*, pp. 1125, 1834.

Cooperation of Executive departments and agencies.

Federal Trade Commission Act; applicability of. Vol. 38, p. 722; U. S. C., p. 517.

Reports to Administrator.

To Congress.

Unlawful businesses without permit.

Importation of distilled spirits, wine, or malt beverages.

Interstate or foreign sale or delivery.

Effective date of subsection.

Unlawful manufacture.

Interstate or foreign sale or delivery through affiliate.

Effective date of subsection.

Unlawful purchasing for resale at wholesale.

Interstate or foreign sale or delivery through affiliate.

Effective date of subsection.

Post, p. 1152. Section not applicable to State agency, etc.

Permits.

Persons entitled to basic permit.

(g) The provisions, including penalties, of sections 9 and 10 of the Federal Trade Commission Act, as now or hereafter amended, shall be applicable to the jurisdiction, powers, and duties of the Administrator, and to any person (whether or not a corporation) subject to the provisions of laws administered by the Administrator.

(h) The Administrator is authorized to require, in such manner and form as he shall prescribe, such reports as are necessary to carry out his powers and duties.

(i) The Administrator shall make a report to Congress, at the beginning of each regular session, of the administration of the functions with which he is charged, and shall include in such report the names and compensation of all persons employed by the Administration.

UNLAWFUL BUSINESSES WITHOUT PERMIT

SEC. 3. In order effectively to regulate interstate and foreign commerce in distilled spirits, wine, and malt beverages, to enforce the twenty-first amendment, and to protect the revenue and enforce the postal laws with respect to distilled spirits, wine, and malt beverages:

(a) It shall be unlawful, except pursuant to a basic permit issued under this Act by the Administrator—

(1) to engage in the business of importing into the United States distilled spirits, wine, or malt beverages; or

(2) for any person so engaged to sell, offer or deliver for sale, contract to sell, or ship, in interstate or foreign commerce, directly or indirectly or through an affiliate, distilled spirits, wine, or malt beverages so imported.

This subsection shall take effect sixty days after the date upon which the Administrator first appointed under this Act takes office.

(b) It shall be unlawful, except pursuant to a basic permit issued under this Act by the Administrator—

(1) to engage in the business of distilling distilled spirits, producing wine, rectifying or blending distilled spirits or wine, or bottling, or warehousing and bottling, distilled spirits; or

(2) for any person so engaged to sell, offer or deliver for sale, contract to sell, or ship, in interstate or foreign commerce, directly or indirectly or through an affiliate, distilled spirits or wine so distilled, produced, rectified, blended, or bottled, or warehoused and bottled.

This subsection shall take effect sixty days after the date upon which the Administrator first appointed under this Act takes office.

(c) It shall be unlawful, except pursuant to a basic permit issued under this Act by the Administrator—

(1) to engage in the business of purchasing for resale at wholesale distilled spirits, wine, or malt beverages; or

(2) for any person so engaged to receive or to sell, offer or deliver for sale, contract to sell, or ship, in interstate or foreign commerce, directly or indirectly or through an affiliate, distilled spirits, wine, or malt beverages so purchased.

This subsection shall take effect March 1, 1936.

This section shall not apply to any agency of a State or political subdivision thereof or any officer or employee of any such agency, and no such agency or officer or employee shall be required to obtain a basic permit under this Act.

PERMITS

SEC. 4. (a) The following persons shall, on application therefor, be entitled to a basic permit:

(1) Any person who, on May 25, 1935, held a basic permit as distiller, rectifier, wine producer, or importer issued by an agency of the Federal Government.

(2) Any other person unless the Administrator finds (A) that such person (or in case of a corporation, any of its officers, directors, or principal stockholders) has, within five years prior to date of application, been convicted of a felony under Federal or State law or has, within three years prior to date of application, been convicted of a misdemeanor under any Federal law relating to liquor, including the taxation thereof; or (B) that such person is, by reason of his business experience, financial standing, or trade connections, not likely to commence operations within a reasonable period or to maintain such operations in conformity with Federal law; or (C) that the operations proposed to be conducted by such person are in violation of the law of the State in which they are to be conducted.

(b) If upon examination of any application for a basic permit the Administrator has reason to believe that the applicant is not entitled to such permit, he shall notify the applicant thereof and, upon request by the applicant, afford him due notice and opportunity for hearing on the application. If the Administrator, after affording such notice and opportunity for hearing, finds that the applicant is not entitled to a basic permit hereunder, he shall by order deny the application stating the findings which are the basis for his order.

(c) The Administrator shall prescribe the manner and form of all applications for basic permits (including the facts to be set forth therein) and the form of all basic permits, and shall specify in any basic permit the authority conferred by the permit and the conditions thereof in accordance with the provisions of this Act. To the extent deemed necessary by the Administrator for the efficient administration of this Act, separate applications and permits shall be required by the Administrator with respect to distilled spirits, wine, and malt beverages, and the various classes thereof, and with respect to the various classes of persons entitled to permits hereunder. The issuance of a basic permit under this Act shall not operate to deprive the United States of its remedy for any violation of law.

(d) A basic permit shall be conditioned upon compliance with the requirements of section 5 (relating to unfair competition and unlawful practices) and of section 6 (relating to bulk sales and bottling), with the twenty-first amendment and laws relating to the enforcement thereof, and with all other Federal laws relating to distilled spirits, wine, and malt beverages, including taxes with respect thereto.

(e) A basic permit shall by order of the Administrator, after due notice and opportunity for hearing to the permittee, (1) be revoked, or suspended for such period as the Administrator deems appropriate, if the Administrator finds that the permittee has willfully violated any of the conditions thereof, provided that for a first violation of the conditions thereof the permit shall be subject to suspension only; or (2) be revoked if the Administrator finds that the permittee has not engaged in the operations authorized by the permit for a period of more than two years; or (3) be annulled if the Administrator finds that the permit was procured through fraud, or misrepresentation, or concealment of material fact. The order shall state the findings which are the basis for the order.

(f) Orders of the Administrator with respect to any denial of application, suspension, revocation, annulment, or other proceedings, shall be served (1) in person by any officer or employee of the Administration designated by the Administrator or any internal

Refusal to issue.

Notification to applicant; hearing.

Applications for.

Authority conferred by permit to be specified.

Separate applications and permits; requirement.

Issue conditioned upon compliance with specified provisions.  
*Post*, p. 981.  
Vol. 48, p. 1749.

Revocation, suspension, or annulment of permits.

Statement of findings in order.

Service of orders of Administrator.

revenue or customs officer authorized by the Administrator for the purpose, or (2) by mailing the order by registered mail, addressed to the applicant or respondent at his last known address in the records of the Administrator.

Duration of permit.

When voluntarily transferred.  
When transferred by operation of law, etc.

Proviso.  
Application for new permit.

Appeal from order denying application.

Petition to be filed.

Time for filing.

Service of copy.

Filing transcript of record.

Jurisdiction of court.

Consideration of objections.

Findings of fact.

Leave to adduce additional evidence.

Modification of findings of fact.  
New findings; filing.

Finality of judgment or decree.  
Review.  
Vol. 43, p. 938; U. S. C., p. 1271.

Commencement of proceedings to stay order of Administrator.

Limitation on power of Administrator to revoke or suspend permit.

(g) A basic permit shall continue in effect until suspended, revoked, or annulled as provided herein, or voluntarily surrendered; except that (1) if leased, sold or otherwise voluntarily transferred, the permit shall be automatically terminated thereupon, and (2) if transferred by operation of law or if actual or legal control of the permittee is acquired, directly or indirectly, whether by stock-ownership or in any other manner, by any person, then such permit shall be automatically terminated at the expiration of thirty days thereafter: *Provided*, That if within such thirty-day period application for a new basic permit is made by the transferee or permittee, respectively, then the outstanding basic permit shall continue in effect until such application is finally acted on by the Administrator.

(h) An appeal may be taken by the permittee or applicant for a permit from any order of the Administrator denying an application for, or suspending, revoking, or annulling, a basic permit. Such appeal shall be taken by filing, 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 United States Court of Appeals for the District of Columbia, within sixty days after the entry of such order, a written petition praying that the order of the Administrator be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon the Administrator, or upon any officer designated by him for that purpose, and thereupon the Administrator shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part. No objection to the order of the Administrator shall be considered by the court unless such objection shall have been urged before the Administrator or unless there were reasonable grounds for failure so to do. The finding of the Administrator as to the facts, if supported by substantial evidence, shall be conclusive. If any 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 proceeding before the Administrator, the court may order such additional evidence to be taken before the Administrator and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Administrator may modify his findings as to the facts by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and his recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court affirming, modifying, or setting aside, in whole or in part, any such order of the Administrator 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). The commencement of proceedings under this subsection shall, unless specifically ordered by the court to the contrary, operate as a stay of the Administrator's order.

(i) No proceeding for the suspension or revocation of a basic permit for violation of any condition thereof relating to compliance with Federal law shall be instituted by the Administrator

more than eighteen months after conviction of the violation of Federal law, or, if no conviction has been had, more than three years after the violation occurred; and no basic permit shall be suspended or revoked for a violation of any such condition thereof if the alleged violation of Federal law has been compromised by any officer of the Government authorized to compromise such violation.

UNFAIR COMPETITION AND UNLAWFUL PRACTICES

SEC. 5. It shall be unlawful for any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer or wholesaler, of distilled spirits, wine, or malt beverages, or as a bottler, or warehouseman and bottler, of distilled spirits, directly or indirectly or through an affiliate:

(a) Exclusive outlet: To require, by agreement or otherwise, that any retailer engaged in the sale of distilled spirits, wine, or malt beverages, purchase any such products from such person to the exclusion in whole or in part of distilled spirits, wine, or malt beverages sold or offered for sale by other persons in interstate or foreign commerce, if such requirement is made in the course of interstate or foreign commerce, or if such person engages in such practice to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products, or if the direct effect of such requirement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such retailer in interstate or foreign commerce; or

(b) "Tied house": To induce through any of the following means, any retailer, engaged in the sale of distilled spirits, wine, or malt beverages, to purchase any such products from such person to the exclusion in whole or in part of distilled spirits, wine, or malt beverages sold or offered for sale by other persons in interstate or foreign commerce, if such inducement is made in the course of interstate or foreign commerce, or if such person engages in the practice of using such means, or any of them, to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products, or if the direct effect of such inducement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such retailer in interstate or foreign commerce: (1) By acquiring or holding (after the expiration of any existing license) any interest in any license with respect to the premises of the retailer; or (2) by acquiring any interest in real or personal property owned, occupied, or used by the retailer in the conduct of his business; or (3) by furnishing, giving, renting, lending, or selling to the retailer, any equipment, fixtures, signs, supplies, money, services, or other thing of value, subject to such exceptions as the Administrator shall by regulation prescribe, having due regard for public health, the quantity and value of articles involved, established trade customs not contrary to the public interest and the purposes of this subsection; or (4) by paying or crediting the retailer for any advertising, display, or distribution service; or (5) by guaranteeing any loan or the repayment of any financial obligation of the retailer; or (6) by extending to the retailer credit for a period in excess of the credit period usual and customary to the industry for the particular class of transactions, as ascertained by the Administrator and prescribed by regulations by him; or (7) by requiring the retailer to take and dispose of a certain quota of any of such products; or

Unfair competition and unlawful practices.

Classes of persons to whom practices prohibited.

Prohibited practices.

Acquisition of exclusive outlet.

Inducing exclusive purchasing arrangements with retailers.

Through holding interest in retail license.

Acquiring interest in retail premises.

Furnishing things of value.

Paying, etc., for advertising, etc., service.

Guaranteeing loans, etc.

Extending credit to retailer.

Requiring retailer to take products on quota basis.

Inducing exclusive purchasing arrangements with retailers.

(c) Commercial bribery: To induce through any of the following means, any trade buyer engaged in the sale of distilled spirits, wine, or malt beverages, to purchase any such products from such person to the exclusion in whole or in part of distilled spirits, wine, or malt beverages sold or offered for sale by other persons in interstate or foreign commerce, if such inducement is made in the course of interstate or foreign commerce, or if such person engages in the practice of using such means, or any of them, to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products, or if the direct effect of such inducement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such trade buyer in interstate or foreign commerce: (1) By commercial bribery; or (2) by offering or giving any bonus, premium, or compensation to any officer, or employee, or representative of the trade buyer; or

Through commercial bribery.

Offering bonus to employee of buyer.

Consignment sales.  
Prohibited practices.

(d) Consignment sales: To sell, offer for sale, or contract to sell to any trade buyer engaged in the sale of distilled spirits, wine, or malt beverages, or for any such trade buyer to purchase, offer to purchase, or contract to purchase, any such products on consignment or under conditional sale or with the privilege of return or on any basis otherwise than a bona fide sale, or where any part of such transaction involves, directly or indirectly, the acquisition by such person from the trade buyer or his agreement to acquire from the trade buyer other distilled spirits, wine, or malt beverages—if such sale, purchase, offer, or contract is made in the course of interstate or foreign commerce, or if such person or trade buyer engages in such practice to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products, or if the direct effect of such sale, purchase, offer, or contract is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such trade buyer in interstate or foreign commerce: *Provided*, That this subsection shall not apply to transactions involving solely the bona fide return of merchandise for ordinary and usual commercial reasons arising after the merchandise has been sold; or

*Proviso.*  
When provision inapplicable.

Labeling.  
Shipment or delivery of products not conforming to labeling regulations.  
*Post*, p. 1152.

Standards for regulations.

To prohibit deception of consumer.

To provide consumer with information respecting product.

To inform consumer respecting use of neutral spirits.

(e) Labeling.—To sell or ship or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or to receive therein, or to remove from customs custody for consumption, any distilled spirits, wine, or malt beverages in bottles, unless such products are bottled, packaged, and labeled in conformity with such regulations, to be prescribed by the Administrator, with respect to packaging, marking, branding, and labeling and size and fill of container (1) as will prohibit deception of the consumer with respect to such products or the quantity thereof and as will prohibit, irrespective of falsity, such statements relating to age, manufacturing processes, analyses, guarantees, and scientific or irrelevant matters as the Administrator finds to be likely to mislead the consumer; (2) as will provide the consumer with adequate information as to the identity and quality of the products, the alcoholic content thereof (except that statements of, or statements likely to be considered as statements of, alcoholic content of malt beverages are hereby prohibited unless required by State law and except that, in case of wines, statements of alcoholic content shall be required only for wines containing more than 14 per centum of alcohol by volume), the net contents of the package, and the manufacturer or bottler or importer of the product; (3) as will require an accurate statement, in the case of distilled spirits (other than cordials, liqueurs, and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, informing the consumer

of the percentage of neutral spirits so used and of the name of the commodity from which such neutral spirits have been distilled, or in case of neutral spirits or of gin produced by a process of continuous distillation, the name of the commodity from which distilled; (4) as will prohibit statements on the label that are disparaging of a competitor's products or are false, misleading, obscene, or indecent; and (5) as will prevent deception of the consumer by use of a trade or brand name that is the name of any living individual of public prominence, or existing private or public organization, or is a name that is in simulation or is an abbreviation thereof, and as will prevent the use of a graphic, pictorial, or emblematic representation of any such individual or organization, if the use of such name or representation is likely falsely to lead the consumer to believe that the product has been indorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of, such individual or organization: *Provided*, That this clause shall not apply to the use of the name of any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer, wholesaler, retailer, bottler, or warehouseman, of distilled spirits, wine, or malt beverages, nor to the use by any person of a trade or brand name used by him or his predecessor in interest prior to the date of the enactment of this Act; including regulations requiring, at time of release from customs custody, certificates issued by foreign governments covering origin, age, and identity of imported products: *Provided further*, That nothing herein nor any decision, ruling, or regulation of any Department of the Government shall deny the right of any person to use any trade name or brand of foreign origin not presently effectively registered in the United States Patent Office which has been used by such person or predecessors in the United States for a period of at least five years last past, if the use of such name or brand is qualified by the name of the locality in the United States in which the product is produced, and, in the case of the use of such name or brand on any label or in any advertisement, if such qualification is as conspicuous as such name or brand.

It shall be unlawful for any person to alter, mutilate, destroy, obliterate, or remove any mark, brand, or label upon distilled spirits, wine, or malt beverages held for sale in interstate or foreign commerce or after shipment therein, except as authorized by Federal law or except pursuant to regulations of the Administrator authorizing relabeling for purposes of compliance with the requirements of this subsection or of State law.

In order to prevent the sale or shipment or other introduction of distilled spirits, wine, or malt beverages in interstate or foreign commerce, if bottled, packaged, or labeled in violation of the requirements of this subsection, no bottler, or importer of distilled spirits, wine, or malt beverages, shall, after such date as the Administrator fixes as the earliest practicable date for the application of the provisions of this subsection to any class of such persons (but not later than March 1, 1936, and only after thirty days' public notice), bottle or remove from customs custody for consumption distilled spirits, wine, or malt beverages, respectively, unless the bottler or importer, upon application to the Administrator, has obtained and has in his possession a certificate of label approval covering the distilled spirits, wine, or malt beverages, issued by the Administrator in such manner and form as he shall by regulations prescribe: *Provided*, That any such bottler shall be exempt from the requirements of this subsection if the bottler, upon application to the Administrator, shows to the satisfaction of the Administrator

To prohibit disparaging statements on labels.

To prevent deception of consumer through misleading labels.

*Proviso.*  
Limitation on application of clause.

Use of trade name or brand of foreign origin.  
*Post*, p. 1966.

Alteration, mutilation, etc., of mark, etc., on beverages in interstate commerce.

Removal for consumption of beverages from customs custody.  
*Post*, p. 1965.

Prohibited unless approved certificate of label issued.

*Proviso.*  
Exemption when beverage not for shipment.

that the distilled spirits, wine, or malt beverages to be bottled by the applicant are not to be sold, or offered for sale, or shipped or delivered for shipment, or otherwise introduced, in interstate or foreign commerce. Officers of internal revenue and customs are authorized and directed to withhold the release of such products from the bottling plant or customs custody unless such certificates have been obtained, or unless the application of the bottler for exemption has been granted by the Administrator. The district courts of the United States, the Supreme Court of the District of Columbia, and the United States court for any Territory, shall have jurisdiction of suits to enjoin, annul, or suspend in whole or in part any final action by the Administrator upon any application under this subsection; or

Withholding release of beverage unless certificate obtained.

Jurisdiction of courts over action of Administrator upon applications.

Advertising. Prohibition on use of matter not conforming to regulations.

To prevent deception of consumer.

To provide consumer with information respecting product.

To require accurate statement respecting neutral spirits content.

To prohibit disparaging statements.

To prevent statements inconsistent with label statements. Outdoor advertising.

Classes of persons to whom prohibitions not applicable.

Provisions not applicable to State agencies.

(f) Advertising: To publish or disseminate or cause to be published or disseminated by radio broadcast, or in any newspaper, periodical or other publication or by any sign or outdoor advertisement or any other printed or graphic matter, any advertisement of distilled spirits, wine, or malt beverages, if such advertisement is in, or is calculated to induce sales in, interstate or foreign commerce, or is disseminated by mail, unless such advertisement is in conformity with such regulations, to be prescribed by the Administrator, (1) as will prevent deception of the consumer with respect to the products advertised and as will prohibit, irrespective of falsity, such statements relating to age, manufacturing processes, analyses, guaranties, and scientific or irrelevant matters as the Administrator finds to be likely to mislead the consumer; (2) as will provide the consumer with adequate information as to the identity and quality of the products advertised, the alcoholic content thereof (except that statements of, or statements likely to be considered as statements of, alcoholic content of malt beverages are prohibited and except that, in case of wines, statements of alcoholic content shall be required only for wines containing more than 14 per centum of alcohol by volume), and the person responsible for the advertisement; (3) as will require an accurate statement, in the case of distilled spirits (other than cordials, liqueurs, and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, informing the consumer of the percentage of neutral spirits so used and of the name of the commodity from which such neutral spirits have been distilled, or in case of neutral spirits or of gin produced by a process of continuous distillation, the name of the commodity from which distilled; (4) as will prohibit statements that are disparaging of a competitor's products or are false, misleading, obscene, or indecent; (5) as will prevent statements inconsistent with any statement on the labeling of the products advertised. This subsection shall not apply to outdoor advertising in place on June 18, 1935, but shall apply upon replacement, restoration, or renovation of any such advertising. The prohibitions of this subsection and regulations thereunder shall not apply to the publisher of any newspaper, periodical, or other publication, or radio broadcaster, unless such publisher or radio broadcaster is engaged in business as a distiller, brewer, rectifier, or other producer, or as an importer or wholesaler, of distilled spirits, wine, or malt beverages, or as a bottler, or warehouseman and bottler, of distilled spirits, directly or indirectly or through an affiliate.

The provisions of subsections (a), (b), and (c) shall not apply to any act done by an agency of a State or political subdivision thereof, or by any officer or employee of such agency.



In the case of malt beverages, the provisions of subsections (a), (b), (c), and (d) shall apply to transactions between a retailer or trade buyer in any State and a brewer, importer, or wholesaler of malt beverages outside such State only to the extent that the law of such State imposes similar requirements with respect to similar transactions between a retailer or trade buyer in such State and a brewer, importer, or wholesaler of malt beverages in such State, as the case may be. In the case of malt beverages, the provisions of subsections (e) and (f) shall apply to the labeling of malt beverages sold or shipped or delivered for shipment or otherwise introduced into or received in any State from any place outside thereof, or the advertising of malt beverages intended to be sold or shipped or delivered for shipment or otherwise introduced into or received in any State from any place outside thereof, only to the extent that the law of such State imposes similar requirements with respect to the labeling or advertising, as the case may be, of malt beverages not sold or shipped or delivered for shipment or otherwise introduced into or received in such State from any place outside thereof.

Malt beverages; provisions applicable to interstate transactions.

Labeling provisions.

The Administrator shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing regulations to carry out the provisions of this section.

Notice prior to prescribing regulations; hearings.

BULK SALES AND BOTTLING

Bulk sales and bottling.

SEC. 6. (a) It shall be unlawful for any person—

Unlawful practices.

(1) To sell or offer to sell, contract to sell, or otherwise dispose of distilled spirits in bulk except, under regulations of the Administrator, for export or to the following, or to import distilled spirits in bulk except, under such regulations, for sale to or for use by the following: A distiller, rectifier of distilled spirits, person operating a bonded warehouse qualified under the internal-revenue laws or a class 8 bonded warehouse qualified under the customs laws, a winemaker for the fortification of wines, a proprietor of an industrial alcohol plant, or an agency of the United States or any State or political subdivision thereof.

Bulk sales of distilled spirits.

(2) To sell or offer to sell, contract to sell, or otherwise dispose of warehouse receipts for distilled spirits in bulk unless such warehouse receipts require that the warehouseman shall package such distilled spirits, before delivery, in bottles labeled and marked in accordance with law, or deliver such distilled spirits in bulk only to persons to whom it is lawful to sell or otherwise dispose of distilled spirits in bulk.

Sales of warehouse receipts for distilled spirits.

(3) To bottle distilled spirits unless the bottler is a person to whom it is lawful to sell or otherwise dispose of distilled spirits in bulk.

Bottling distilled spirits.

(b) Any person who violates the requirements of this section shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned for not more than one year or both, and shall forfeit to the United States all distilled spirits with respect to which the violation occurs and the containers thereof.

Punishment for violations.

(c) The term "in bulk" means in containers having a capacity in excess of one wine gallon.

"In bulk" construed.

PENALTIES

Penalties.

SEC. 7. The District Courts of the United States, the Supreme Court of the District of Columbia, and the United States court for any Territory, of the District where the offense is committed or threatened or of which the offender is an inhabitant or has his principal place of business, are hereby vested with jurisdiction of any suit brought by

Jurisdiction of courts.

Violations of sections 3 and 5; punishment.

Compromise of liabilities.

Interlocking directorates.  
Prohibition.

Exception when application approved by Administrator; showing required.

Action of Administrator on application.

Jurisdiction of courts to review.

Exceptions to prohibition.

Existing companies with interlocking directorates.

Companies complying with State laws.

the Attorney General in the name of the United States, to prevent and restrain violations of any of the provisions of this Act. Any person violating any of the provisions of sections 3 or 5 shall be guilty of a misdemeanor and upon conviction thereof be fined not more than \$1,000 for each offense. Subject to the approval of the Attorney General, the Administrator is authorized, with respect to any violation of this Act, to compromise the liability arising with respect to such violation (1) upon payment of a sum not in excess of \$500 for each offense, to be collected by the Administrator and to be paid into the Treasury as miscellaneous receipts, and (2) in case of repetitious violations and in order to avoid multiplicity of criminal proceedings, upon agreement to a stipulation that the United States may, on its own motion upon five days' notice to the violator, cause a consent decree to be entered by any court of competent jurisdiction enjoining the repetition of such violation.

INTERLOCKING DIRECTORATES

SEC. 8. (a) Except as provided in subsection (b), it shall be unlawful for any individual to take office, after the date of the enactment of this Act, as an officer or director of any company, if his doing so would make him an officer or director of more than one company engaged in business as a distiller, rectifier, or blender of distilled spirits, or of any such company and of a company which is an affiliate of any company engaged in business as a distiller, rectifier, or blender of distilled spirits, or of more than one company which is an affiliate of any company engaged in business as a distiller, rectifier, or blender of distilled spirits, unless, prior to taking such office, application made by such individual to the Administrator has been granted and after due showing has been made to him that service by such individual as officer or director of all the foregoing companies of which he is an officer or director together with service in the company with respect to which application is made will not substantially restrain or prevent competition in interstate or foreign commerce in distilled spirits. The Administrator shall, by order, grant or deny such application on the basis of the proof submitted to him and his finding thereon. The District Courts of the United States, the Supreme Court of the District of Columbia, and the United States court for any Territory shall have jurisdiction of suits to enjoin, annul, or suspend in whole or in part any final action by the Administrator upon any application under this subsection.

(b) An individual may, without regard to the provisions of subsection (a), take office as an officer or director of a company described in subsection (a) while holding the position of officer or director of any other such company if such companies are affiliates at the time of his taking office and if—

(1) Such companies are affiliates on the date of the enactment of this Act; or

(2) Each of such companies has been organized under the law of a State to comply with a requirement thereof under which, as a condition of doing business in such State, such company must be organized under the law of such State; or

(3) One or more such companies has been organized under the law of a State to comply with a requirement thereof under which, as a condition of doing business in such State, such company must be organized under the laws of such State, and the other one or more of such companies not so organized, is in existence on the date of the enactment of this Act; or

(4) One or more of such companies has been organized under the law of a State to comply with a requirement thereof under which, as a condition of doing business in such State, such company must be organized under the law of such State, and not more than one of such companies is a company which has not been so organized and which has been organized after the date of the enactment of this Act.

(c) As used in this section, the term "company" means a corporation, joint stock company, business trust, or association, but does not include any agency of a State or political subdivision thereof or any officer or employee of any such agency.

"Company" construed.

(d) Any individual taking office in violation of this section shall be punished by a fine of not exceeding \$1,000.

Punishment for violation.

DISPOSAL OF FORFEITED ALCOHOLIC BEVERAGES

Forfeited alcoholic beverages.

SEC. 9. (a) All distilled spirits, wine, and malt beverages forfeited, summarily or by order of court, under any law of the United States, shall be delivered to the Secretary of the Treasury to be disposed of as hereinafter provided.

Delivery to Secretary of Treasury. Post, p. 1966.

(b) The Secretary of the Treasury shall dispose of all distilled spirits, wine, and malt beverages which have been delivered to him pursuant to subsection (a)—

Disposition.

(1) By delivery to such Government agencies as, in his opinion, have a need for such distilled spirits, wine, or malt beverages for medicinal, scientific, or mechanical purposes; or

(2) By gift to such eleemosynary institutions as, in his opinion, have a need for such distilled spirits, wine, or malt beverages for medicinal purposes; or

(3) By destruction.

(c) No distilled spirits, wine, or malt beverages which have been seized under any law of the United States, may be disposed of in any manner whatsoever except after forfeiture and as provided in this section.

Restriction on other disposition.

(d) The Secretary of the Treasury is authorized to make all rules and regulations necessary to carry out the provisions of this section.

Rules and regulations.

FEDERAL ALCOHOL CONTROL ADMINISTRATION

Federal Alcohol Control Administration.

SEC. 10. The Federal Alcohol Control Administration established by Executive order under the provisions of Title I of the National Industrial Recovery Act is hereby abolished. All papers, records, and property of such Federal Alcohol Control Administration are hereby transferred to the Administrator. This section shall take effect on the date that the Administrator first appointed under this Act takes office.

Abolishment.

Transfer of records.

Effective date.

SEC. 11. Section 610 of the Revenue Act of 1918, as amended (U. S. C., Supp. VII, title 26, sec. 1310), is amended by adding at the end thereof the following new paragraph:

Revenue Act of 1918. Vol. 40, p. 1109; U. S. C., p. 1166.

"The provisions of the internal-revenue laws applicable to natural wine shall apply in the same manner and to the same extent to citrus-fruit wines which are the product of normal alcoholic fermentation of the juice of sound ripe citrus fruit (except lemons and limes), with or without the addition of dry cane, beet, or dextrose sugar (containing, respectively, not less than 95 per centum of actual sugar, calculated on a dry basis) for the purpose of perfecting the product according to standards, but without the addition or abstraction of other substances, except as may occur in the usual cellar treatment of clarifying or aging."

Citrus-fruit wines. Post, p. 1957.

Vol. 40, p. 1110; Vol. 45, p. 868; Vol. 48, p. 314; U. S. C., p. 1164.

Fortification of wines; withdrawals from fruit distillery or bonded warehouses.  
*Post*, p. 1957.

*Provisos.*  
Tax levy.

Restriction.

Tax-free with-  
drawals; regulations.

Vol. 40, p. 1110; Vol. 48, p. 314; U. S. C., p. 1164.

Tax rate on liqueurs, etc., containing citrus-fruit wine, etc.

*Post*, p. 1952.  
Vol. 26, p. 621;  
Vol. 40, p. 1111; U. S. C., p. 1164.

Fortification of pure sweet wines.  
*Post*, p. 1958.

Use of citrus-fruit brandy.

R. S., sec. 3255, p. 627;  
U. S. C., p. 1148.  
Vol. 40, p. 1114.

Exemption of distillers of brandy from requirements relating to spirits manufacture.  
*Post*, p. 1959.

SEC. 12. Section 612 of the Revenue Act of 1918, as amended (U. S. C., Supp. VII, title 26, sec. 1301), is amended to read as follows:

"SEC. 612. That under such regulations and official supervision and upon the giving of such notices, entries, bonds, and other security as the Commissioner, with the approval of the Secretary, may prescribe, any producer of wines defined under the provisions of this title may withdraw from any fruit distillery or special bonded warehouse grape brandy, or wine spirits, for the fortification of such wines on the premises where actually made, and any producer of citrus-fruit wines may similarly withdraw citrus-fruit brandy for the fortification of citrus-fruit wines on the premises where actually made: *Provided*, That there shall be levied and assessed against the producer of such wines or citrus-fruit wines a tax (in lieu of the internal-revenue tax now imposed thereon by law) of 20 cents per proof gallon of grape brandy, citrus-fruit brandy, or wine spirit whenever withdrawn and hereafter so used by him in the fortification of such wines or citrus-fruit wines during the preceding month, which assessment shall be paid by him within ten months from the date of notice thereof: *Provided further*, That nothing contained in this section shall be construed as exempting any wines, citrus-fruit wines, cordials, liqueurs, or similar compounds from the payment of any tax provided for in this title.

"Any such wines or citrus-fruit wines may, under such regulations as the Secretary may prescribe, be sold or removed tax free for the manufacture of vinegar, or for the production of dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume.

"The taxes imposed by this section shall not apply to dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume."

SEC. 13. Section 613 of the Revenue Act of 1918, as amended (U. S. C., Supp. VII, title 26, sec. 1300 (a) (2)), is amended by inserting after "grape brandy" a comma and the following: "or containing citrus-fruit wine fortified with citrus-fruit brandy."

SEC. 14. Section 42 of the Act entitled "An Act to reduce the revenue and equalize duties on imports, and for other purposes", approved October 1, 1890, as amended (U. S. C., Supp. VII, title 26, sec. 1302(a)), is amended by inserting at the end thereof the following new paragraph:

"The provisions of this section and section 43 shall apply to the use of citrus-fruit brandy in the preparation of fortified citrus-fruit wines in the same manner and to the same extent as such provisions apply to the use of wine spirits in the fortification of sweet wines, except that no brandy (other than a citrus-fruit brandy) may be used in the fortification of citrus-fruit wine and a citrus-fruit brandy prepared from one kind of citrus fruit may not be used for the fortification of a citrus-fruit wine prepared from another kind of citrus fruit or for the fortification of a wine prepared from any fruit other than citrus fruit."

SEC. 15. Section 3255 of the Revised Statutes, as amended (U. S. C., Supp. VII, title 26, sec. 1176), is amended to read as follows:

"SEC. 3255. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, oranges, pears, pineapples, apricots, berries, plums, pawpaws, persimmons, prunes, figs, cherries, dates, or citrus fruits (except lemons and limes) from any provision of the internal-revenue laws relating to the manufac-

ture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so: *Provided*, That where, in the manufacture of wine or citrus-fruit wine, artificial sweetening has been used, the wine, or the fruit pomace residuum thereof, or the citrus-fruit wine may be used in the distillation of brandy or citrus-fruit brandy, as the case may be, and such use shall not prevent the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, from exempting such distiller from any provision of the internal-revenue laws relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so: *And provided further*, That the distillers mentioned in this section may add to not less than five hundred gallons (ten barrels) of grape cheese not more than five hundred gallons of a sugar solution made from cane, beet, starch, or corn sugar, 95 per centum pure, such solution to have a saccharine strength of not to exceed 10 per centum, and may ferment the resultant mixture on a winery or distillery premises, and such fermented product shall be regarded as distilling material."

*Provisos.*  
When artificial sweetening used in wine manufacture.

Sugar solution additions.

SEC. 16. (a) Section 1 of the Act of March 3, 1877, as amended (U. S. C., Supp. VII,<sup>1</sup> sec. 1250), is amended by striking out "not exceeding ten in numbers in any one collection-district," and by inserting at the end of such section the following new paragraph:

Vol. 19, p. 393; U. S. C., p. 1159.  
Special bonded warehouses; number.

"The Commissioner of Internal Revenue, under such regulations as he may promulgate from time to time with the approval of the Secretary of the Treasury, may, in his discretion, establish such warehouses adjacent to distilleries, and may, in his discretion, permit the removal of brandy directly from the distillery to such warehouses, and from such warehouses to the distillery warehouse of the producing distiller."

Establishment of warehouses adjacent to distilleries; removal of brandy.

(b) Section 51 of the Act of August 27, 1894, as amended (U. S. C., Supp. VII,<sup>1</sup> sec. 1265), is amended by striking out "not exceeding ten in number in any one collection district," and by inserting at the end of such section the following new paragraph:

Vol. 28, p. 564; U. S. C., p. 1160.  
Post, p. 1961.

"The Commissioner of Internal Revenue, under such regulations as he may promulgate from time to time with the approval of the Secretary of the Treasury, may, in his discretion, establish such warehouses adjacent to distilleries, and may, in his discretion, permit the removal of spirits directly from the distillery to such warehouses, and from such warehouses to the distillery warehouse of the producing distiller."

Removal of spirits.

#### MISCELLANEOUS

SEC. 17. (a) As used in this Act—

(1) The term "Administrator" means the head of the Federal Alcohol Administration.

(2) The term "United States" means the several States and Territories and the District of Columbia; the term "State" includes a Territory and the District of Columbia; and the term "Territory" means Alaska, Hawaii, and Puerto Rico.

(3) The term "interstate or foreign commerce" means commerce between any State and any place outside thereof, or commerce within any Territory or the District of Columbia, or between points within the same State but through any place outside thereof.

(4) The term "person" means individual, partnership, joint stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent and including an officer or employee of any agency of a State or political subdivision thereof; and the term "trade buyer" means any person who is a wholesaler or retailer.

Miscellaneous.

Definitions.  
"Administrator."

"United States";  
"State."

"Territory."

"Interstate or foreign commerce."

"Person."

"Trade buyer."

<sup>1</sup> So in original.

"Affiliate."

(5) The term "affiliate" means any one of two or more persons if one of such persons has actual or legal control, directly or indirectly, whether by stock ownership or otherwise, of the other or others of such persons; and any one of two or more persons subject to common control, actual or legal, directly or indirectly, whether by stock ownership or otherwise.

"Distilled spirits."

(6) The term "distilled spirits" means ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use.

"Wine."

Vol. 40, p. 1110; U. S. C., p. 1164.

(7) The term "wine" means (1) wine as defined in section 610 and section 617 of the Revenue Act of 1918 (U. S. C., title 26, secs. 441 and 444) as now in force or hereafter amended, and (2) other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry, and sake; in each instance only if containing not less than 7 per centum and not more than 24 per centum of alcohol by volume, and if for non-industrial use.

"Malt beverage."

(8) The term "malt beverage" means a beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

"Bottle."

(9) The term "bottle" means any container, irrespective of the material from which made, for use for the sale of distilled spirits, wine, or malt beverages at retail.

Reservation of right to amend.

(b) The right to amend or repeal the provisions of this Act is expressly reserved.

Separability of provisions.

(c) If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Approved, August 29, 1935.

[CHAPTER 815.]

JOINT RESOLUTION

To authorize the acceptance of bids for Government contracts made subject to codes of fair competition.

August 29, 1935.  
[S. J. Res. 163.]  
[Pub. Res., No. 65.]

Government contracts.  
Acceptance of bids made subject to codes of fair competition.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That no bid submitted prior to the enactment of this joint resolution in response to the invitation of any executive department, independent establishment, or other agency or instrumentality of the United States, the District of Columbia, or any corporation all the stock of which is owned by the United States (all of the foregoing being hereinafter designated as "agencies of the United States"), if otherwise valid and acceptable, shall be rejected because made subject to the provisions of any code or codes of fair competition, or any related requirements (as provided in Executive Order Numbered 6646 of March 14, 1934), if the bidder, with the assent of his surety, shall agree in writing that the contract, if entered into, shall, in lieu of such code provisions or other related requirements, be subject to all Acts of Congress,

Requirement.

enacted after the date of enactment of this joint resolution, requiring<sup>1</sup> the observance of minimum wages, maximum hours, or limitations as to age of employees in the performance of contracts with agencies of the United States. In such cases the compensation provided for in the contract shall be reduced from that stated in the bid by the amount that the contracting officer, subject to the approval of the Comptroller General, shall find the cost of performing the contract is reduced solely by reason of the contractor not complying with the provisions of such code or codes or related requirements; and the compensation for the performance of the contract shall be increased from that fixed in the contract by the amount that the contracting officer, subject to the approval of the Comptroller General, shall find the cost of performing the contract has been increased solely by reason of compliance with such subsequent Acts of Congress, if any, relating to the performance of contracts with agencies of the United States.

Reduction of compensation stated in contract.

Increase when cost of performance increased by reason of compliance with subsequent Acts of Congress.

Approved, August 29, 1935.

[CHAPTER 816.]

JOINT RESOLUTION

To extend the time within which contracts may be modified or canceled under the provisions of section 5 of the Independent Offices Appropriation Act, 1934.

August 29, 1935.  
[S. J. Res. 175.]  
[Pub. Res., No. 66.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5 of the Independent Offices Appropriation Act, 1934, as amended, be amended by striking out "October 31, 1935" and inserting in lieu thereof "March 31, 1936": *Provided,* That the right of the United States to annul any fraudulent or illegal contract or to institute suit to recover sums paid thereon is in no manner affected by this joint resolution.

Ocean mail, postal service.  
Time for modification of contracts, extended.  
Vol. 48, p. 305; U. S. C., p. 1806.  
*Ante*, p. 161.  
Fraudulent or illegal contracts.

Approved, August 29, 1935.

[CHAPTER 824.]

AN ACT

To stabilize the bituminous coal-mining industry and promote its interstate commerce; to provide for cooperative marketing of bituminous coal; to levy a tax on bituminous coal and provide for a drawback under certain conditions; to declare the production, distribution, and use of bituminous coal to be affected with a national public interest; to conserve the bituminous coal resources of the United States; to provide for the general welfare, and for other purposes; and providing penalties.

August 30, 1935.  
[H. R. 9100.]  
[Public, No. 402.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is hereby recognized and declared that the mining of bituminous coal and its distribution by the producers thereof in and throughout the United States are affected with a national public interest; that the service of bituminous coal in relation to the industrial activities, the transportation facilities, the health and comfort of the people of the United States; the conservation of bituminous coal deposits in the United States by controlled production and economical mining and marketing; the maintenance of just and rational relations between the public, owners, producers, and employees; the right of the public to constant and ample supplies of coal at reasonable prices; and the general welfare of the Nation require that the bituminous coal industry be regulated as herein provided.

Bituminous Coal Conservation Act of 1935.  
Declaration of necessity for regulation of bituminous coal industry.

<sup>1</sup> So in original.

It is further recognized and declared that all production of bituminous coal and distribution by the producers thereof bear upon and directly affect its interstate commerce and render regulation of all such production and distribution imperative for the protection of such commerce and the national public service of bituminous coal and the normal governmental revenues derivable from such industry; that the excessive facilities for the production of bituminous coal and the overexpansion of the industry have led to practices and methods of production, distribution, and marketing of such coal that waste such coal resources of the Nation, disorganize the interstate commerce in such coal and portend the destruction of the industry itself, and burden and obstruct the interstate commerce in such coal, to the end that control of such production and regulation of the prices realized by the producers thereof are necessary to promote its interstate commerce, remove burdens and obstructions therefrom, and protect the national public interest therein; that practices prevailing in the production of bituminous coal directly affect its interstate commerce and require regulation for the protection of that commerce, and that the right of mine workers to organize and collectively bargain for wages, hours of labor, and conditions of employment should be guaranteed in order to prevent constant wage cutting and the establishment of disparate labor costs detrimental to fair competition in the interstate marketing of bituminous coal, and in order to avoid those obstructions to its interstate commerce that recur in the industrial disputes over labor relations at the mines.

National Bituminous  
Coal Commission.

NATIONAL BITUMINOUS COAL COMMISSION

Establishment; com-  
position.  
*Post*, p. 1761.

**SEC. 2. (a)** There is hereby established in the Department of the Interior a National Bituminous Coal Commission (herein referred to as "Commission"), which shall be composed of five members appointed by the President, by and with the advice and consent of the Senate, for a term of four years or until the prior termination of this title. The Commission shall annually designate its chairman, and shall have a seal which shall be judicially recognized. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessor in office. The Commission shall have an office in the city of Washington, District of Columbia, and shall convene at such times and places as the majority of the Commission shall determine. The members of the Commission shall have no financial interest, direct, or indirect, in the mining, transportation, or sale of, or manufacture of equipment for, coal, oil, or gas, or in the generation, transmission, or sale of hydroelectric power, or in the manufacture of equipment for the use thereof, and shall not engage in any other business, vocation, or employment. Any Commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. The Commission shall, with due regard to the provisions of the civil-service laws or the Classification Act of 1923, as amended, appoint and fix the compensation and duties of a secretary and necessary clerical and other assistants, none of whom shall be related to any member of the Commission by marriage or within the third degree by blood. The members of the Commission shall each receive compensation at the rate of \$10,000 per year and necessary traveling expenses. Such Commission shall have the power to make and promulgate all reasonable rules and regulations for carrying out the provisions of this Act, and shall annually make full report of its activities to the Secretary of the Interior for transmission to Congress. Upon all matters within its jurisdiction coming before it for determination, it shall have the power and duty

Terms of office.

Chairman; official  
seal.  
Vacancies.

Principal office.

Qualifications.

Removals.

Secretary and other  
personnel.  
U. S. C., p. 85.

Compensation.

Powers.

Annual report.



of hearing evidence and finding facts upon which its orders and action may be predicated, and its findings of fact supported by any substantial evidence shall be conclusive upon review thereof by any court of the United States.

(b) (1) There shall be an office in the Department of the Interior to be known as the office of the Consumers' Counsel of the National Bituminous Coal Commission. The office shall be in charge of a counsel to be appointed by the President, by and with the advice and consent of the Senate. The counsel shall have no financial interest, direct or indirect, in the mining, transportation, or sale of, or the manufacture of equipment for, coal, oil, or gas, or in the generation, transmission, or sale of hydroelectric power, or in the manufacture of equipment for the use thereof, and shall not engage in any other business, vocation, or employment. The counsel shall receive compensation at the rate of \$10,000 per year and necessary traveling expenses.

(2) It shall be the duty of the counsel to appear in the interest of the consuming public in any proceeding before the Commission and to conduct such independent investigation of matters relative to the bituminous coal industry and the administration of this Act as he may deem necessary to enable him properly to represent the consuming public in any proceeding before the Commission. In any proceeding before the Commission in which the counsel has entered an appearance, the counsel shall have the right to offer any relevant testimony and argument, oral or written, and to examine and cross-examine witnesses and parties to the proceeding, and shall have the right to have subpoena or other process of the Commission issue in his behalf. Whenever the counsel finds that it is in the interest of the consuming public to have the Commission furnish any information at its command or conduct any investigation as to any matter within its authority, then the counsel shall so certify to the Commission, specifying in the certificate the information or investigation desired. Thereupon the Commission shall promptly furnish to the counsel the information or promptly conduct the investigation and place the results thereof at the disposal of the counsel.

(3) Within the limitations of such appropriations as the Congress may from time to time provide, the counsel is authorized, with due regard to the civil service laws and the Classification Act of 1923, as amended, to appoint and fix the compensation and duties of such assistants and clerks, and is authorized to make such expenditures, as may be necessary for the performance of the duties vested in him.

#### TAX ON BITUMINOUS COAL

SEC. 3. There is hereby imposed upon the sale or other disposal of all bituminous coal produced within the United States an excise tax of 15 per centum on the sale price at the mine, or in the case of captive coal the fair market value of such coal at the mine, such tax, subject to the later provisions of this section, to be payable to the United States by the producers of such coal, and to be payable monthly for each calendar month, on or before the first business day of the second succeeding month, and under such regulations, and in such manner, as shall be prescribed by the Commissioner of Internal Revenue: *Provided*, That in the case of captive coal produced as aforesaid, the Commissioner of Internal Revenue shall fix a price therefor at the current market price for the comparable kind, quality, and size of coals in the locality where the same is produced: *Provided further*, That any such coal producer who has filed with the National Bituminous Coal Commission his acceptance of the code provided for in section 4 of this Act, and who acts in compliance with the

Findings of fact.

Consumers' Counsel of the National Bituminous Coal Commission.  
Establishment.  
*Post*, p. 1761.  
Counsel; appointment of.  
Qualifications.

Compensation; expenses.

Duties.

Rights in proceeding before Commission.

Information to be furnished.

Appointment and compensation of assistants.  
*Post*, p. 1119.

Tax on bituminous coal.

Imposition; amount.

Payment.

*Provisions*.  
Price in case of captive coal.

Drawback; entitlement to.

When right of drawback to begin.

Right of producer to contest provisions of code.

Bituminous coal code.

Working agreement.

Conditions, provisions, and obligations.

Part I—Organization and production.

District boards of coal producers; number.

Individual boards; determination of membership.

Producer members.

Elections.

Proviso. Restriction.

Members representing employees.

Terms of office.

Authority of Commission to increase membership of board.

provisions of such code, shall be entitled to a drawback in the form of a credit upon the amount of such tax payable hereunder, equivalent to 90 per centum of the amount of such tax, to be allowed and deducted therefrom at the time settlement therefor is required, in such manner as shall be prescribed by the Commissioner of Internal Revenue. Such right or benefit of drawback shall apply to all coal sold or disposed of from and after the day of the producer's filing with the Commission his acceptance of said code in such form of agreement as the Commission may prescribe. No producer shall by reason of his acceptance of the code provided for in section 4 or of the drawback of taxes provided in section 3 of this Act be held to be precluded or estopped from contesting the constitutionality of any provision of said code, or its validity as applicable to such producer.

#### BITUMINOUS COAL CODE

SEC. 4. The provisions of this section shall be formulated by the Commission into a working agreement, to be known as the "Bituminous Coal Code", and herein referred to as the "Code." Producers accepting and operating under its provisions are herein referred to as "Code members."

For the purpose of carrying out the declared policy of this Act, the code shall contain the following conditions, provisions, and obligations which will tend to regulate interstate commerce in bituminous coal and transactions directly affecting interstate commerce in bituminous coal:

#### PART I—ORGANIZATION AND PRODUCTION

(a) Twenty-three district boards of coal producers shall be organized. Each district board shall consist of not less than three nor more than seventeen members. The number of members of the district board shall, subject to the approval of the Commission, be determined by the majority vote of the district tonnage during the calendar year 1934 represented at a meeting of the producers of the district called for the purpose of such determination and for the election of such district board; and all known producers within the district shall be given notice of the time and place of the meeting. All but one of the members of the district board shall be producers or representatives of producers truly representative of all the mines of the district. The number of such producer members shall be an even number. One-half of such producer members shall be elected by the majority in number of the producers of the district represented at the aforesaid meeting. The other producer members shall be elected by votes cast in the proportion of the annual tonnage output for the preceding calendar year of the producers in the district, with the right on the part of the producers to vote their tonnage cumulatively: *Provided*, That not more than one officer or employee of any producer within a district shall be a member of the district board at the same time. The remaining member of each district board shall be selected by the organization of employees representing the preponderant number of employees in the industry of the district in question. The term of district board members shall be two years and until their successors are elected.

In case any marketing agency comprising a substantial number of code members in any producing field within a district establishes, to the satisfaction of the Commission, that it has no representation upon the district board and that it is fairly entitled thereto, the Commission may, in its discretion, after hearing, increase the membership of such district board so as to provide for such representation.

Marketing agencies may be established or maintained within any district by a voluntary association of producers within any producing field therein, as such producing field may be defined by the district board, and function under such general rules and regulations as may be prescribed by the district board, with the approval of the Commission, for the purpose of marketing their coal with due respect for the standards of unfair competition as defined in this Act. Each such marketing agency shall impose no unreasonable or inequitable conditions of membership and shall be truly representative of at least one-third of the tonnage of any producing field or group of producing fields.

The term "marketing agency" or "agencies" as used in this Act shall include any trade association of coal producers complying with the requirements of a marketing agency and exercising the functions thereof.

The district boards and marketing agencies shall each have power to adopt bylaws and rules of procedure, subject to approval of the Commission, and to appoint officers from their own membership, to fix their terms and compensation, to provide for reports, and to employ such committees, employees, arbitrators, and other persons necessary to effectuate their purposes. Members of the district board shall serve, as such, without compensation, but may be reimbursed for their reasonable expenses. The territorial boundaries or limits of such twenty-three districts are set forth in the schedule entitled "Schedule of Districts" and annexed to this Act: *Provided*, That the territorial boundaries or limits of any district or districts may be changed, or said districts may be divided or consolidated, after hearing, by the Commission.

(b) The expense of administering the code by the respective district boards shall be borne by those subject to the jurisdiction of such boards, respectively, each paying his proportionate share, as assessed, computed on a tonnage basis, in accordance with regulations prescribed by such boards with the approval of the Commission. Such assessments may be collected by the district board by action in any court of competent jurisdiction.

(c) Nothing contained in this Act shall constitute the members of a district board partners for any purpose. Nor shall any member of a district board be liable in any manner to any one for any act of any other member, officer, agent or employee of the district board. Nor shall any member of a district board, exercising reasonable diligence in the conduct of his duties under this Act, be liable to any one for any action or omission to act under this Act, except for his own willful misfeasance, or for nonfeasance involving moral turpitude.

## PART II—MARKETING

The district boards and code members shall accept and be subject to the jurisdiction of the Commission to approve or to fix minimum and maximum prices, as follows:

(a) All code members shall, in their respective districts, report all spot orders to the district board and shall file with it copies of all contracts for the sale of coal, copies of all invoices, copies of all credit memoranda, and such other information concerning the preparation, cost, sale, and distribution of coal as the Commission may authorize or require. All such records shall be held by the district board as the confidential records of the code member filing such information.

Each district board may set up and maintain a statistical bureau, and the district board may require that such reports and other information in this subsection described shall be filed with such statistical bureau in lieu of the filing thereof with the district board.

Marketing agencies; establishment.

Rules and regulations of district boards governing.

Imposition of unreasonable conditions of membership prohibited.

"Marketing agency"; "agencies"; defined.

Powers of district boards and marketing agencies.

Service of members of district board without compensation.

Territorial limits of districts.

*Proviso.*  
Modifications.

Administration of codes; expenses.

Assessments and collection.

Relationship and liability of members of board.

## Part II—Marketing.

Minimum and maximum prices; manner of fixing; approval of commission.

Reports and records by code members.

Confidential nature of records.

Statistical bureaus; maintenance of.

Establishment of minimum prices by district board.

Each district board shall, from time to time on its own motion or when directed by the Commission, establish minimum prices free on board transportation facilities at the mines for kinds, qualities, and sizes of coal produced in said district, with full authority, in establishing such minimum prices, to make such classification of coals and price variations as to mines and consuming market areas as it may deem necessary and proper. In order to sustain the stabilization of wages, working conditions, and maximum hours of labor, said prices shall be established so as to yield a return per net ton for each district in a minimum price area, as such districts are identified and such area is defined in the subjoined table designated "Minimum-price area table", equal as nearly as may be to the weighted average of the total costs, per net ton, determined as hereinafter provided, of the tonnage of such minimum price area. The computation of the total costs shall include the cost of labor, supplies, power, taxes, insurance, workmen's compensation, royalties, depreciation, and depletion (as determined by the Bureau of Internal Revenue in the computation of the Federal income tax) and all other direct expenses of production, coal operators' association dues, district board assessments for Board operating expenses only levied under the code, and reasonable costs of selling and the cost of administration.

Computation of total costs.

Minimum-price-area table.

MINIMUM-PRICE-AREA TABLE

Enumeration.

Area 1: Eastern Pennsylvania, district 1; western Pennsylvania, district 2; northern West Virginia, district 3; Ohio, district 4; Michigan, district 5; Panhandle, district 6; Southern numbered 1, district 7; Southern numbered 2, district 8; West Kentucky, district 9; Illinois, district 10; Indiana, district 11; Iowa, district 12; that part of Southeastern, district 13, comprising Van Buren, Warren, and McMinn Counties in Tennessee.

Area 2: Southeastern, district 13, except Van Buren, Warren, and McMinn Counties in Tennessee.

Area 3: Arkansas-Oklahoma, district 14.

Area 4: Southwestern, district 15.

Area 5: Northern Colorado, district 16; southern Colorado, district 17; New Mexico, district 18.

Area 6: Wyoming, district 19; Utah, district 20.

Area 7: North Dakota and South Dakota, district 21.

Area 8: Montana, district 22.

Area 9: Washington, district 23.

Factors in establishing minimum prices.

The minimum prices so established shall reflect, as nearly as possible, the relative market value of the various kinds, qualities, and sizes of coal, shall be just and equitable as between producers within the district, and shall have due regard to the interests of the consuming public. The procedure for establishment of minimum prices shall be in accordance with rules and regulations to be approved by the Commission.

Schedule to be submitted to Commission.

A schedule of such minimum prices, together with the data upon which they are computed, including, but without limitation, the factors considered in determining the price relationship, shall be submitted by the district board to the Commission, which may approve, disapprove, or modify the same to conform to the requirements of this subsection, and such approval, disapproval, or modification shall be binding upon all code members within the district, subject to such modification therein as may result from the coordination provided for in the succeeding subsection (b): *Provided*, That all minimum prices established for any kind, quality, or size of coal

Action of Commission.

Proviso. Requirement respecting minimum prices.

for shipment into any consuming market area shall be just and equitable as between producers within the district: *And provided further*, That no minimum price shall be established that permits dumping.

As soon as possible after its creation, each district board shall determine the weighted average of the total costs of the ascertainable tonnage produced in the district in the calendar year 1934. The district board shall adjust the average costs so determined, as may be necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which may have been established since January 1, 1934. Such determination and the computations upon which it is based shall be promptly submitted to the Commission by each district board in the respective minimum-price area. The Commission shall thereupon determine the weighted average of the total costs of the tonnage for each minimum-price area in the calendar year 1934, adjusted as aforesaid, and transmit it to all the district boards within such minimum-price area. Said weighted average of the total costs shall be taken as the basis for the establishment of minimum prices to be effective until changed by the Commission. Thereafter, upon satisfactory proof made at any time by any district board of a change in excess of 2 cents per net ton of two thousand pounds in the weighted average of the total costs in the minimum-price area, exclusive of seasonal changes, the Commission shall increase or decrease the minimum prices accordingly. The weighted average figures of total cost determined as aforesaid shall be available to the public.

Each district board shall, on its own motion or when directed by the Commission, establish reasonable rules and regulations incidental to the sale and distribution of coal by code members within the district. Such rules and regulations shall not be inconsistent with the requirements of this section and shall conform to the standards of fair competition hereinafter established. Such rules and regulations shall be submitted by the district board to the Commission with a statement of the reasons therefor, and the Commission may approve, disapprove, or modify the same, and such approval, disapproval, or modification shall be binding upon all code members within the district.

(b) District boards shall, under rules and regulations established by the Commission, coordinate in common consuming market areas upon a fair competitive basis the minimum prices and the rules and regulations established by them, respectively, under subsection (a) hereof. Such coordination, among other factors, but without limitation, shall take into account the various kinds, qualities, and sizes of coal, and transportation charges upon coal. All minimum prices established for any kind, quality, or size of coal for shipment into any consuming market area shall be just and equitable, and not unduly prejudicial or preferential, as between and among districts, and shall reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities and sizes of coal produced in the various districts; to the end of affording the producers in the several districts substantially the same opportunity to dispose of their coals upon a competitive basis as has heretofore existed. The minimum prices established as a result of such coordination shall not, as to any district, reduce or increase the return per net ton upon all the coal produced therein below or above the minimum return as provided in subsection (a) of this section by an amount greater than necessary to accomplish such coordination, to the end that the return per net

Dumping.

District boards; determination of tonnage produced during 1934. Adjustments to reflect changes.

Submission of determination to Commission.

Determination of weighted average of total costs.

Use as basis in establishing minimum prices.

Modifications.

Availability of weighted average of total cost to public.

Rules respecting sales and distribution.

Action of Commission.

Coordination of minimum prices and rules in market areas.

Requirements of minimum prices.

Submission of coordinated prices and rules to Commission; action thereon.

Dumping prohibited.

Investigations to determine fairness of method of fixing minimum prices.

Establishment of different basis.

*Proviso.*  
Minimum return.

Maximum prices; establishment by Commission to protect consumer.

*Proviso.*  
Cost plus reasonable profit to be maintained.

Complaints by code member or district board.

Notice and hearing.

Preliminary order.

Code violations; sale, etc., of coal below minimum or above maximum prices.

Contracts for sale.

ton upon the entire tonnage of the minimum price area shall approximate and be not less than the weighted average of the total costs per net ton of the tonnage of such minimum price area. Such coordinated prices and rules and regulations, together with the data upon which they are predicated, shall be submitted to the Commission, which may approve, disapprove, or modify the same to establish and maintain such fair competitive relationship, and such approval, disapproval, or modification shall be binding upon all code members within the affected districts. No minimum price shall be established that permits dumping. On the petition of any district board or other party in interest or on its own motion, after notice to the district boards, the Commission may at any time conduct hearings to determine whether the foregoing method of fixing minimum prices under subsection (a) is prejudicial to any district with respect to the fair opportunity of such district to market its coal. Should the Commission so find, and further find that the prejudice cannot be removed through the coordination of minimum prices as provided for in this subsection (b), then the Commission may establish a different basis for determining minimum prices in such district, to the end that fair and competitive prices shall prevail in the marketing of the coal produced in such district: *Provided*, That the minimum prices so established as to any such district shall yield a return, per net ton, not less than the weighted average of the total costs, per net ton, of the tonnage of such district.

(c) When, in the public interest, the Commission deems it necessary to establish maximum prices for coal in order to protect the consumer of coal against unreasonably high prices therefor, the Commission shall have the right to fix maximum prices free on board transportation facilities for coal in any district. Such maximum prices shall be established at a uniform increase above the minimum prices in effect within the district at the time, so that in the aggregate the maximum prices shall yield a reasonable return above the weighted average total cost of the district: *Provided*, That no maximum price shall be established for any mine which shall not return cost plus a reasonable profit.

(d) If any code member or district board, or any State or political subdivision of a State, shall be dissatisfied with such coordination of prices or rules and regulations, or by a failure to establish such coordination of prices or rules and regulations, or by the maximum prices established for him or it pursuant to subsection (c) of this section, he or it shall have the right, by petition, to make complaint to the Commission, and the Commission shall, under rules and regulations established by it, and after notice and hearing, make such order as may be required to effectuate the purpose of subsections (b) and (c) of this section, which order shall be binding upon all parties in interest. Pending final disposition of such petition, and upon reasonable showing of necessity therefor, the Commission may make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of this Act.

(e) Subject to the exceptions provided in section 12 of this Act, no coal shall be sold or delivered at a price below the minimum or above the maximum therefor approved or established by the Commission, and the sale or delivery of coal at a price below such minimum or above such maximum shall constitute a violation of the code.

Subject to the exceptions provided in section 12 of this Act, a contract for the sale of coal at a price below the minimum or above the maximum therefor approved or established by the Commission at the time of the making of the contract shall constitute a violation of the code, and such contract shall be invalid and unenforceable.

From and after the date of approval of this Act, until prices shall have been established pursuant to subsections (a) and (b) of part II of this section, no contract for the sale of coal shall be made providing for delivery for a period longer than thirty days from the date of the contract.

Restriction on contracts until prices established.

While this Act is in effect no code member shall make any contract for the sale of coal for delivery after the expiration date of this Act at a price below the minimum or above the maximum therefor approved or established by the Commission and in effect at the time of making the contract.

Prohibition on contracts for sale below minimum or above maximum prices while Act in effect.

The minimum prices established in accordance with the provisions of this section shall not apply to coal sold by a code member and shipped outside the domestic market. The domestic market shall include all points within the continental United States and Canada, and car-ferry shipments to the Island of Cuba. Bunker coal delivered to steamships for consumption thereon shall be regarded as shipped within the domestic market. Maximum prices established in accordance with the provisions of this section shall not apply to coal sold by a code member and shipped outside the continental United States.

Exemption; coal shipped outside domestic market.

Bunker coal.

Coal shipped outside continental United States.

(f) All data, reports, and other information in the possession of the National Recovery Administration in relation to bituminous coal shall be available to the Commission for the administration of this Act.

Availability of information possessed by National Recovery Administration.

(g) The price provisions of this Act shall not be evaded or violated by or through the use of docks or other storage facilities or transportation facilities, or by or through the use of subsidiaries, affiliated sales or transportation companies or other intermediaries or instrumentalities, or by or through the absorption, directly or indirectly, of any transportation or incidental charge of whatsoever kind or character, or any part thereof. The Commission is hereby authorized, after investigation and hearing, and upon notice to the interested parties, to make and issue rules and regulations to make this subsection effective.

Evasions of price provisions prohibited.

Rules and regulations.

(h) All sales and contracts for the sale of coal shall be subject to the code prices herein provided for and in effect at the time of the making of such sales and contracts. The Commission shall prescribe the price allowance to and receivable by persons who purchase coal for resale, and resell it in not less than cargo or railroad carload lots; and shall require the maintenance by such persons, in the resale of coal, of the minimum prices established under this Act.

Effectiveness of code prices.

Price allowance on resale in cargo or carload lots.

#### UNFAIR METHODS OF COMPETITION

(i) The following practices shall be unfair methods of competition and shall constitute violations of the code:

Unfair methods of competition.

Practices enumerated.

1. The consignment of unordered coal, or the forwarding of coal which has not actually been sold, consigned to the producer or his agent: *Provided, however,* That coal which has not actually been sold may be forwarded, consigned to the producer or his agent at rail or track yards, tidewater ports, river ports, or lake ports, or docks beyond such ports. Such limitations on the consignment of coal shall not apply to the following classes: Bunker coal, coal applicable against existing contracts, coal for storage (other than in railroad cars) by the producer or his agent in rail or track yards or on docks, wharves, or other yards for resale by the producer or his agent.

Consignment of unordered coal.

*Proviso.*  
Exception.

Classes of coal to which limitations not applicable.

Secret allowances, rebates, and concessions.

2. The adjustment of claims with purchasers of coal in such manner as to grant secret allowances, secret rebates, or secret concessions, or other price discrimination.

Prepayment of freight charges when resulting in discriminatory credit allowance.  
Granting allowances which alter prices previously agreed upon.

3. The prepayment of freight charges with intent to or having the effect of granting a discriminatory credit allowance.

4. The granting in any form of adjustments, allowances, discounts, credits, or refunds to purchasers or sellers of coal, for the purposes or with the effect of altering retroactively a price previously agreed upon, in such manner as to create price discrimination.

Predating or postdating invoices.

5. The predating or postdating of any invoice or contract for the purchase or sale of coal, except to conform to a bona fide agreement for the purchase or sale entered into on the predate.

Discriminatory payments to certain purchasers.

6. The payment or allowance in any form or by any device of rebates, refunds, credits, or unearned discounts, or the extension to certain purchasers of services or privileges not extended to all purchasers under like terms and conditions, or under similar circumstances.

Commercial bribery.

7. The attempt to purchase business, or to obtain information concerning a competitor's business by concession, gifts, or bribes.

Misrepresentation of quality, etc., of products.

8. The intentional misrepresentation of any analysis or of analyses, or of sizes, or the intentional making, causing, or permitting to be made, or publishing, of any false, untrue, misleading, or deceptive statement by way of advertising, invoicing, or otherwise concerning the size, quality, character, nature, preparation, or origin of any coal bought, sold, or consigned.

Unauthorized use of competitor's trade names, etc.

9. The unauthorized use, whether in written or oral form, of trade marks, trade names, slogans, or advertising matter already adopted by a competitor, or any deceptive approximation thereof.

Inducing breach of competitor's contracts.

10. Inducing or attempting to induce, by any means or device whatsoever, a breach of contract between a competitor and his customer during the term of such contract.

Splitting commissions, etc.

11. Splitting or dividing commissions, broker's fees, or brokerage discounts, or otherwise in any manner directly or indirectly using brokerage commissions or jobbers' arrangements or sales agencies for making discounts, allowances, or rebates, or prices other than those determined under this Act, to any industrial consumer or to any retailers, or to others, whether of a like or different class.

Selling to agent of retailer, industrial consumer, etc.

12. Selling to, or through, any broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer or an industrial consumer or of an organization of retailers or industrial consumers, whereby they or any of them secure either directly or indirectly a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed by this Act.

Code violations.

13. Violations of the provisions of the code.

Sales to farmer's cooperative organization.

It shall not be an unfair method of competition or a violation of the code or any requirement of this Act (1) to sell to or through any bona fide and legitimate farmer's cooperative organization duly organized under the laws of any State, Territory, the District of Columbia, or the United States whether or not such organization grants rebates, discounts, patronage dividends, or other similar benefits to its members, (2) to sell through any intervening agency to any such cooperative organization, or (3) to pay or allow to any such cooperative organization or to any such intervening agency any discount, commission, rebate, or dividend ordinarily paid or allowed, or permitted by the code to be paid or allowed, to other purchasers for purchases in wholesale or middleman quantities.



(j) The Commission shall have jurisdiction to hear and determine written complaints made charging any violation of the code specified in this part II. It shall make and publish rules and regulations for the consideration and hearing of any such complaint, and all interested parties shall be required to conform thereto. The Commission shall make due effort toward adjustment of such complaints and shall endeavor to compose the differences of the parties, and shall make such order or orders in the premises, from time to time, as the facts and the circumstances warrant. Any such order shall be subject to review as are other orders of the commission.

Complaints charging violation of code; jurisdiction of Commission.  
 Rules respecting hearing.  
 Adjustment.  
 Orders of Commission.  
 Review.

PART III—LABOR RELATIONS

To effectuate the purposes of this Act, the district boards and code members shall accept the following conditions which shall be contained in said code:

Part III—Labor Relations.  
 Code conditions to be accepted by district boards and code members.

(a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from interference, restraint, or coercion of employers, 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; and no employee and no one seeking employment shall be required as a condition of employment to join any company union.

Right of employees to organize and bargain collectively.

(b) Employees shall have the right of peaceable assemblage for the discussion of the principles of collective bargaining, shall be entitled to select their own check-weighman to inspect the weighing or measuring of coal, and shall not be required as a condition of employment to live in company houses or to trade at the store of the employer.

To assemble peaceably.  
 Select own check-weighman.

Living quarters, etc.

(c) A Bituminous Coal Labor Board, hereinafter referred to as "Labor Board", consisting of three members, shall be appointed by the President of the United States by and with the advice and consent of the Senate, and shall be assigned to the Department of Labor. The chairman shall be an impartial person with no financial interest in the industry, or connection with any organization of the employees. Of the other members, one shall be a representative of the producers and one shall be a representative of the organized employees, each of whom may retain his respective interest in the industry or relationship to the organization of employees. The Labor Board shall, with due regard to the provisions of the civil-service laws and the Classification Act of 1923, as amended, appoint and fix the compensation and duties of a secretary and necessary clerical and other assistants. The members shall serve for a period of four years or until the prior termination of this Act, and shall each receive compensation at the rate of \$10,000 per annum and necessary traveling expenses. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessor in office. Decisions of the Labor Board may be made by a majority thereof.

Bituminous Coal Labor Board.  
 Appointment.  
 Post, p. 1627.

Chairman.

Qualifications.

Appointment of secretary, etc.

Terms of office.

Compensation.

Vacancies.

Decisions.

Sessions of Labor Board.

Notification to disputants.

Findings of fact.

Copies to be forwarded.  
 Action of Commission.

(d) The Labor Board shall sit at such places as its duties require, and may appoint an examiner to report evidence for its finding in any particular case. It shall notify the parties to any dispute of the time and place of the taking of evidence, or the hearing of the cause, and its finding of facts supported by any substantial evidence shall be conclusive upon review thereof by any court of the United States. It shall transmit its findings and order to the parties interested and to the Commission. The Commission shall take no action thereon for sixty days after the entry of the order of the Labor Board; and if within such sixty days an appeal is taken under the

provisions of section 16 of this Act, no action on such finding and order shall be taken by the Commission during the pendency of the appeal.

Authority of Labor Board.

(e) The Labor Board shall have authority to adjudicate disputes arising under subsections (a) and (b) of this part III, and to determine whether or not an organization of employees has been promoted, or is controlled or dominated by an employer in its organization, management, policy, or election of representatives; and for the purpose of determining who are the freely chosen representatives of the employees the Board may order and under its supervision may conduct an election of employees for that purpose. The Labor Board may order a code member to meet the representatives of its employees for the purpose of collective bargaining.

Services as mediator.

(f) The Labor Board may offer its services as mediator in any dispute between a producer and its employees where such dispute is not determined by the tribunal set up in a bona fide collective contract; and upon the written submission by the parties requesting an award on a stated matter signed by the duly accredited representatives of the employer and employees, the Labor Board may arbitrate the matter submitted.

Maximum hours of labor; agreement and acceptance.

(g) Whenever the maximum daily and weekly hours of labor are agreed upon in any contract or contracts negotiated between the producers of more than two-thirds the annual national tonnage production for the preceding calendar year and the representatives of more than one-half the mine workers employed, such maximum hours of labor shall be accepted by all the code members. The wage agreement or agreements negotiated by collective bargaining in any district or group of two or more districts, between representatives of producers of more than two-thirds of the annual tonnage production of such district or each of such districts in a contracting group during the preceding calendar year, and representatives of the majority of the mine workers therein, shall be filed with the Labor Board and shall be accepted as the minimum wages for the various classifications of labor by the code members operating in such district or group of districts.

Wage agreements.

Filing and acceptance.

Organization of the code.

#### ORGANIZATION OF THE CODE

Duty of Commission to formulate code and assist in organizing district board.

Acceptance of membership by producers.

SEC. 5. (a) Upon the appointment of the Commission it shall at once formulate said code and assist in the organization of the district boards as provided for in section 4, and shall prepare and supply to all coal producers forms of acceptance for membership therein. Such forms of acceptances, when executed, shall be acknowledged before any official authorized to take acknowledgments.

Revocation of acceptance.

(b) The membership of any such coal producer in such code and his right to a drawback on the taxes levied under section 3 of this Act, may be revoked by the Commission upon written complaint by any party in interest, after a hearing, with thirty days' written notice to the member, upon proof that such member has willfully failed or refused to comply with any duty or requirement imposed upon him by reason of his membership; and in such a hearing any party in interest, including the district boards, other code members, consumers, employees, and the Commissioner of Internal Revenue, shall be entitled to present evidence and be heard: *Provided*, That the Commission, in its discretion, may in such case make an order directing the code member to cease and desist from violations of the code and upon failure of the code member to comply with such order the Commission may reopen the case upon ten days' notice to the code member affected and proceed in the hearing thereof as above provided.

Hearing.

*Proviso.*  
Cease and desist orders.

The Commission shall keep a record of the evidence heard by it in any proceeding to cancel or revoke the membership of any code member and its findings of fact if supported by any substantial evidence shall be conclusive upon any proceeding to review or restrain the action and order of the Commission in any court of the United States.

Record of proceedings.

When an alleged violation of the code relates to the provisions of part III of section 4 of this Act, the Commission shall accept as conclusive the certified findings and orders of the Labor Board and inquire only into the compliance or noncompliance of the code member with respect thereto.

(c) Any producer whose membership in the code and whose right to a drawback on the taxes as provided under this Act has been canceled, shall have the right to have his membership restored upon payment by him of all taxes in full for the time during which it shall be found by the Commission that his violation of the code or of any regulation thereunder, the observance of which is required by its terms, shall have continued. In making its findings under this subsection the Commission shall state specifically (1) the period of time during which such violation continued, and (2) the amount of taxes required to be paid to bring about reinstatement as a code member.

Restoration of membership.

(d) Any code member who shall be injured in his business or property by any other code member by reason of the doing of any act which is forbidden or the failure to do any act which is required by this Act or by the code, may sue therefor in any district court of the United States in the district in which the defendant resides, or is found or has an agent, without respect to the amount in controversy, and shall recover three-fold damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

Suits by code member producer.

Damages and costs.

SEC. 6. (a) All rules, regulations, determinations, and promulgations of any district board shall be subject to review by the Commission upon appeal by any producer and upon just cause shown shall be amenable to the order of the Commission; and appeal to the Commission shall be a matter of right in all cases to every producer and to all parties in interest. The Commission may also provide rules for the determination of controversies arising under this Act by voluntary submission thereof to arbitration, which determination shall be final and conclusive.

Rules, etc., of district board; review.

(b) Any person aggrieved by an order issued by the Commission or Labor Board in a proceeding to which such person is a party 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 United States Court of Appeals for 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 or Labor Board be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon any member of the Commission or Labor Board, as the case may be, and thereupon the Commission or Labor Board, as the case may be, shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, and enforce or set aside such order, in whole or in part. No objection to the order of the Commission or Labor Board shall be considered by the court unless such objection shall have been urged below. The finding of the Commission or Labor Board as to the facts, if supported by substantial evidence,

Review of order of Commission or Labor Board.

Petition to be filed.

Service of copy.

Certification and filing of transcript of court record.

Jurisdiction of court.

Consideration of objections.

Findings of fact.

- Additional 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 or Labor Board, the court may order such additional evidence to be taken before the Commission or Labor Board 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 or Labor Board, as the case may be, 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 substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court, affirming, modifying, and enforcing or setting aside, in whole or in part, any such order of the Commission or Labor Board, as the case may be, 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).
- Modification of findings of fact. The commencement of proceedings under this subsection shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.
- Finality of judgment and decree. (c) If any code member fails or neglects to obey any order of the Commission while the same is in effect, the Commission in its discretion may apply to the Circuit Court of Appeals of the United States within any circuit where such code member resides or carries on business, for the enforcement of its order, and shall certify and file with its application a transcript of the entire record in the proceeding, including all the testimony taken and the report and order of the Commission. Upon such filing of the application and transcript the court shall cause notice thereof to be served upon such code member and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the Commission. The findings of the Commission as to facts, if supported by substantial 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 the failure to adduce such evidence in the proceeding 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.
- Review. U. S. C., p. 1271. The Commission may modify its findings as to the facts or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which if supported by substantial evidence shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court 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).
- Commencement of proceedings not to stay Commission's order. (d) The jurisdiction of the Circuit Court of Appeals of the United States or the United States Court of Appeals for the District of Columbia, as the case may be, to enforce, set aside, or modify orders of the Commission or Labor Board shall be exclusive.
- Enforcement of Commission's order. Jurisdiction of court. Findings of fact. Additional evidence. Modification of findings of fact. Finality of judgment and decree. U. S. C., p. 1271. Review.

Such proceedings in the Circuit Court of Appeals or the United States Court of Appeals for the District of Columbia, as the case may be, shall be given precedence over other cases pending therein, and shall be in every way expedited.

SEC. 7. All provisions of the law, including penalties and refunds, relating to the collection and disposition of internal revenue taxes, shall, insofar as applicable and not inconsistent with the provisions of this Act, be applicable with respect to taxes imposed under this Act. Laws applicable to tax provisions.

SEC. 8. (a) The members of the Commission and of the Labor Board are authorized to administer oaths to witnesses appearing before their respective boards; and, for the purpose of conducting its investigations, said Commission or the said Labor Board shall have full power to issue subpoenas and subpoenas duces tecum, which shall be as nearly as may be in the form of subpoenas issued by district courts of the United States. In case any person shall fail or refuse to obey such subpoena it shall be the duty of the Commission, or the Labor Board, through its chairman, to make application to the District Court of the United States setting forth the issue and service of such subpoena and the refusal of the person to obey the same and requesting such court to compel such person to appear before such court and show lawful cause for such refusal. Upon the filing of such application with the clerk of such court, it shall be the duty of the judge thereof, either in term time or vacation, to forthwith enter an order of record, requiring such person to appear before such court at a time stated in said order within three days from such entry, and show cause why he should not be required to obey such subpoena, and upon his failure to show cause it shall be the duty of the court to order such witness to appear before the said Commission or Labor Board and give such testimony or produce such evidence as may be lawfully required by said Commission or Labor Board. The district court, either in term time or vacation, shall have full power to punish for contempt as in other cases of refusal to obey the process and order of such court. General authority of Commission and of Labor Board.

(b) In the investigation of any complaint or violation of the code, or of any rule or regulation the observance of which is required under the terms thereof, the Commission or the Labor Board, as the case may be, shall have power to require such reports from, and shall be given access to inspect the books and records of, code members to the extent deemed necessary for the purpose of determining the complaint. Refusals to obey subpoena.

SEC. 9. Should any producer or producers of bituminous coal not accept and maintain membership under the code set out in section 4 of this Act, he or they shall in addition to the tax herein provided and without the privilege of any drawback thereon, be held subject to other Acts of Congress regulating industries and their labor relations or providing for codes of fair competition therein: *Provided*, That the employees of all producers shall have the right of self-organization and collective bargaining through representatives of their own choosing free from the interference, restraint, or coercion of employers or their agents, all as set forth in section 4, part III (a) and (b), of this Act. Contempts.

SEC. 10. (a) The Commission may require reports from producers and may use such other sources of information available as it deems advisable, and may require producers to maintain a uniform system of accounting of costs, wages, operations, sales, profits, losses, and such other matters as may be required in the administration of this Reports.

<sup>1</sup> So in original.

Producer nonmembers; provisions of Act, etc., applicable to.

*Proviso.*  
Employees' right of self-organization and collective bargaining.

Producers' reports; requirement.

Uniform accounting systems.

Confidential nature of information.

Act. No information obtained from a producer disclosing costs of production or sales realization shall be made public without the consent of the producer from whom the same shall have been obtained, except where such disclosure is warranted by a controversy with the producer over any order of the Commission and except that such information may be compiled in composite form in such manner as shall not be injurious to the interests of any producer and, as so compiled, may be published by the Commission.

Punishment for unlawfully divulging information.

(b) Any officer or employee of the Commission or of any district board who shall, in violation of the provisions of subsection (a), make public any information obtained by the Commission or the district board, without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$500, or by imprisonment not exceeding six months, or by both fine and imprisonment, in the discretion of the court.

Punishment for failure to file required report.

(c) If any producer required by this Act or the code to file a report shall fail to do so within the time fixed for filing the same, and such failure shall continue for thirty days after notice of such default, the producer shall forfeit to the United States the sum of \$50 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States, brought in the district where the producer has his principal office or in any district in which he shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeiture.

Forfeiture.

Recovery of.

State laws.

SEC. 11. State laws regulating the mining of coal not inconsistent herewith are not affected by this Act.

Coal contracted for prior to effective date hereof; minimum price.

SEC. 12. No coal may be delivered upon a contract made prior to the effective date of this Act at a price below the minimum price at the time of delivery upon such contract, as established pursuant to Part II of section 4 of this Act, and such contract shall be invalid and unenforceable: *Provided*, That this prohibition shall not apply (a) to a lawful and bona fide written contract entered into prior to October 2, 1933; nor (b) to a lawful and bona fide written contract entered into subsequent to that date and prior to May 27, 1935, at not less than the minimum price current as published under the Code of Fair Competition for the Bituminous Coal Industry, pursuant to the National Industrial Recovery Act, at the time of making of such contract; nor (c) to a lawful and bona fide written contract entered into on or after May 27, 1935, and prior to the date of the approval of this Act, at not less than the minimum price for current sale as published under said code of fair competition, as at May 27, 1935.

*Proviso.*  
Exempted contracts.

Unlawful producer combinations.

SEC. 13. Any combination between producers creating a marketing agency for the disposal of competitive coals in interstate commerce at prices to be determined by such agency or by the agreement of the producers operating through such agency, shall be unlawful as a restraint of interstate trade and commerce within the provisions of the Act of Congress of July 2, 1890, known as the Sherman Act, and Acts amendatory and supplemental thereto, unless such marketing agency shall have been approved by the Commission as provided in section 4 of this Act.

Vol. 26, p. 209; U. S. C., p. 509.

Restriction on coal purchases by United States, etc.

SEC. 14. (a) No bituminous coal shall be purchased by the United States, or any department or agency thereof, produced at any mine, where the producer has not complied with the provisions of the code set out in section 4 of this Act.

(b) Each contract made by the United States, or any department or agency thereof, with a contractor for any public work, or service, shall contain a provision that the contractor will buy no bituminous coal to use on or in the carrying out of such contract from any producer except such producer be a member of the code set out in section 4 of this Act as certified to by the National Bituminous Coal Commission.

Government contracts; requirement.

SEC. 15. 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 of provisions.

#### OTHER DUTIES OF THE COMMISSION

SEC. 16. The Commission shall study and investigate the matter of increasing the uses of bituminous coal and the problems of its importation and exportation; and shall further investigate—

Other duties of the Commission.

Studies and investigations.

(1) The economic operations of mines with the view to the conservation of the national coal resources.

(2) The safe operation of mines for the purpose of minimizing working hazards, and for such purpose shall be authorized to employ the services of the Bureau of Mines.

(3) The rehabilitation of mine workers displaced from employment, and the relief of mine workers partially employed. The Commission's findings and recommendations shall be transmitted to the proper agency of the Government for relief, rehabilitation, and subsistence homesteads.

(4) The problem of marketing to lower distributing costs for the benefit of consumers.

(5) The Commission shall, as soon as reasonably possible after its appointment, investigate the necessity for the control of production of bituminous coal and methods of such control, including allotment of output to districts and producers within such districts, and shall hold hearings thereon, and shall report its conclusions and recommendations to the Secretary of the Interior for transmission by him to Congress not later than January 6, 1936.

SEC. 17. Upon substantial complaint that bituminous-coal prices are excessive, and oppressive of consumers, or that any district board, or producers' marketing agency, is operating against the public interest, or in violation of this Act, the Commission may hear such complaint, or appoint a committee to investigate the same, and its findings shall be made public; and the Commission shall make proper orders within the purview of this Act so as to correct such abuses. Complaints may be made under this section by any State or political subdivision of a State.

Complaints respecting excessive coal prices.

Investigation.

Correction of abuses.

SEC. 18. To safeguard the interests of those concerned in the mining, transportation, selling, and consumption of coal, the Commission is hereby vested with authority to make complaint to the Interstate Commerce Commission with respect to rates, charges, tariffs and practices relating to the transportation of coal, and to prosecute the same. Before proceeding to hear and dispose of any complaint filed by another than the Commission, involving the transportation of coal, the Interstate Commerce Commission shall cause the Commission to be notified of the proceeding and, upon application of the Commission, shall permit the Commission to appear and be heard. The Interstate Commerce Commission is authorized to avail itself of the cooperation, services, records and facilities of the Commission.

Complaints to Interstate Commerce Commission respecting transportation costs.

SEC. 19. The term "bituminous coal" as used in this Act shall include all bituminous, semibituminous, and subbituminous coal and

Terms construed.  
"Bituminous coal."

"Producer."

"Captive coal."

Effective date of section 3.

*Ante*, p. 993.

Of other sections.

Duration of Act.

Appropriation authorized.

Short title.

Annex to Act—  
Schedule of Districts.

Eastern Pennsylv-  
ania.

Western Pennsylv-  
ania.

lignite. The term "producer" shall include all persons, firms, associations, corporations, trustees, and receivers engaged in mining bituminous coal. The term "captive coal" shall include all coal produced at a mine for consumption by the producer or by a subsidiary or affiliate thereof, or for use in the production of coke or other forms of manufactured fuel by such producer or subsidiary or affiliate.

SEC. 20. Section 3 of this Act shall become effective on the 1st day of the third calendar month after the enactment of this Act, unless the Commission shall not at that time have formulated the code and forms of acceptance for membership therein, in which event section 3 of this Act shall become effective from and after the date when the Commission shall have formulated the code and such forms for acceptance, which date shall be promulgated by Executive order of the President of the United States. All other sections of this Act shall become effective on the day of the approval of this Act.

SEC. 21. This Act shall cease to be in effect and any agencies established thereunder shall cease to exist on and after four years from the date of the approval of this Act.

SEC. 22. There is hereby authorized to be appropriated from time to time such sums as may be necessary for the administration of this Act.

SEC. 23. This Act may be cited as the "Bituminous Coal Conservation Act of 1935."

## ANNEX TO ACT—SCHEDULE OF DISTRICTS

### EASTERN PENNSYLVANIA

**DISTRICT 1.** The following counties in Pennsylvania: Bedford, Blair, Bradford, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Elk, Forest, Fulton, Huntingdon, Jefferson, Lycoming, McKean, Mifflin, Potter, Somerset, Tioga.

Armstrong County, including mines served by the P. & S. R. R. on the west bank of the Allegheny River, and north of the Conemaugh division of the Pennsylvania Railroad.

Fayette County, all mines on and east of the line of Indian Creek Valley branch of the Baltimore and Ohio Railroad.

Indiana County, north of but excluding the Saltsburg branch of the Pennsylvania Railroad between Edri and Blairsville, both exclusive.

Westmoreland County, including all mines served by the Pennsylvania Railroad, Torrance, and east.

All coal-producing counties in the State of Maryland.

The following counties in West Virginia: Grant, Mineral, and Tucker.

### WESTERN PENNSYLVANIA

**DISTRICT 2.** The following counties in Pennsylvania: Allegheny, Beaver, Butler, Greene, Lawrence, Mercer, Venango, Washington.

Armstrong County, west of the Allegheny River and exclusive of mines served by the P. & S. R. R.

Indiana County, including all mines served on the Saltsburg branch of the Pennsylvania Railroad north of Conemaugh River.

Fayette County, except all mines on and east of the line of Indian Creek Valley branch of the Baltimore and Ohio Railroad.

Westmoreland County, including all mines except those served by the Pennsylvania Railroad from Torrance, east.



## NORTHERN WEST VIRGINIA

Northern West Vir-  
ginia.

**DISTRICT 3.** The following counties in West Virginia: Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tyler, Upshur, Webster, Wetzel, Wirt, Wood.

That part of Nicholas County including mines served by the Baltimore and Ohio Railroad and north.

## OHIO

Ohio.

**DISTRICT 4.** All coal-producing counties in Ohio.

## MICHIGAN

Michigan.

**DISTRICT 5.** All coal-producing counties in Michigan.

## PANHANDLE

Panhandle.

**DISTRICT 6.** The following counties in West Virginia: Brooke, Hancock, Marshall, and Ohio.

## SOUTHERN NUMBERED 1

Southern numbered  
1.

**DISTRICT 7.** The following counties in West Virginia: Greenbrier, Mercer, Monroe, Pocahontas, Summers.

Fayette County, east of Gauley River and including the Gauley River branch of the Chesapeake and Ohio Railroad and mines served by the Virginia Railway.

McDowell County, that portion served by the Dry Fork branch of the Norfolk and Western Railroad and east thereof.

Raleigh County, excluding all mines on the Coal River branch of the Chesapeake and Ohio Railroad.

Wyoming County, that portion served by the Gilbert branch of the Virginian Railroad lying east of the mouth of Skin Fork of Guyandot River and that portion served by the main line and the Glen Rogers branch of the Virginian Railroad.

The following counties in Virginia: Montgomery, Pulaski, Wythe, Giles, Craig.

Tazewell County, that portion served by the Dry Fork branch to Cedar Bluff and from Bluestone Junction to Boissevain branch of the Norfolk and Western Railroad and Richlands-Jewell Ridge Branch of the Norfolk and Western Railroad.

Buchanan County, that portion served by the Richlands-Jewell Ridge branch of the Norfolk and Western Railroad and that portion of said county on the head waters of Dismal Creek, east of Lynn Camp Creek (a tributary of Dismal Creek).

## SOUTHERN NUMBERED 2

Southern numbered  
2.

**DISTRICT 8.** The following counties in West Virginia: Boone, Clay, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, Wayne, Cabell.

Fayette County, west of, but not including mines of the Gauley River branch of the Chesapeake and Ohio Railroad.

McDowell County, that portion not served by and lying west of the Dry Fork branch of the Norfolk and Western Railroad.

Raleigh County, all mines on the Coal River branch of the Chesapeake and Ohio Railroad and north thereof.

Nicholas County, that part south of and not served by the Baltimore and Ohio Railroad.

Wyoming County, that portion served by Gilbert branch of the Virginian Railroad lying west of the mouth of Skin Fork of Guyandot River.

The following counties in Virginia: Dickinson, Lee, Russell, Scott, Wise.

All of Buchanan County, except that portion on the head waters of Dismal Creek, east of Lynn Camp Creek (tributary of Dismal Creek) and that portion served by the Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

Tazewell County, except portions served by the Dry Fork branch of Norfolk and Western Railroad and branch from Bluestone Junction to Boissevain of Norfolk and Western Railroad and Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

The following counties in Kentucky: Bell, Boyd, Breathitt, Carter, Clay, Elliott, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Letcher, Leslie, McCreary, Magoffin, Martin, Morgan, Owsley, Perry, Pike, Rockcastle, Wayne, Whitley.

The following counties in Tennessee: Anderson, Campbell, Claiborne, Cumberland, Fentress, Morgan, Overton, Roane, Scott.

The following counties in North Carolina: Lee, Chatham, Moore.

West Kentucky.

#### WEST KENTUCKY

DISTRICT 9. The following counties in Kentucky: Butler, Christian, Crittenden, Daviess, Hancock, Henderson, Hopkins, Logan, McLean, Muhlenberg, Ohio, Simpson, Todd, Union, Warren, Webster.

Illinois.

#### ILLINOIS

DISTRICT 10. All coal-producing counties in Illinois.

Indiana.

#### INDIANA

DISTRICT 11. All coal-producing counties in Indiana.

Iowa.

#### IOWA

DISTRICT 12. All coal-producing counties in Iowa.

Southeastern.

#### SOUTHEASTERN

DISTRICT 13. All coal-producing counties in Alabama.

The following counties in Georgia: Dade, Walker.

The following counties in Tennessee: Marion, Grundy, Hamilton, Bledsoe, Sequatchie, White, Van Buren, Warren, McMinn, Rhea.

Arkansss-Oklahoma.

#### ARKANSAS-OKLAHOMA

DISTRICT 14. The following counties in Arkansas: All counties in the State.

The following counties in Oklahoma: Haskell, Le Flore, Sequoyah.

Southwestern.

#### SOUTHWESTERN

DISTRICT 15. All coal-producing counties in Kansas. All coal-producing counties in Texas. All coal-producing counties in Missouri.

The following counties in Oklahoma: Coal, Craig, Latimer, Muskogee, Okmulgee, Pittsburg, Rogers, Tulsa, Wagoner.

Northern Colorado.

#### NORTHERN COLORADO

DISTRICT 16. The following counties in Colorado: Adams, Arapahoe, Boulder, Douglas, Elbert, El Paso, Jackson, Jefferson, Larimer, Weld.

SOUTHERN COLORADO

Southern Colorado.

DISTRICT 17. The following counties in Colorado: All counties not included in northern Colorado district.

The following counties in New Mexico: All coal-producing counties in the State of New Mexico, except those included in the New Mexico district.

NEW MEXICO

New Mexico.

DISTRICT 18. The following counties in New Mexico: Grant, Lincoln, McKinley, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro.

WYOMING

Wyoming.

DISTRICT 19. All coal-producing counties in Wyoming.

UTAH

Utah.

DISTRICT 20. All coal-producing counties in Utah.

NORTH DAKOTA-SOUTH DAKOTA

North Dakota-South Dakota.

DISTRICT 21. All coal-producing counties in North Dakota. All coal-producing counties in South Dakota.

MONTANA

Montana.

DISTRICT 22. All coal-producing counties in Montana.

WASHINGTON

Washington.

DISTRICT 23. All coal-producing counties in Washington.

Approved, August 30, 1935.

[CHAPTER 825.]

AN ACT

To amend the Act approved March 3, 1931, relating to the rate of wages for laborers and mechanics employed by contractors and subcontractors on public buildings.

August 30, 1935.  
[S. 3303.]  
[Public, No. 403.]

*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 relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors or subcontractors, and for other purposes", approved March 3, 1931, is amended to read as follows:

Rate of wages for laborers and mechanics employed on public buildings.  
Vol. 46, p. 1494;  
U. S. C., p. 1788.  
Post, p. 1347.

"That the advertised specifications for every contract in excess of \$2,000, to which the United States or the District of Columbia is a party, for construction, alteration, and/or repair, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, and which requires or involves the employment of mechanics and/or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, village, or other civil subdivision of the State in which the work is to be performed, or in the District

Provision in advertised specifications respecting minimum wages.

Determination of local prevailing rate.

Stipulations in contracts respecting payments.	of Columbia if the work is to be performed there; and every contract based upon these specifications shall contain a stipulation that the contractor or his subcontractor shall pay all mechanics and laborers employed directly upon the site of the work, unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not less than those stated in the advertised specifications, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics, and that the scale of wages to be paid shall be posted by the contractor in a prominent and easily accessible place at the site of the work; and the further stipulation that there may be withheld from the contractor so much of accrued payments as may be considered necessary by the contracting officer to pay to laborers and mechanics employed by the contractor or any subcontractor on the work the difference between the rates of wages required by the contract to be paid laborers and mechanics on the work and the rates of wages received by such laborers and mechanics and not refunded to the contractor, subcontractors, or their agents.
Posting of wage scale.	
Withholding portion of accrued payments from contractor.	
Termination of right of contractor to proceed.	<p>“SEC. 2. Every contract within the scope of this Act shall contain the further provision that in the event it is found by the contracting officer that any laborer or mechanic employed by the contractor or any subcontractor directly on the site of the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid as aforesaid, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been a failure to pay said required wages and to prosecute the work to completion by contract or otherwise, and the contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.</p>
Notice required.	
Liability of contractor.	
Payment of accrued payments withheld from laborers.	<p>“SEC. 3. (a) The Comptroller General of the United States is hereby authorized and directed to pay directly to laborers and mechanics from any accrued payments withheld under the terms of the contract any wages found to be due laborers and mechanics pursuant to this Act; and the Comptroller General of the United States is further authorized and is directed to distribute a list to all departments of the Government giving the names of persons or firms whom he has found to have disregarded their obligations to employees and subcontractors. No contract shall be awarded to the persons or firms appearing on this list or to any firm, corporation, partnership, or association in which such persons or firms have an interest until three years have elapsed from the date of publication of the list containing the names of such persons or firms.</p>
List of contractors disregarding obligations.	
Prohibition on awarding contracts.	
Right of action against contractor and sureties.	<p>“(b) If the accrued payments withheld under the terms of the contract, as aforesaid, are insufficient to reimburse all the laborers and mechanics with respect to whom there has been a failure to pay the wages required pursuant to this Act, such laborers and mechanics shall have the right of action and/or of intervention against the contractor and his sureties conferred by law upon persons furnishing labor or materials, and in such proceedings it shall be no defense that such laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds.</p>
Establishment of specific wage rates.	<p>“SEC. 4. This Act shall not be construed to supersede or impair any authority otherwise granted by Federal law to provide for the establishment of specific wage rates.</p>

"SEC. 5. This Act shall take effect thirty days after its passage, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this Act.

"SEC. 6. In the event of a national emergency the President is authorized to suspend the provisions of this Act.

"SEC. 7. The funds appropriated and made available by the Emergency Relief Appropriation Act of 1935 (Public Resolution Numbered 11, Seventy-fourth Congress), are hereby made available for the fiscal year ending June 30, 1936, to the Department of Labor for expenses of the administration of this Act."

Approved, August 30, 1935.

Effective date.

Suspension authorized.

Appropriation available for administrative expenses.  
*Ante*, p. 115.

[CHAPTER 826.]

AN ACT

To provide for the donation of certain Army equipment to posts of the Veterans of Foreign Wars.

August 30, 1935.  
[H. R. 7199.]  
[Public, No. 404.]

*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 for the donation of certain Army equipment to posts of the American Legion", approved May 29, 1934, is amended (1) by striking out the words "of the American Legion" where they appear the first time in such Act, and adding the words "or camp of organizations composed of honorably discharged soldiers, sailors, or marines,"; (2) by striking out the comma after the word "post" where it appears in the expression "now held by such post" and adding "or camp,"; and (3) striking out the words "of the American Legion" where they appear the third time in such Act and adding the words "or camps or organizations composed of honorably discharged soldiers, sailors, or marines".

Army equipment. Donations of obsolete, extended.  
Vol. 48, p. 815, amended.

Approved, August 30, 1935.

[CHAPTER 827.]

AN ACT

To provide funds for cooperation with Cannon Ball School District, Sioux County, North Dakota, for extension of public-school buildings to be available for Indian children.

August 30, 1935.  
[H. R. 8511.]  
[Public, No. 405.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby authorized to be expended from any moneys now available and applicable, or that may become applicable hereafter available, for construction under provisions of the National Industrial Recovery Act approved June 16, 1933, the sum of \$30,000 for the purpose of cooperating with Cannon Ball School District, Sioux County, North Dakota, for extension and improvements of school buildings: *Provided*, That the expenditure of any moneys so appropriated shall be subject to the condition that the schools maintained by said district shall be available to all the Indian children of the district on the same terms, except as to payment of tuitions, as other children of said school district, subject to such further conditions as may be prescribed by the Secretary of the Interior.

Sioux County, N. Dak.  
Cooperation with Cannon Ball District, for school building extension.  
Vol. 48, p. 200.

*Proviso.*  
Available for Indian children.

Approved, August 30, 1935.

## [CHAPTER 828.]

## AN ACT

August 30, 1935.  
[H. R. 8512.]  
[Public, No. 406.]

To provide funds for cooperation with Fort Yates School District, Sioux County, North Dakota, for extension of public-school buildings to be available for Indian children.

Sioux County, N. Dak.  
Cooperation with Fort Yates District, for school building construction.  
Vol. 48, p. 200.

*Proviso.*  
Available for Indian children.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be expended from any moneys now available and applicable, or that may become applicable hereafter available, for construction under provisions of the National Industrial Recovery Act, approved June 16, 1933, the sum of \$97,000 for the purpose of cooperating with Fort Yates School District, Sioux County, North Dakota, for extension and improvements of school buildings: *Provided,* That the expenditure of any moneys so appropriated shall be subject to the condition that the schools maintained by said district shall be available to all the Indian children of the district on the same terms, except as to payment of tuitions, as other children of said school district, subject to such further conditions as may be prescribed by the Secretary of the Interior.

Approved, August 30, 1935.

## [CHAPTER 829.]

## AN ACT

August 30, 1935.  
[H. R. 8974.]  
[Public, No. 407.]

To provide revenue, equalize taxation, and for other purposes.

Revenue Act of 1935.

*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 "Revenue Act of 1935".

Title I—Income and Excess-profits Taxes.

## TITLE I—INCOME AND EXCESS-PROFITS TAXES

Surtaxes on individuals.

## SEC. 101. SURTAXES ON INDIVIDUALS

Vol. 48, p. 684.  
Post, p. 1673.

Section 12(b) of the Revenue Act of 1934 is amended by striking out all after the bracket—

"\$6,080 upon surtax net incomes of \$44,000; and upon surtax net incomes in excess of \$44,000 and not in excess of \$50,000, 27 per centum in addition of such excess."

and inserting in lieu thereof the following:

"\$7,700 upon surtax net incomes of \$50,000; and upon surtax net incomes in excess of \$50,000 and not in excess of \$56,000, 31 per centum in addition of such excess.

"\$9,560 upon surtax net incomes of \$56,000; and upon surtax net incomes in excess of \$56,000 and not in excess of \$62,000, 35 per centum in addition of such excess.

"\$11,660 upon surtax net incomes of \$62,000; and upon surtax net incomes in excess of \$62,000 and not in excess of \$68,000, 39 per centum in addition of such excess.

"\$14,000 upon surtax net incomes of \$68,000; and upon surtax net incomes in excess of \$68,000 and not in excess of \$74,000, 43 per centum in addition of such excess.

"\$16,580 upon surtax net incomes of \$74,000; and upon surtax net incomes in excess of \$74,000 and not in excess of \$80,000, 47 per centum in addition of such excess.

"\$19,400 upon surtax net incomes of \$80,000; and upon surtax net incomes in excess of \$80,000 and not in excess of \$90,000, 51 per centum in addition of such excess.

"\$24,500 upon surtax net incomes of \$90,000; and upon surtax net incomes in excess of \$90,000 and not in excess of \$100,000, 55 per centum in addition of such excess.

Rates.

"\$30,000 upon surtax net incomes of \$100,000; and upon surtax net incomes in excess of \$100,000 and not in excess of \$150,000, 58 per centum in addition of such excess.

"\$59,000 upon surtax net incomes of \$150,000; and upon surtax net incomes in excess of \$150,000 and not in excess of \$200,000, 60 per centum in addition of such excess.

"\$89,000 upon surtax net incomes of \$200,000; and upon surtax net incomes in excess of \$200,000 and not in excess of \$250,000, 62 per centum in addition of such excess.

"\$120,000 upon surtax net incomes of \$250,000; and upon surtax net incomes in excess of \$250,000 and not in excess of \$300,000, 64 per centum in addition of such excess.

"\$152,000 upon surtax net incomes of \$300,000; and upon surtax net incomes in excess of \$300,000 and not in excess of \$400,000, 66 per centum in addition of such excess.

"\$218,000 upon surtax net incomes of \$400,000; and upon surtax net incomes in excess of \$400,000 and not in excess of \$500,000, 68 per centum in addition of such excess.

"\$286,000 upon surtax net incomes of \$500,000; and upon surtax net incomes in excess of \$500,000 and not in excess of \$750,000, 70 per centum in addition of such excess.

"\$461,000 upon surtax net incomes of \$750,000; and upon surtax net incomes in excess of \$750,000 and not in excess of \$1,000,000, 72 per centum in addition of such excess.

"\$641,000 upon surtax net incomes of \$1,000,000; and upon surtax net incomes in excess of \$1,000,000 and not in excess of \$2,000,000, 73 per centum in addition of such excess.

"\$1,371,000 upon surtax net incomes of \$2,000,000; and upon surtax net incomes in excess of \$2,000,000 and not in excess of \$5,000,000, 74 per centum in addition of such excess.

"\$3,591,000 upon surtax net incomes of \$5,000,000; and upon surtax net incomes in excess of \$5,000,000, 75 per centum in addition of such excess."

## SEC. 102. INCOME TAXES ON CORPORATIONS

(a) Section 13 (a) of the Revenue Act of 1934 is amended to read as follows:

"(a) **RATE OF TAX.**—There shall be levied, collected, and paid for each taxable year upon the net income (in excess of the credit against net income provided in section 26) of every corporation, a tax as follows:

"Upon net incomes not in excess of \$2,000, 12½ per centum.

"\$250 upon net incomes of \$2,000; and upon net incomes in excess of \$2,000 and not in excess of \$15,000, 13 per centum in addition of such excess.

"\$1,940 upon net incomes of \$15,000; and upon net incomes in excess of \$15,000 and not in excess of \$40,000, 14 per centum in addition of such excess.

"\$5,440 upon net incomes of \$40,000; and upon net incomes in excess of \$40,000, 15 per centum in addition of such excess."

(b) Section 141(c) of the Revenue Act of 1934 is amended by striking out "except that there shall be added to the rate of tax prescribed by section 13(a) a rate of 2 per centum, but the tax at such increased rate shall be considered as imposed by section 13(a)" and by inserting in lieu thereof the following: "except that the rate of tax shall be 15¾ per centum, in lieu of the rates prescribed by section 13(a), but the tax at such rate of 15¾ per centum shall be considered as imposed by section 13(a)".

Income tax on corporations.  
Vol. 48, p. 686.

Rate of tax.

Vol. 48, p. 721.  
Computation and  
payment of tax.

Vol. 48, p. 691.  
Deductions from  
gross income.

Charitable and other  
contributions by cor-  
porations.

Vol. 48, p. 733.  
Deductions from  
gross income by insur-  
ance companies other  
than life or mutual.

Vol. 48, p. 737.  
Deductions allowed  
foreign corporations.

Vol. 48, p. 724.  
Payment of corpora-  
tion income tax at  
source.

Amount.

Vol. 48, p. 723.  
Withholding of inter-  
est on tax-free cove-  
nant bonds.

Foreign corporations.

Vol. 48, p. 690.  
Deductions from  
gross income.  
Dividends received  
by corporations.

Vol. 48, p. 724.  
Payment of corpora-  
tion income tax at  
source.

Vol. 48, p. 690.

(c) Section 23 of the Revenue Act of 1934 (relating to deductions from gross income) is amended by adding at the end thereof a new subsection as follows:

“(r) CHARITABLE AND OTHER CONTRIBUTIONS BY CORPORATIONS.—In the case of a corporation, contributions or gifts made within the taxable year to or for the use of a domestic corporation, or domestic trust, or domestic community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes or the prevention of cruelty to children (but in the case of contributions or gifts to a trust, chest, fund, or foundation, only if such contributions or gifts are to be used within the United States exclusively for such purposes), no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation; to an amount which does not exceed 5 per centum of the taxpayer's net income as computed without the benefit of this subsection. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the Commissioner, with the approval of the Secretary.”

(d) Section 204(c) of the Revenue Act of 1934 (relating to deductions from gross income by insurance companies other than life or mutual) is amended by adding at the end thereof a new paragraph as follows:

“(10) Charitable, and so forth, contributions, as provided in section 23(r).”

(e) Section 232 of the Revenue Act of 1934 (relating to deductions allowed foreign corporations) is amended by inserting “(a) IN GENERAL.—” before the beginning of the section and by inserting at the end thereof the following new subsection:

“(b) CHARITABLE, AND SO FORTH, CONTRIBUTIONS.—The so-called ‘charitable contribution’ deduction allowed by section 23(r) shall be allowed whether or not connected with income from sources within the United States.”

(f) Section 144 of the Revenue Act of 1934 (relating to payment of corporation income tax at source) is amended by inserting after the words “a tax equal to 13¾ per centum” the following: “thereof with respect to all payments of income made before January 1, 1936, and equal to 15 per centum thereof with respect to all payments of income made after December 31, 1935”.

(g) Section 143(a) (1) of the Revenue Act of 1934 (relating to withholding of interest on tax-free covenant bonds) is amended by striking out clause (B) thereof and inserting in lieu thereof the following:

“(B) in the case of such a foreign corporation, 13¾ per centum with respect to all payments of interest made before January 1, 1936, and 15 per centum with respect to all payments of interest made after December 31, 1935, and”.

(h) Section 23(p) of the Revenue Act of 1934 (relating to the deduction of dividends received by corporations) is amended by striking out the words “the amount” and inserting in lieu thereof the following: “90 per centum of the amount”.

(i) Section 144 of the Revenue Act of 1934 is amended by striking out the period at the end thereof and inserting a colon and the following: “*Provided further*, That in the case of the payment, after December 31, 1935, of dividends of the class with respect to which a deduction is allowed by section 23(p), the deduction and withholding provided for in this section shall also apply to 10 per centum



of the amount of the payment: *Provided further*, That the Commissioner, under rules and regulations prescribed by him with the approval of the Secretary, may authorize withholding under this section and section 143(a)(1)(B), in cases where the taxpayer has a taxable year ending on any other date than December 31, at the rate of 13¾ per centum (and, in the case of payments of dividends with respect to which withholding is required, may authorize such payments to be made without withholding) until the beginning of the taxpayer's first taxable year which begins after December 31, 1935."

Vol. 48, p. 723.

#### SEC. 103. INCOME TAX ON LIFE INSURANCE COMPANIES

Sections 201(b)(1) and (2) of the Revenue Act of 1934 are amended by striking out "13¾ per centum of" and inserting in lieu thereof "a tax at the rates specified in section 13 upon".

Income tax on life insurance companies.

Vol. 48, p. 731.  
Rates of tax.

#### SEC. 104. INCOME TAX ON INSURANCE COMPANIES OTHER THAN LIFE OR MUTUAL

Sections 204(a)(1) and (2) of the Revenue Act of 1934 are amended by striking out "13¾ per centum of" and inserting in lieu thereof "a tax at the rates specified in section 13 upon".

Income tax on insurance companies other than life or mutual.

Vol. 48, p. 733.  
Imposition of tax; domestic companies.

#### SEC. 105. CAPITAL STOCK TAX

(a) For each year ending June 30, beginning with the year ending June 30, 1936, 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 \$1.40 for each \$1,000 of the adjusted declared value of its capital stock.

Capital stock tax.

Imposition of excise tax; domestic corporations.

Vol. 48, p. 769.  
Post, p. 1733.

(b) For each year ending June 30, beginning with the year ending June 30, 1936, 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 \$1.40 for each \$1,000 of the adjusted declared value of capital employed in the transaction of its business in the United States.

Foreign corporations.

(c) The taxes imposed by this section shall not apply—

Exemptions.

(1) to any corporation enumerated in section 101 of the Revenue Act of 1934, as amended;

Vol. 48, p. 700.

(2) to any insurance company subject to the tax imposed by section 201, 204, or 207 of such Act, as amended.

Vol. 48, p. 731.

(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 6 per centum per annum 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, insofar 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 imposed by this section, under such rules and regulations as he may prescribe

Returns.

Contents.

Payment of tax.

Tax interest.

Provisions of law applicable.  
Vol. 44, p. 93; U. S. C., pp. 1133, 1134.

Extension of time for making return.

with the approval of the Secretary, but no such extension shall be for more than sixty days.

Publicity of returns.  
Vol. 44, p. 51.

(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.

Determination of adjusted declared value; first year ending June 30.  
Post, p. 1733.

(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, (3) its net income, (4) the excess of its income wholly exempt from the taxes imposed by Title I of the Revenue Act of 1934, as amended, over the amount disallowed as a deduction by section 24(a) (5) of such title, and (5) the amount of the dividend deduction allowable for income tax purposes, and minus (A) the value of property distributed in liquidation to shareholders, (B) distributions of earnings or profits, and (C) the excess of the deductions allowable for income tax purposes over its gross income; adjustment being made for each income-tax taxable year included in 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. The amount of such adjustment for each such year shall be computed (on the basis of a separate return) according to the income tax law applicable to such year. 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 (for the same income-tax taxable years as in the case of a domestic corporation), in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, to reflect increases or decreases in the capital employed in the transaction of its business in the United States.

Subsequent years; domestic corporations.

Vol. 48, pp. 683, 691.

Foreign corporations.

Credit allowed in case of China Trade Act corporation.  
Vol. 42, p. 849; U. S. C., p. 546.

(g) For the purpose of the tax imposed by this section there shall be allowed in the case of a corporation organized under the China Trade Act, 1922, as a credit against the adjusted declared value of its capital stock, an amount equal to the proportion of such adjusted declared value which the par value of the shares of stock of the corporation, owned on the last day of the taxable year by (1) persons resident in China, the United States, or possessions of the United States, and (2) individual citizens of the United States or China wherever resident, bears to the par value of the whole number of shares of stock of the corporation outstanding on such date. For the purposes of this subsection shares of stock of a corporation shall be considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested; and as used in this subsection the term "China" shall have the same meaning as when used in the China Trade Act, 1922.

"China" construed.

Vol. 48, p. 769.

(h) The capital stock tax imposed by section 701 of the Revenue Act of 1934 shall not apply to any taxpayer with respect to any year after the year ending June 30, 1935.

**SEC. 106. EXCESS-PROFITS TAX**

Excess-profits tax.

(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 105, an excess-profits tax equal to the sum of the following:

Imposition.  
Vol. 48, p. 770.

6 per centum of such portion of its net income for such income-tax taxable year as is in excess of 10 per centum and not in excess of 15 per centum of the adjusted declared value;

Computation.

12 per centum of such portion of its net income for such income-tax taxable year as is in excess of 15 per centum of the adjusted declared value.

Determination of adjusted declared value.  
Post, p. 1733.

(b) The adjusted declared value shall be determined as provided in section 105 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). If the income-tax taxable year in respect of which the tax under this section is imposed is a period of less than 12 months, such adjusted declared value shall be reduced to an amount which bears the same ratio thereto as the number of months in the period bears to 12 months. For the purposes of this section the net income shall be the same as the net income for income tax purposes for the year in respect of which the tax under this section is imposed, except that there shall be deducted the amount of income tax imposed for such year by section 13 of the Revenue Act of 1934, as amended.

Vol. 48, p. 686.

(c) All provisions of law (including penalties) applicable in respect of the taxes imposed by Title I of the Revenue Act of 1934, as amended, shall, insofar as not inconsistent with this section, be applicable in respect of the tax imposed by this section, except that the provisions of section 131 of that title shall not be applicable.

Provisions of law applicable.  
Vol. 48, p. 683.

(d) The excess-profits tax imposed by section 702 of the Revenue Act of 1934 shall not apply to any taxpayer with respect to any income-tax taxable year ending after June 30, 1936.

Vol. 48, p. 770.

**SEC. 107. TAXABLE YEARS TO WHICH APPLICABLE**

The amendments made by sections 101, 102 (except subsections (f), (g), and (i) thereof), 103, and 104 shall apply only in the case of taxable years beginning after December 31, 1935.

Taxable years to which applicable.  
Ante, p. 1014.

**SEC. 108. CREDIT ALLOWED CHINA TRADE ACT CORPORATIONS**

(a) Section 261(a) of the Revenue Act of 1934 is amended to read as follows:

Credit allowed China Trade Act corporations.  
Vol. 48, p. 739.

“(a) ALLOWANCE OF CREDIT.—For the purpose only of the taxes imposed by section 13 of this Act and section 106 of the Revenue Act of 1935 there shall be allowed, in the case of a corporation organized under the China Trade Act, 1922, in addition to the credit provided in section 26, a credit against the net income of an amount equal to the proportion of the net income derived from sources within China (determined in a similar manner to that provided in section 119) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by (1) persons resident in China, the United States, or possessions of the United States, and (2) individual citizens of the United States or China wherever resident, bears to the par value of the whole number of shares of stock of the corporation outstanding on such date: *Provided*, That in no case shall the diminution, by reason of such credit, of the tax imposed by such section 13 (computed without regard to this section) exceed the amount of the special dividend certified

Allowance of credit.  
Ante, p. 1015.  
Vol. 42, p. 849; U. S. C., p. 546.

Proviso.  
Limitation.

under subsection (b) of this section; and in no case shall the diminution, by reason of such credit, of the tax imposed by such section 106 (computed without regard to this section) exceed the amount by which such special dividend exceeds the diminution permitted by this section in the tax imposed by such section 13."

Taxable years to which applicable.  
Vol. 48, p. 686; *Ante*, p. 1015.

(b) The amendment made by subsection (a) shall apply, with respect to the tax imposed by section 13 of the Revenue Act of 1934, as amended, only in the case of taxable years beginning after December 31, 1935.

Personal holding companies.  
Vol. 48, p. 751.

#### SEC. 109. PERSONAL HOLDING COMPANIES

(a) Section 351(a) of the Revenue Act of 1934 is amended to read as follows:

Imposition of tax.

"(a) IMPOSITION OF TAX.—There shall be levied, collected, and paid, for each taxable year, upon the undistributed adjusted net income of every personal holding company a surtax equal to the sum of the following:

Rates.

"(1) 20 per centum of the amount thereof not in excess of \$2,000; plus

"(2) 30 per centum of the amount thereof in excess of \$2,000 and not in excess of \$100,000; plus

"(3) 40 per centum of the amount thereof in excess of \$100,000 and not in excess of \$500,000; plus

"(4) 50 per centum of the amount thereof in excess of \$500,000 and not in excess of \$1,000,000; plus

"(5) 60 per centum of the amount thereof in excess of \$1,000,000."

Vol. 48, p. 752.

(b) Section 351(b)(2)(C) of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and distributions (not in complete or partial liquidation and not a 'dividend' as defined in section 115) made during the taxable year out of earnings or profits of such year."

Taxable years to which applicable.

(c) The amendments made by this section shall apply only in the case of taxable years beginning after December 31, 1935.

Corporate liquidations.  
Vol. 48, p. 704.

#### SEC. 110. CORPORATE LIQUIDATIONS

(a) Section 112(b) of the Revenue Act of 1934 is amended by adding after paragraph (5) a new paragraph reading as follows:

Exchange in liquidation.

"(6) EXCHANGE IN LIQUIDATION.—No gain or loss shall be recognized upon the receipt by a corporation of property (other than money) distributed in complete liquidation of another corporation, if the corporation receiving such property on such exchange was on the date of the enactment of the Revenue Act of 1935 and has continued to be at all times until the exchange, in control of such other corporation. As used in this paragraph 'complete liquidation' includes any one of a series of distributions by a corporation in complete cancellation or redemption of all its stock in accordance with a plan of liquidation under which the transfer of the property under the liquidation is to be completed within a time specified in the plan, not exceeding five years from the close of the taxable year during which is made the first of the series of distributions under the plan. If such transfer of property is not completed within the taxable year the Commissioner may require of the taxpayer, as a condition to the non-recognition of gain under this paragraph, such bond, or waiver of the statute of limitations on assessment and collection, or both, as he may deem necessary to insure the assessment and collection of the tax if the transfer of the property is not completed in accordance with the plan. This paragraph shall not apply to any liquidation if any distribution in pursuance thereof has been made before the date of the enactment of the Revenue Act of 1935."

"Complete liquidation" construed.

(b) Section 112(c) (1) of the Revenue Act of 1934 is amended by striking out "or (5)" and inserting in lieu thereof "(5), or (6)".

Vol. 48, p. 704.

(c) Section 112(e) of the Revenue Act of 1934 is amended by striking out "subsection (b) (1) to (5)" and inserting in lieu thereof "subsection (b) (1) to (6)".

Vol. 48, p. 705.

(d) Section 112(i) of the Revenue Act of 1934 is amended by striking out "(4), or (5)" and inserting in lieu thereof "(4), (5), or (6)", and by striking out "(3) or (5)" and inserting in lieu thereof "(3), (5), or (6)".

Vol. 48, pp. 705, 706.

(e) The amendments made by this section shall apply only in the case of taxable years beginning after December 31, 1935.

Taxable years to which applicable.

## TITLE II—AMENDMENTS TO ESTATE TAX

Title II—Amendments to estate tax.

### SEC. 201. ESTATE TAX RATES

Estate tax rates.

(a) Section 401(b) of the Revenue Act of 1932, as amended, is amended to read as follows:

Vol. 47, p. 243; Vol. 48, p. 754; U. S. C., p. 1081.

"(b) The tentative tax referred to in subsection (a) (1) of this section shall equal the sum of the following percentages of the value of the net estate:

"Upon net estates not in excess of \$10,000, 2 per centum.

"\$200 upon net estates of \$10,000; and upon net estates in excess of \$10,000 and not in excess of \$20,000, 4 per centum in addition of such excess.

"\$600 upon net estates of \$20,000; and upon net estates in excess of \$20,000 and not in excess of \$30,000, 6 per centum in addition of such excess.

"\$1,200 upon net estates of \$30,000; and upon net estates in excess of \$30,000 and not in excess of \$40,000, 8 per centum in addition of such excess.

"\$2,000 upon net estates of \$40,000; and upon net estates in excess of \$40,000 and not in excess of \$50,000, 10 per centum in addition of such excess.

"\$3,000 upon net estates of \$50,000; and upon net estates in excess of \$50,000 and not in excess of \$70,000, 12 per centum in addition of such excess.

"\$5,400 upon net estates of \$70,000; and upon net estates in excess of \$70,000 and not in excess of \$100,000, 14 per centum in addition of such excess.

"\$9,600 upon net estates of \$100,000; and upon net estates in excess of \$100,000 and not in excess of \$200,000, 17 per centum in addition of such excess.

"\$26,600 upon net estates of \$200,000; and upon net estates in excess of \$200,000 and not in excess of \$400,000, 20 per centum in addition of such excess.

"\$66,600 upon net estates of \$400,000; and upon net estates in excess of \$400,000 and not in excess of \$600,000, 23 per centum in addition of such excess.

"\$112,600 upon net estates of \$600,000; and upon net estates in excess of \$600,000 and not in excess of \$800,000, 26 per centum in addition of such excess.

"\$164,600 upon net estates of \$800,000; and upon net estates in excess of \$800,000 and not in excess of \$1,000,000, 29 per centum in addition of such excess.

"\$222,600 upon net estates of \$1,000,000; and upon net estates in excess of \$1,000,000 and not in excess of \$1,500,000, 32 per centum in addition of such excess.

"\$382,600 upon net estates of \$1,500,000; and upon net estates in excess of \$1,500,000 and not in excess of \$2,000,000, 35 per centum in addition of such excess.

Estate tax rates—  
Continued.

“\$557,600 upon net estates of \$2,000,000; and upon net estates in excess of \$2,000,000 and not in excess of \$2,500,000, 38 per centum in addition of such excess.

“\$747,600 upon net estates of \$2,500,000; and upon net estates in excess of \$2,500,000 and not in excess of \$3,000,000, 41 per centum in addition of such excess.

“\$952,600 upon net estates of \$3,000,000; and upon net estates in excess of \$3,000,000 and not in excess of \$3,500,000, 44 per centum in addition of such excess.

“\$1,172,600 upon net estates of \$3,500,000; and upon net estates in excess of \$3,500,000 and not in excess of \$4,000,000, 47 per centum in addition of such excess.

“\$1,407,600 upon net estates of \$4,000,000; and upon net estates in excess of \$4,000,000 and not in excess of \$4,500,000, 50 per centum in addition of such excess.

“\$1,657,600 upon net estates of \$4,500,000; and upon net estates in excess of \$4,500,000 and not in excess of \$5,000,000, 53 per centum in addition of such excess.

“\$1,922,600 upon net estates of \$5,000,000; and upon net estates in excess of \$5,000,000 and not in excess of \$6,000,000, 56 per centum in addition of such excess.

“\$2,482,600 upon net estates of \$6,000,000; and upon net estates in excess of \$6,000,000 and not in excess of \$7,000,000, 59 per centum in addition of such excess.

“\$3,072,600 upon net estates of \$7,000,000; and upon net estates in excess of \$7,000,000 and not in excess of \$8,000,000, 61 per centum in addition of such excess.

“\$3,682,600 upon net estates of \$8,000,000; and upon net estates in excess of \$8,000,000 and not in excess of \$9,000,000, 63 per centum in addition of such excess.

“\$4,312,600 upon net estates of \$9,000,000; and upon net estates in excess of \$9,000,000 and not in excess of \$10,000,000, 65 per centum in addition of such excess.

“\$4,962,600 upon net estates of \$10,000,000; and upon net estates in excess of \$10,000,000 and not in excess of \$20,000,000, 67 per centum in addition of such excess.

“\$11,662,600 upon net estates of \$20,000,000; and upon net estates in excess of \$20,000,000 and not in excess of \$50,000,000, 69 per centum in addition of such excess.

“\$32,362,600 upon net estates of \$50,000,000; and upon net estates in excess of \$50,000,000, 70 per centum in addition of such excess.”

(b) Section 401 (c) of the Revenue Act of 1932 (relating to the exemption for the purposes of the additional estate tax) is amended by striking out “\$50,000” and inserting in lieu thereof “\$40,000”.

(c) Section 403 of the Revenue Act of 1932, as amended, (relating to the requirement for filing return under such additional estate tax) is amended by striking out “\$50,000” and inserting in lieu thereof “\$40,000”.

(d) The amendments made by this section shall be effective only with respect to transfers of estates of decedents dying after the date of the enactment of this Act.

#### SEC. 202. ESTATE TAX—VALUATION

(a) Section 302 of the Revenue Act of 1926, as amended, is amended by adding a new subdivision as follows:

“(j) If the executor so elects upon his return (if filed within the time prescribed by law or prescribed by the Commissioner in pursuance of law), the value of the gross estate shall be determined by valuing all the property included therein on the date of the

Vol. 47, p. 244.

Vol. 47, p. 245.

Application of amend-  
ments.

Estate tax—valuation.  
Vol. 44, p. 72; U. S.  
C., p. 1071.

Determination of  
value of gross estate.

decendent's death as of the date one year after the decedent's death, except that (1) property included in the gross estate on the date of death and, within one year after the decedent's death, distributed by the executor (or, in the case of property included in the gross estate under subdivision (c), (d), or (f) of this section, distributed by the trustee under the instrument of transfer), or sold, exchanged, or otherwise disposed of, shall be included at its value as of the time of such distribution, sale, exchange, or other disposition, whichever first occurs, instead of its value as of the date one year after the decedent's death, and (2) any interest or estate which is affected by mere lapse of time shall be included at its value as of the time of death (instead of the later date) with adjustment for any difference in its value as of the later date not due to mere lapse of time. No deduction under this title of any item shall be allowed if allowance for such item is in effect given by the valuation under this subdivision. Wherever in any other subdivision or section of this title or in Title II of the Revenue Act of 1932, reference is made to the value of property at the time of the decedent's death, such reference shall be deemed to refer to the value of such property used in determining the value of the gross estate. In case of an election made by the executor under this subdivision, then for the purposes of the deduction under section 303(a)(3) or section 303(b)(3), any bequest, legacy, devise, or transfer enumerated therein shall be valued as of the date of decedent's death with adjustment for any difference in value (not due to mere lapse of time or the occurrence or nonoccurrence of a contingency) of the property as of the date one year after the decedent's death (substituting the date of sale or exchange in the case of property sold or exchanged during such one-year period)."

Vol. 47, p. 243;  
U. S. C., p. 1081.

(b) The amendment made by this section shall be effective only with respect to transfers of estates of decedents dying after the date of the enactment of this Act.

Application of amendment.

#### SEC. 203. ESTATE TAX—DUE DATE

Estate tax—due date.

(a) Section 305(a) of the Revenue Act of 1926 is amended to read as follows:

Vol. 44, p. 74; U. S. C., p. 1074.

"(a) The tax imposed by this title shall be due and payable fifteen months after the decedent's death, and shall be paid by the executor to the collector."

Time of payment.

(b) Section 305(c) of the Revenue Act of 1926 is amended to read as follows:

Vol. 44, p. 74; U. S. C., p. 1078.

"(c) If the time for the payment is thus extended there shall be collected, as a part of such amount, interest thereon at the rate of 6 per centum per annum from the expiration of three months after the due date of the tax to the expiration of the period of the extension."

Interest on extended payment.

(c) The amendments made by this section shall be effective only with respect to transfers of estates of decedents dying after the date of the enactment of this Act.

Application of amendments.

### TITLE III—AMENDMENTS TO GIFT TAX

Title III—Amendments to gift tax.

#### SEC. 301. GIFT TAX RATES

(a) The gift-tax schedule set forth in section 502 of the Revenue Act of 1932, as amended, is amended to read as follows:

Gift-tax schedule.

Vol. 47, p. 246;  
U. S. C., p. 1082.

"Upon net gifts not in excess of \$10,000, 1½ per centum.

"\$150 upon net gifts of \$10,000; and upon net gifts in excess of \$10,000 and not in excess of \$20,000, 3 per centum in addition of such excess.

Gift-tax  
Continued. schedule—

“\$450 upon net gifts of \$20,000; and upon net gifts in excess of \$20,000 and not in excess of \$30,000,  $4\frac{1}{2}$  per centum in addition of such excess.

“\$900 upon net gifts of \$30,000; and upon net gifts in excess of \$30,000 and not in excess of \$40,000, 6 per centum in addition of such excess.

“\$1,500 upon net gifts of \$40,000; and upon net gifts in excess of \$40,000 and not in excess of \$50,000,  $7\frac{1}{2}$  per centum in addition of such excess.

“\$2,250 upon net gifts of \$50,000; and upon net gifts in excess of \$50,000 and not in excess of \$70,000, 9 per centum in addition of such excess.

“\$4,050 upon net gifts of \$70,000; and upon net gifts in excess of \$70,000 and not in excess of \$100,000,  $10\frac{1}{2}$  per centum in addition of such excess.

“\$7,200 upon net gifts of \$100,000; and upon net gifts in excess of \$100,000 and not in excess of \$200,000,  $12\frac{3}{4}$  per centum in addition of such excess.

“\$19,950 upon net gifts of \$200,000; and upon net gifts in excess of \$200,000 and not in excess of \$400,000, 15 per centum in addition of such excess.

“\$49,950 upon net gifts of \$400,000; and upon net gifts in excess of \$400,000 and not in excess of \$600,000,  $17\frac{1}{4}$  per centum in addition of such excess.

“\$84,450 upon net gifts of \$600,000; and upon net gifts in excess of \$600,000 and not in excess of \$800,000,  $19\frac{1}{2}$  per centum in addition of such excess.

“\$123,450 upon net gifts of \$800,000; and upon net gifts in excess of \$800,000 and not in excess of \$1,000,000,  $21\frac{3}{4}$  per centum in addition of such excess.

“\$166,950 upon net gifts of \$1,000,000; and upon net gifts in excess of \$1,000,000 and not in excess of \$1,500,000, 24 per centum in addition of such excess.

“\$286,950 upon net gifts of \$1,500,000; and upon net gifts in excess of \$1,500,000 and not in excess of \$2,000,000,  $26\frac{1}{4}$  per centum in addition of such excess.

“\$418,200 upon net gifts of \$2,000,000; and upon net gifts in excess of \$2,000,000 and not in excess of \$2,500,000,  $28\frac{1}{2}$  per centum in addition of such excess.

“\$560,700 upon net gifts of \$2,500,000; and upon net gifts in excess of \$2,500,000 and not in excess of \$3,000,000,  $30\frac{3}{4}$  per centum in addition of such excess.

“\$714,450 upon net gifts of \$3,000,000; and upon net gifts in excess of \$3,000,000 and not in excess of \$3,500,000, 33 per centum in addition of such excess.

“\$879,450 upon net gifts of \$3,500,000; and upon net gifts in excess of \$3,500,000 and not in excess of \$4,000,000,  $35\frac{1}{4}$  per centum in addition of such excess.

“\$1,055,700 upon net gifts of \$4,000,000; and upon net gifts in excess of \$4,000,000 and not in excess of \$4,500,000,  $37\frac{1}{2}$  per centum in addition of such excess.

“\$1,243,200 upon net gifts of \$4,500,000; and upon net gifts in excess of \$4,500,000 and not in excess of \$5,000,000,  $39\frac{3}{4}$  per centum in addition of such excess.

“\$1,441,950 upon net gifts of \$5,000,000; and upon net gifts in excess of \$5,000,000 and not in excess of \$6,000,000, 42 per centum in addition of such excess.



"\$1,861,950 upon net gifts of \$6,000,000; and upon net gifts in excess of \$6,000,000 and not in excess of \$7,000,000, 44 $\frac{1}{4}$  per centum in addition of such excess.

Gift-tax schedule—  
Continued.

"\$2,304,450 upon net gifts of \$7,000,000; and upon net gifts in excess of \$7,000,000 and not in excess of \$8,000,000, 45 $\frac{3}{4}$  per centum in addition of such excess.

"\$2,761,950 upon net gifts of \$8,000,000; and upon net gifts in excess of \$8,000,000 and not in excess of \$9,000,000, 47 $\frac{1}{4}$  per centum in addition of such excess.

"\$3,234,450 upon net gifts of \$9,000,000; and upon net gifts in excess of \$9,000,000 and not in excess of \$10,000,000, 48 $\frac{3}{4}$  per centum in addition of such excess.

"\$3,721,950 upon net gifts of \$10,000,000; and upon net gifts in excess of \$10,000,000 and not in excess of \$20,000,000, 50 $\frac{1}{4}$  per centum in addition of such excess.

"\$8,746,950 upon net gifts of \$20,000,000; and upon net gifts in excess of \$20,000,000 and not in excess of \$50,000,000, 51 $\frac{3}{4}$  per centum in addition of such excess.

"\$24,271,950 upon net gifts of \$50,000,000; and upon net gifts in excess of \$50,000,000, 52 $\frac{1}{2}$  per centum in addition of such excess."

(b) Section 505 (a) (1) of the Revenue Act of 1932 (relating to the specific exemption for gift-tax purposes) is amended by striking out "\$50,000" and inserting in lieu thereof "\$40,000".

Vol. 47, p. 247;  
U. S. C., p. 1083.

(c) The amendments made by subsections (a) and (b) of this section shall be applied in computing the tax for the calendar year 1936 and each calendar year thereafter (but not the tax for the calendar year 1935 or a previous calendar year), and such amendments shall be applied in all computations in respect of the calendar year 1935 and previous calendar years for the purpose of computing the tax for the calendar year 1936 or any calendar year thereafter.

Application of amend-  
ments.

## TITLE IV—MISCELLANEOUS PROVISIONS

Title IV—Miscellane-  
ous provisions.

### SEC. 401. AMENDMENTS TO TITLE IV OF REVENUE ACT OF 1932

(a) Section 620 (3) of the Revenue Act of 1932, as amended, is amended to read as follows:

Revenue Act of 1932,  
amendments.

"(3) for the exclusive use of the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia."

Vol. 47, p. 267; Vol. 48,  
p. 255.  
U. S. C., p. 1187.  
Tax-free sales.

(b) Section 621(a) (3) of the Revenue Act of 1932, as amended, is amended to read as follows:

Vol. 47, p. 267; Vol. 48,  
p. 255.  
U. S. C., p. 1187.  
Credits and refunds.

"(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 any vendee, if the manufacturer, producer, or importer has in his possession such evidence as the regulations may prescribe that on or after the first day of the second month following the date of the enactment of the Revenue Act of 1935—

"(A) such article was, by any person—

Articles on which  
allowed.

"(i) resold for the exclusive use of the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia;

"(ii) used or resold for use as fuel supplies, ship's 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;

Vol. 47, p. 267;  
U. S. C., p. 1186.

"(iii) in the case of products embraced in paragraph (2) of section 617(c), as amended, used or resold for use otherwise than as fuel for the propulsion of motor vehicles, motor boats, or airplanes, and otherwise than in the production of such fuel: *Provided, however,* That no credit or refund shall be allowed or made under this paragraph in the case of sales or uses of products commonly or commercially known or sold as gasoline, including casinghead and natural gasoline;

"(iv) in the case of lubricating oils, used or resold for non-lubricating purposes.

"(B) The manufacturer, producer, or importer has repaid or agreed to repay the amount of such tax to the ultimate vendor or has obtained the consent of the ultimate vendor to the allowance of the credit or refund."

Vol. 47, p. 268;  
U. S. C., p. 1187.

(c) Section 621(c) of the Revenue Act of 1932, as amended, is amended to read as follows:

Interest.

"(c) Interest shall be allowed at the rate of 6 per centum per annum with respect to any amount of tax under this title credited or refunded, except that no interest shall be allowed with respect to any amount of tax credited or refunded under the provisions of subsection (a) hereof, and except that no interest shall be allowed for any period prior to the first day of the second month following the date of the enactment of the Revenue Act of 1935."

Effective date of amendments.

(d) The amendments made by this section shall become effective on the 1st day of the second month following the date of the enactment of this Act.

Compensatory tax on products of certain oils.  
*Post*, p. 1743.

#### SEC. 402. COMPENSATORY TAX ON PRODUCTS OF CERTAIN OILS

During any period after the thirtieth day after the date of the enactment of this Act when—

Vol. 48, p. 763.

(1) a processing tax is in effect under section 602½ of the Revenue Act of 1934, or

Vol. 47, p. 260; Vol. 48, p. 762.

(2) an import tax is in effect under section 601(c) (8) of the Revenue Act of 1932, as amended,

Imposition of tax on products manufactured from imported articles.

there is hereby imposed upon any article (not within the scope of either such tax) manufactured or produced wholly or in chief value from any one or more of the oils subject to either such tax, when such article is imported into the United States from any foreign country or from any possession of the United States or from the high seas, a compensatory tax equivalent to the tax which would be payable under such section 602½ or 601(c) (8) upon such oil or oils if imported into the United States or if processed in the United States. The tax imposed by this section shall be levied, collected, and paid in the same manner as a duty imposed by the Tariff Act of 1930, and shall be treated, for the purposes of all provisions of law (except section 336 of such Act) not inconsistent with this section, as a duty imposed by such Act. All taxes collected under this section on account of coconut oil produced from materials wholly of Philippine growth or production, shall be held as a separate fund and paid to the Treasury of the Philippine Islands, but if at any time the Philippine Government provides by any law for any subsidy to be paid to the producers of copra, coconut oil, or allied products, no further payments to the Philippine Treasury shall be made under this section.

Payment.

Coconut oil from Philippine products.

Special excise tax on carrying on liquor business.

#### SEC. 403. SPECIAL EXCISE TAX ON CARRYING ON LIQUOR BUSINESS

Vol. 44, p. 95; U. S. C., p. 1062.

The special excise tax imposed by section 701 of the Revenue Act of 1926 (U. S. C., title 26, sec. 206) shall not apply with respect to carrying on business after June 30, 1935.

**SEC. 404. INTEREST ON DELINQUENT TAXES**

Notwithstanding any provision of law to the contrary, interest accruing during any period of time after the date of the enactment of this Act upon any internal-revenue tax (including amounts assessed or collected as a part thereof) or customs duty, not paid when due, shall be at the rate of 6 per centum per annum.

Interest on delinquent taxes.

**SEC. 405. DECLARATORY JUDGMENTS AS TO TAXES**

(a) Paragraph (1) of section 274D of the Judicial Code (Public, Numbered 343, Seventy-third Congress) is amended by adding after the words "actual controversy" the following: "(except with respect to Federal taxes)".

Declaratory judgments as to taxes.  
Vol. 48, p. 955.

(b) The amendment made by subsection (a) of this section shall apply to any proceeding now pending in any court of the United States.

Application of amendment.

**SEC. 406. FAILURE TO FILE RETURNS**

In the case of a failure to make and file an internal-revenue tax return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after the date of the enactment of this Act, if a 25 per centum addition to the tax is prescribed by existing law, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

Failure to file returns.

Penalty.

**SEC. 407. TAXES ON CRUDE PETROLEUM**

Effective on the first day of the first calendar month following the date of the enactment of this Act, sections 604 and 605 of the Revenue Act of 1934 (relating to taxes on production and refining of crude petroleum) are amended by striking out "1/10 of 1 cent per barrel" wherever appearing therein and inserting in lieu thereof "1/25 of 1 cent per barrel".

Taxes on crude petroleum.

Rate.  
Vol. 48, p. 766.

**TITLE V—GENERAL PROVISIONS****SEC. 501. DEFINITIONS**

(a) When used in this Act—

(1) The term "person" means an individual, a trust or estate, a partnership, or a corporation.

Title V—General provisions.

Definitions.

"Person."

(2) The term "corporation" includes associations, joint-stock companies, and insurance companies.

"Corporation."

(3) The term "domestic" when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State or Territory.

"Domestic."

(4) The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

"Foreign."

(5) The term "stock" includes the share in an association, joint-stock company, or insurance company.

"Stock."

(6) The term "shareholder" includes a member in an association, joint-stock company, or insurance company.

"Shareholder."

(7) The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

"United States."

(8) The term "Secretary" means the Secretary of the Treasury.

"Secretary."

(9) The term "Commissioner" means the Commissioner of Internal Revenue.

"Commissioner."

"Collector."  
"Includes"; "including."

(10) The term "collector" means collector of internal revenue.  
(b) The terms "includes" and "including" when used in a definition contained in this Act shall not be deemed to exclude other things otherwise within the meaning of the term defined.

Separability clause.

**SEC. 502. SEPARABILITY CLAUSE**

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.

Effective date.

**SEC. 503. EFFECTIVE DATE OF ACT**

Except as otherwise provided, this Act shall take effect upon its enactment.

Approved, August 30, 1935, at 6 p. m.

[CHAPTER 830.]

AN ACT

To amend the National Defense Act.

August 30, 1935.  
[H. R. 6250.]  
[Public, No. 408.]

National Defense Act, amendment.

Annual call, with consent, of designated Reserve officers, for active Army duty, authorized.

Vol. 39, p. 166; U. S. C., p. 229.

Proviso. Existing laws, etc., not affected.

Fifty officers to be commissioned annually in Regular Army.

Provisos. Distribution.

Appointees to have received active training, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is hereby authorized to call annually, with their consent, upon application to and selection by the War Department, for a period of not more than one year for any one officer, not to exceed at any time one thousand Reserve officers of the combatant arms and the Chemical Warfare Service in the grade of second lieutenant, for active duty with the Regular Army: *Provided,* That nothing herein contained shall affect the number of reserve officers that may be called to active duty under existing laws, nor the conditions under and purposes for which they may be so called.

SEC. 2. That, for the period of ten years beginning July 1, 1936, the Secretary of War is authorized to select annually, in addition to the graduates from the United States Military Academy, fifty officers who shall be commissioned in the Regular Army: *Provided,* That the Secretary of War shall determine for each annual increment the number to be allotted among the promotion list branches: *And provided further,* That the number to be appointed in the promotion list branches shall be selected from such reserve officers who have received the training herein authorized or from graduates of the Army Air Corps Training Center.

Approved, August 30, 1935.

[CHAPTER 831.]

AN ACT

Authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

August 30, 1935.  
[H. R. 6732.]  
[Public, No. 409.]

River and harbor improvement. Prosecution and supervision of work.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following works of improvement of rivers, harbors, and other waterways are hereby adopted and authorized, to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers, in accordance with the plans recommended in the respective reports hereinafter designated and subject to the conditions set forth in such documents; and that hereafter Federal investigations and improvements of rivers, harbors, and other waterways shall be under the jurisdiction of and shall be prosecuted by the War Department

under the direction of the Secretary of War and the supervision of the Chief of Engineers, except as otherwise specifically provided by Act of Congress:

Criehaven Harbor, Maine; House Document Numbered 310, Seventy-second Congress; Enumeration of projects.

Saco River, Maine; Rivers and Harbors Committee Document Numbered 11, Seventy-fourth Congress;

Corea Harbor, Maine; Rivers and Harbors Committee Document Numbered 27, Seventy-fourth Congress;

Lynn Harbor, Massachusetts; Rivers and Harbors Committee Document Numbered 7, Seventy-first Congress;

Boston Harbor, Massachusetts; House Document Numbered 244, Seventy-second Congress;

Boston Harbor, Massachusetts; Rivers and Harbors Committee Document Numbered 29, Seventy-fourth Congress;

Mystic River, Massachusetts; Rivers and Harbors Committee Document Numbered 33, Seventy-fourth Congress;

Gloucester Harbor and Annisquam River, Massachusetts; Rivers and Harbors Committee Document Numbered 39, Seventy-second Congress;

Weymouth Fore River, Massachusetts; House Document Numbered 207, Seventy-second Congress;

Weymouth Back River, Massachusetts; Rivers and Harbors Committee Document Numbered 32, Seventy-second Congress;

Cape Cod Canal, Massachusetts; Rivers and Harbors Committee Document Numbered 15, Seventy-fourth Congress;

New Bedford Harbor, Massachusetts; Rivers and Harbors Committee Document Numbered 16, Seventy-fourth Congress;

Vineyard Haven Harbor, Massachusetts; Rivers and Harbors Committee Document Numbered 65, Seventy-fourth Congress;

Thames River, Connecticut; Rivers and Harbors Committee Document Numbered 18, Seventy-fourth Congress;

Connecticut River below Hartford, Connecticut; House Document Numbered 49, Seventy-third Congress;

Connecticut River, above Hartford, Connecticut; House Document Numbered 27, Seventy-third Congress;

New Haven Harbor, Connecticut; House Document Numbered 479, Seventy-second Congress;

Southport Harbor, Connecticut; Rivers and Harbors Committee Document Numbered 36, Seventy-fourth Congress;

Stamford Harbor, Connecticut; Rivers and Harbors Committee Document Numbered 8, Seventy-fourth Congress;

Connecticut River, at East Hartford, Connecticut; The Secretary of War is authorized and directed to proceed with the construction of dikes, drainage gates, suitable pumping plants, and other facilities for controlling floods on the Connecticut River at East Hartford, Connecticut, pursuant to a special survey made by the district engineer at Providence, Rhode Island, supplementing the survey in House Document Number 308, Sixty-ninth Congress, First Session, and in conformity with either Plan A or Plan B designated in the report of said supplemental survey; selection of the plan to be executed shall be made by the Secretary of War with the approval of the town of East Hartford: *Provided*, That the cost of such work shall not exceed \$658,000: *Provided further*, That the prosecution of this project shall be subject to approval by the Board of Engineers for Rivers and Harbors;

Mamaroneck Harbor, New York; Rivers and Harbors Committee Document Numbered 4, Seventy-fourth Congress;

## Projects—Contd.

Mattituck Harbor, New York; House Document Numbered 8, Seventy-first Congress;

Coney Island Creek, New York; Rivers and Harbors Committee Document Numbered 12, Seventy-third Congress;

Sag Harbor, New York; Rivers and Harbors Committee Document Numbered 32, Seventy-fourth Congress;

Buttermilk Channel, New York Harbor, New York; Rivers and Harbors Committee Document Numbered 55, Seventy-fourth Congress;

New York Harbor, New York; House Document Numbered 183, Seventy-third Congress;

Hudson River Channel at Weehawken and Edgewater, New Jersey: The existing project is hereby modified in accordance with the recommendations in the report submitted in Rivers and Harbors Committee Document Numbered 49, Seventy-second Congress;

Hudson River Channel, New York and New Jersey; House Document Numbered 309, Seventy-second Congress;

Tarrytown Harbor, New York; House Document Numbered 262, Seventy-second Congress;

Rondout Harbor, New York; Rivers and Harbors Committee Document Numbered 17, Seventy-third Congress;

Hudson River between Troy and Waterford, New York; Senate Document Numbered 155, Seventy-second Congress;

Great Lakes-Hudson River Waterway; Rivers and Harbors Committee Document Numbered 20, Seventy-third Congress. All Acts or parts of Acts inconsistent herewith are hereby repealed;

New York and New Jersey Channels; Rivers and Harbors Committee Document Numbered 17, Seventy-first Congress, and House Document Numbered 133, Seventy-fourth Congress;

Cut-off channel between Raritan River and Arthur Kill, New Jersey; House Document Numbered 50, Seventy-third Congress;

Rahway River, New Jersey; House Document Numbered 63, Seventy-third Congress;

Elizabeth River, New Jersey; Rivers and Harbors Committee Document Numbered 24, Seventy-second Congress;

Manasquan River, New Jersey; Commerce Committee Document, Seventy-fourth Congress;

Compton Creek, New Jersey; House Document Numbered 58, Seventy-third Congress;

Shrewsbury River, New Jersey; House Document Numbered 157, Seventy-first Congress, and Rivers and Harbors Committee Document Numbered 31, Seventy-fourth Congress;

Delaware River, between Philadelphia, Pennsylvania, and Trenton, New Jersey; Rivers and Harbors Committee Documents Numbered 11, Seventy-third Congress, and 66, Seventy-fourth Congress;

Delaware River, Pennsylvania, New Jersey, and Delaware; Rivers and Harbors Committee Document Numbered 5, Seventy-third Congress;

Wilmington Harbor, Delaware; Rivers and Harbors Committee Document Numbered 32, Seventy-third Congress;

Inland Waterway from Delaware River to Chesapeake Bay, Delaware and Maryland; House Document Numbered 201, Seventy-second Congress, and Rivers and Harbors Committee Documents Numbered 18 and 24, Seventy-third Congress;

Big Timber Creek, New Jersey; Rivers and Harbors Committee Document Numbered 15, Seventy-third Congress;

Mantua Creek, New Jersey; Rivers and Harbors Committee Document Numbered 14, Seventy-third Congress;

Barnegat Inlet, New Jersey; Rivers and Harbors Committee Document Numbered 19, Seventy-third Congress;

Maurice River, New Jersey; House Document Numbered 275, Seventy-third Congress;

Delaware Bay Harbor of Refuge, Broadkill River, and Inland Waterway between Rehoboth Bay and Delaware Bay, Delaware; Rivers and Harbors Committee Document Numbered 56, Seventy-fourth Congress;

Ocean City Harbor and Inlet, and Sinepuxent Bay, Maryland; Rivers and Harbors Committee Documents Numbered 38, Seventy-second Congress, and 60, Seventy-fourth Congress;

Upper Thoroughfare, Deals Island, Maryland; Rivers and Harbors Committee Document Numbered 37, Seventy-second Congress;

Twitch Cove and Big Thoroughfare River, Maryland; Rivers and Harbors Committee Document Numbered 67, Seventy-fourth Congress;

Knapps Narrows, Maryland; House Document Numbered 308, Seventy-second Congress;

Annapolis Harbor, Maryland; Rivers and Harbors Committee Document Numbered 23, Seventy-third Congress;

Pocomoke River, Maryland; House Document Numbered 227, Seventy-fourth Congress;

Parish Creek, Maryland; House Document Numbered 185, Seventy-second Congress;

Honga River and Tar Bay (Barren Island Gaps), Maryland; Rivers and Harbors Document Numbered 35, Seventy-fourth Congress;

Tangier Channel, Virginia; Rivers and Harbors Committee Document Numbered 51, Seventy-second Congress;

Starlings Creek, Virginia; Rivers and Harbors Committee Document Numbered 46, Seventy-fourth Congress;

Washington Harbor; Rivers and Harbors Committee Document Numbered 22, Seventy-fourth Congress;

Potomac River, north side of Washington Channel, District of Columbia; Rivers and Harbors Committee Document Numbered 13, Seventy-third Congress: *Provided*, That the work recommended in the said document shall be prosecuted in accordance with the recommendations of the Board of Engineers for Rivers and Harbors, except that the District of Columbia shall be required to contribute the sum of \$389,000 to the cost of the improvement;

Horn Harbor, Virginia; Rivers and Harbors Committee Document Numbered 22, Seventy-third Congress;

Nomini Bay and Creek, Virginia; Rivers and Harbors Committee Document Numbered 30, Seventy-second Congress;

Mill Creek, Virginia; Rivers and Harbors Committee Document Numbered 20, Seventy-fourth Congress;

Totuskey Creek, Virginia; House Document Numbered 183, Seventy-second Congress;

Mattaponi River, Virginia; Rivers and Harbors Committee Document Numbered 47, Seventy-third Congress;

Channel connecting York River, Virginia, with Back Creek at Slaughter's Wharf; Rivers and Harbors Committee Document Numbered 6, Seventy-fourth Congress;

Jackson Creek, Virginia; Rivers and Harbors Committee Document Numbered 41, Seventy-third Congress;

Little Wicomico River, Virginia; Rivers and Harbors Committee Document Numbered 24, Seventy-fourth Congress;

Norfolk Harbor, Virginia; House Document Numbered 182, Seventy-third Congress;

## Projects—Contd.

Hampton Creek, Virginia; Rivers and Harbors Committee Document Numbered 34, Seventy-second Congress;

Phoebus Channel, Virginia; Rivers and Harbors Committee Document Numbered 33, Seventy-second Congress;

Channel from Pamlico Sound to Beaufort Harbor, North Carolina; House Document Numbered 485, Seventy-second Congress;

Rollinson Channel, North Carolina; House Document Numbered 218, Seventy-second Congress;

Inland waterway from Beaufort, North Carolina, to Cape Fear River, including the waterway to Jacksonville, North Carolina; House Document Numbered 67, Seventy-fourth Congress;

Meherrin River, North Carolina; Rivers and Harbors Committee Document Numbered 43, Seventy-fourth Congress;

Cape Lookout Harbor of Refuge, North Carolina; House Document Numbered 528, Sixty-second Congress; from the shore line to the bell buoy, including the building up of the present breakwater and extension of the same according to said report;

Cape Fear River above Wilmington, North Carolina; House Document Numbered 786, Seventy-first Congress;

Smiths Creek, Wilmington, North Carolina; Senate Document Numbered 23, Seventy-second Congress;

Intracoastal waterway from Cape Fear River, North Carolina, to Saint Johns River, Florida; Rivers and Harbors Committee Documents Numbered 11 and 14, Seventy-second Congress;

Shipyards River, South Carolina; Rivers and Harbors Committee Document Numbered 43, Seventy-third Congress;

Waterway from Charleston to Beaufort, South Carolina; House Document Numbered 129, Seventy-second Congress;

Savannah Harbor, Georgia; House Document Numbered 276, Seventy-third Congress;

Savannah River below Augusta, Georgia; Report of the Chief of Engineers dated June 19, 1933;

Intracoastal waterway from Jacksonville to Key West, Florida; Rivers and Harbors Committee Document Numbered 44, Seventy-second Congress;

Saint Johns River, Florida, Jacksonville to the ocean; Report of the Chief of Engineers dated June 5, 1935;

Lake Worth Inlet, Florida; House Document Numbered 185, Seventy-third Congress, and Rivers and Harbors Committee Document Numbered 42, Seventy-fourth Congress;

Fort Pierce Harbor, Florida; House Document Numbered 252, Seventy-second Congress, and Rivers and Harbors Committee Document Numbered 21, Seventy-fourth Congress;

Port Everglades, Florida; Rivers and Harbors Committee Document Numbered 25, Seventy-fourth Congress;

Miami Harbor, Florida; report of the Chief of Engineers, dated August 30, 1933;

Caloosahatchee River and Lake Okeechobee drainage areas, Florida: The existing project is hereby modified to provide that the United States shall maintain all project works when completed and shall bear the cost of all drainage structures heretofore or hereafter constructed in connection with said project: *Provided*, That the total cash contribution required of local interests toward the cost of the project shall be \$500,000.

Tampa Harbor, Florida; Senate Document Numbered 22, Seventy-second Congress;

Anclote River, Florida; Rivers and Harbors Committee Document Numbered 36, Seventy-third Congress;



La Grange Bayou, Florida; Rivers and Harbors Committee Document Numbered 49, Seventy-fourth Congress;

Homossassa River, Florida; Rivers and Harbors Committee Document Numbered 30, Seventy-fourth Congress;

Caseys Pass, Florida; Report of the Chief of Engineers dated June 5, 1935;

Channel from Apalachicola River to Saint Andrews Bay, Florida; Rivers and Harbors Committee Document Numbered 52, Seventy-second Congress;

Saint Andrews Bay, Florida; House Document Numbered 33, Seventy-third Congress;

Waterway from Choctawhatchee Bay to West Bay, Florida; House Document Numbered 259, Seventy-second Congress;

Intracoastal waterway from Choctawhatchee Bay to Pensacola Bay, Florida; Rivers and Harbors Committee Document Numbered 42, Seventy-third Congress;

Pensacola Harbor, Florida; House Document Numbered 253, Seventy-second Congress;

Chickasaw Creek, Alabama; House Document Numbered 47, Seventy-third Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Black Warrior, Warrior, and Tombigbee Rivers, Alabama; House Documents Numbered 728, Seventy-first Congress, and 56, Seventy-third Congress; and in accordance with the modifications of the recommendation in said Document Numbered 56, submitted in Rivers and Harbors Committee Documents Numbered 45, Seventy-third Congress, and 26, Seventy-fourth Congress;

Pearl River, Mississippi and Louisiana, from Jackson, Mississippi, to a point on the Pearl River between Poplarville, Mississippi, and Bogalusa, Louisiana, and with a view to providing a six-foot channel from the mouth of Pearl River to a point between Poplarville, Mississippi, and Bogalusa, Louisiana, subject to final approval by the Board of Engineers for Rivers and Harbors;

Bayou Lacombe, Louisiana; Rivers and Harbors Committee Document Numbered 53, Seventy-second Congress;

Bayou Lafourche, Louisiana; House Document Numbered 45, Seventy-third Congress: *Provided*, That the Chief of Engineers may in his discretion modify the project with respect to the selection of the outlet pass to be improved;

Waterway from the intracoastal waterway to Bayou Dulac, Louisiana; House Document Numbered 206, Seventy-second Congress;

Bayous Petit Anse and Carlin, Louisiana; House Document Numbered 225, Seventy-second Congress;

Mermentau River, Louisiana; Rivers and Harbors Committee Document Numbered 36, Seventy-second Congress;

Lake Charles Deep Water Channel, Louisiana; House Document Numbered 172, Seventy-second Congress;

Sabine-Neches Waterway, Texas; Rivers and Harbors Committee Documents Numbered 27, Seventy-second Congress, and 12, Seventy-fourth Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement: *Provided further*, That the Chief of Engineers is authorized and directed to construct all works necessary to prevent the escape into Sabine Lake of dredged material hereafter deposited on the lake frontage owned by the city of Port Arthur, and to construct suitable permanent protective works to prevent the erosion of the material so deposited at a cost not to

Projects—Contd.

exceed \$600,000, the funds necessary for these purposes to be in addition to those provided for the project as set forth in said document;

Galveston Harbor, Texas; Rivers and Harbors Committee Documents Numbered 31, Seventy-second Congress, and 57, Seventy-fourth Congress: *Provided*, That the Chief of Engineers is authorized and directed to construct groins to protect the seawall constructed by the United States and the City of Galveston in accordance with the plans submitted in House Document Numbered 400, Seventy-third Congress, and at a cost not to exceed \$234,000, the funds necessary for this purpose to be in addition to those provided for the project as set forth in said documents;

Galveston Channel, Texas; Rivers and Harbors Committee Document Numbered 61, Seventy-fourth Congress;

Channel from Galveston Harbor to Texas City, Texas; Rivers and Harbors Committee Documents Numbered 4 and 46, Seventy-third Congress, and 62, Seventy-fourth Congress;

Houston Ship Channel, Texas; Rivers and Harbors Committee Documents Numbered 28, Seventy-second Congress, and 58, Seventy-fourth Congress;

Clear Creek and Clear Lake, Texas; House Document Numbered 264, Seventy-third Congress;

Freeport Harbor, Texas; Rivers and Harbors Committee Document Numbered 15, Seventy-second Congress, and in accordance with the modification of the aforesaid report recommended in Rivers and Harbors Committee Document Numbered 29, Seventy-third Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Channel from Aransas Pass to Corpus Christi, Texas; House Document Numbered 130, Seventy-second Congress, and Rivers and Harbors Committee Documents Numbered 13, and 63, Seventy-fourth Congress;

Channel from Pass Cavallo to Port Lavaca, Texas; Rivers and Harbors Committee Document Numbered 28, Seventy-fourth Congress;

Port Aransas, Texas; Rivers and Harbors Committee Documents Numbered 35, Seventy-second Congress, and 40, Seventy-third Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Brazos Island Harbor, Texas: The existing project is hereby modified in accordance with the report submitted in Rivers and Harbors Committee Document Numbered 10, Seventy-second Congress;

Wolf River (Memphis Harbor), Tennessee; Rivers and Harbors Committee Document Numbered 45, Seventy-fourth Congress;

Wolf River, Tennessee; Rivers and Harbors Committee Document Numbered 26, Seventy-second Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Mississippi River between Missouri River and Minneapolis; House Document Numbered 137, Seventy-second Congress, and Rivers and Harbors Committee Document Numbered 44, Seventy-fourth Congress;

Saint Croix River, Wisconsin and Minnesota; House Document Numbered 184, Seventy-second Congress;

Missouri River, completion of improvement from mouth to Sioux City, Iowa, and construction of Fort Peck Dam; House Document Numbered 238, Seventy-third Congress;

Illinois Waterway, Illinois; House Documents Numbered 180 and 184, Seventy-third Congress;

Cumberland River, Kentucky and Tennessee; House Document Numbered 38, Seventy-third Congress;

Monongahela River, Pennsylvania and West Virginia; The Tygart River Reservoir project now being prosecuted by the War Department under the provisions of the National Industrial Recovery Act;

Allegheny River, Pennsylvania; House Document Numbered 721, Seventy-first Congress, and Rivers and Harbors Committee Document Numbered 16, Seventy-second Congress; and in accordance with the modification of the recommendation in said Document Numbered 721, submitted in Rivers and Harbors Committee Document Numbered 27, Seventy-third Congress;

Beaver and Mahoning Rivers, Pennsylvania and Ohio; of the width and depth provided in House Document Numbered 277, Seventy-third Congress, as a Federal project and to continue to Lake Erie at or near Ashtabula, Ohio, subject to the final approval of the whole project from the Ohio River to Lake Erie by the Board of Engineers for Rivers and Harbors;

Kanawha and Ohio Rivers, West Virginia and Ohio; House Document Numbered 31, Seventy-third Congress;

Green and Barren Rivers, Kentucky: The existing project is hereby modified in accordance with the report submitted in House Document Numbered 480, Seventy-second Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Grand Marais Harbor, Minnesota; Rivers and Harbors Committee Document Numbered 22, Seventy-second Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Agate Bay Harbor, Minnesota; Rivers and Harbors Committee Document Numbered 17, Seventy-second Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Duluth-Superior Harbor, Minnesota and Wisconsin; House Document Numbered 482, Seventy-second Congress;

Ashland Harbor, Wisconsin; Rivers and Harbors Committee Document Numbered 46, Seventy-second Congress;

Keweenaw Waterway, Michigan; House Document Numbered 55, Seventy-third Congress;

Presque Isle Harbor, Michigan; House Document Numbered 473, Seventy-second Congress;

Marquette Harbor, Michigan; Rivers and Harbors Committee Document Numbered 20, Seventy-second Congress;

Menominee Harbor and River, Michigan and Wisconsin; Rivers and Harbors Committee Document Numbered 28, Seventy-third Congress;

Green Bay Harbor, Wisconsin; Rivers and Harbors Committee Document Numbered 40, Seventy-second Congress;

Sturgeon Bay and Lake Michigan Ship Canal, Wisconsin; Rivers and Harbors Committee Document Numbered 9, Seventy-fourth Congress;

Kewaunee Harbor, Wisconsin; Rivers and Harbors Committee Document Numbered 43, Seventy-second Congress;

Two Rivers Harbor, Wisconsin; House Document Numbered 727, Seventy-first Congress, and Rivers and Harbors Committee Document Numbered 25, Seventy-third Congress;

Manitowoc Harbor, Wisconsin; Rivers and Harbors Committee Document Numbered 39, Seventy-third Congress;

## Projects—Contd.

Sheboygan Harbor, Wisconsin; Rivers and Harbors Committee Document Numbered 47, Seventy-fourth Congress;

Port Washington Harbor, Wisconsin; House Document Numbered 168, Seventy-second Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Port Washington Harbor, Wisconsin; Rivers and Harbors Committee Document Numbered 41, Seventy-fourth Congress;

Milwaukee Harbor, Wisconsin; House Document Numbered 289, Seventy-second Congress;

Kenosha Harbor, Wisconsin; Rivers and Harbors Committee Document Numbered 19, Seventy-fourth Congress;

Calumet Harbor and River, Illinois and Indiana; House Document Numbered 494, Seventy-second Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Indiana Harbor, Indiana; Rivers and Harbors Committee Document Numbered 29, Seventy-second Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Michigan City Harbor, Indiana; Rivers and Harbors Committee Document Numbered 34, Seventy-fourth Congress;

South Haven Harbor, Michigan; Rivers and Harbors Committee Document Numbered 9, Seventy-third Congress, and report of the Chief of Engineers dated December 21, 1934: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Saint Joseph Harbor, Michigan; Rivers and Harbors Committee Document Numbered 52, Seventy-fourth Congress;

Holland Harbor and Black Lake, Michigan; Rivers and Harbors Committee Document Numbered 48, Seventy-fourth Congress;

Grays Reef Passage, Michigan; Rivers and Harbors Committee Document Numbered 5, Seventy-fourth Congress;

Muskegon Harbor, Michigan; Rivers and Harbors Committee Document Numbered 64, Seventy-fourth Congress;

Leland Harbor, Michigan; Rivers and Harbors Committee Document Numbered 23, Seventy-fourth Congress;

Great Lakes—Connecting waters, principal harbors, and river channels; Rivers and Harbors Committee Document Numbered 53, Seventy-fourth Congress: *Provided*, That the project for the down-bound channel across Harsen's Island is not adopted or authorized herein, and the construction of said channel shall not be commenced until it is subsequently authorized by Congress;

Channel between Mackinac Island and Round Island, Michigan; Rivers and Harbors Committee Document Numbered 2, Seventy-second Congress;

Channels in Lake Saint Clair, Michigan; Rivers and Harbors Committee Document Numbered 3, Seventy-second Congress;

Detroit River, Michigan; Rivers and Harbors Committee Document Numbered 1, Seventy-second Congress;

Alpena Harbor, Michigan; Rivers and Harbors Committee Document Numbered 42, Seventy-second Congress;

Black River, Michigan; Rivers and Harbors Committee Document Numbered 54, Seventy-second Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Rouge River, Michigan; Rivers and Harbors Committee Document Numbered 19, Seventy-second Congress, and Commerce Committee Document containing report of the Chief of Engineers dated April

27, 1934: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Toledo Harbor, Ohio; Rivers and Harbors Committee Document Numbered 21, Seventy-second Congress;

Sandusky Harbor, Ohio; Rivers and Harbors Committee Document Numbered 2, Seventy-third Congress;

Huron Harbor, Ohio; House Document Numbered 478, Seventy-second Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Lorain Harbor, Ohio; House Document Numbered 469, Seventy-second Congress, and Rivers and Harbors Committee Document Numbered 51, Seventy-fourth Congress, and Commerce Committee Document containing the report of the Chief of Engineers dated June 8, 1934: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Cleveland Harbor, Ohio; House Document Numbered 477, Seventy-second Congress, and Rivers and Harbors Committee Document Numbered 39, Seventy-fourth Congress;

Fairport Harbor, Ohio; House Document Numbered 472, Seventy-second Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Ashtabula Harbor, Ohio; House Document Numbered 43, Seventy-third Congress;

Conneaut Harbor, Ohio; House Document Numbered 48, Seventy-third Congress;

Erie Harbor, Pennsylvania; House Document Numbered 52, Seventy-third Congress;

Buffalo Harbor, New York; House Document Numbered 46, Seventy-third Congress, and Rivers and Harbors Committee Document Numbered 54, Seventy-fourth Congress;

Black Rock Harbor and Tonawanda Channel, New York; House Document Numbered 28, Seventy-third Congress;

Rochester Harbor, New York; House Document Numbered 484, Seventy-second Congress;

Great Sodus Bay Harbor, New York; Rivers and Harbors Committee Document Numbered 23, Seventy-second Congress;

Oswego Harbor, New York; Rivers and Harbors Committee Document Numbered 7, Seventy-fourth Congress;

Ogdensburg Harbor, New York; House Document Numbered 266, Seventy-second Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Santa Barbara Harbor, California; Commerce Committee Document containing the report of the Chief of Engineers dated September 25, 1934;

San Diego Harbor, California; House Document Numbered 223, Seventy-third Congress;

Los Angeles and Long Beach Harbors, California; Commerce Committee Document containing the report of the Chief of Engineers dated August 18, 1934;

San Francisco Harbor, California; Rivers and Harbors Committee Document Numbered 50, Seventy-second Congress;

Lower San Francisco Bay, California; House Document Numbered 279, Seventy-second Congress, and in accordance with the modification of said report submitted in Rivers and Harbors Committee Document Numbered 8, Seventy-third Congress;

## Projects—Contd.

Redwood Creek, California; Rivers and Harbors Committee Document Numbered 10, Seventy-third Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Richmond Harbor, California; Rivers and Harbors Committee Documents Numbered 7, Seventy-third Congress, and 10, Seventy-fourth Congress;

Napa River, California; Rivers and Harbors Committee Document Numbered 6, Seventy-second Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required by this improvement;

Monterey Harbor, California; Rivers and Harbors Committee Document Numbered 45, Seventy-second Congress;

Crescent City Harbor, California; Rivers and Harbors Committee Document Numbered 40, Seventy-fourth Congress;

Humboldt Harbor and Bay, California; Rivers and Harbors Committee Document Numbered 14, Seventy-fourth Congress;

San Joaquin River and Stockton Channel, and Suisun Bay, California; Report of the Chief of Engineers dated June 10, 1933;

Sacramento River, California; Rivers and Harbors Committee Document Numbered 35, Seventy-third Congress;

Sacramento River and tributaries, California (debris control); Rivers and Harbors Committee Document Numbered 50, Seventy-fourth Congress;

Middle River and connecting channels, California; Rivers and Harbors Committee Document Numbered 48, Seventy-second Congress: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement;

Coos Bay, Oregon, Inner Harbor; Commerce Committee Document containing the report of the Chief of Engineers dated April 26, 1934;

Coquille River, bar and entrance, Oregon; Commerce Committee Document containing the report of the Chief of Engineers dated December 20, 1934;

Umpqua River, Oregon; Rivers and Harbors Committee Document Numbered 9, Seventy-second Congress;

Columbia and Lower Willamette Rivers, below Portland, Oregon, and Vancouver, Washington: The existing project is hereby modified in accordance with the reports submitted in House Documents Numbered 235 and 249, Seventy-second Congress, and Rivers and Harbors Committee Documents Numbered 6, Seventy-third Congress, and 1, Seventy-fourth Congress;

Columbia River, Oregon; construction of dam, ship lock, and works for the utilization of surplus power, at the site at Bonneville recommended in the report of the Chief of Engineers dated August 21, 1933;

Multnomah Channel, Oregon; Rivers and Harbors Committee Document Numbered 47, Seventy-second Congress;

Youngs Bay and Youngs River, Oregon; House Document Numbered 209, Seventy-second Congress;

Columbia and Snake Rivers, Oregon, Washington, and Idaho; Rivers and Harbors Committee Documents Numbered 25, Seventy-second Congress, and 16, Seventy-third Congress;

Bakers Bay, Washington; House Document Numbered 44, Seventy-third Congress;

Willapa River and Harbor, Washington; Rivers and Harbors Committee Documents Numbered 41, Seventy-second Congress, and 37, Seventy-third Congress;

Grays Haroor and Chehalis River, Washington; House Document Numbered 53, Seventy-third Congress, and Rivers and Harbors Committee Document Numbered 2, Seventy-fourth Congress;

Olympia Harbor, Washington; Rivers and Harbors Committee Document Numbered 21, Seventy-third Congress;

Tacoma Harbor, Washington; Rivers and Harbors Committee Document Numbered 55, Seventy-second Congress;

Seattle Harbor, Washington; House Document Numbered 211, Seventy-second Congress;

Lake Washington Ship Canal, Washington; House Document Numbered 140, Seventy-second Congress;

Port Gamble Harbor, Washington; House Document Numbered 152, Seventy-second Congress;

Swinomish Slough, Washington; Report of the Chief of Engineers, dated May 24, 1933;

Wrangell Harbor, Alaska; House Document Numbered 202, Seventy-second Congress;

Wrangell Narrows, Alaska; House Document Numbered 647, Seventy-first Congress;

Dry Pass, Alaska; House Document Numbered 470, Seventieth Congress;

Stikine River; Alaska; House Document Numbered 210, Seventy-second Congress;

Kodiak Harbor, Alaska; House Document Numbered 208, Seventy-second Congress;

Petersburg Harbor, Alaska; House Document Numbered 483, Seventy-second Congress;

Egegik River, Alaska; House Document Numbered 51, Seventy-third Congress;

Cordova Harbor, Alaska; Rivers and Harbors Committee Document Numbered 33, Seventy-third Congress;

Harbor of refuge at Seward, Alaska; Rivers and Harbors Committee Document Numbered 3, Seventy-fourth Congress;

Nome Harbor, Alaska; House Document Numbered 404, Seventy-first Congress, and Rivers and Harbors Committee Document Numbered 38, Seventy-third Congress;

Sitka Harbor, Alaska; Rivers and Harbors Committee Document Numbered 59, Seventy-fourth Congress;

Honolulu Harbor, Hawaii; House Document Numbered 54, Seventy-third Congress;

Port Allen, Hawaii; House Document Numbered 30, Seventy-third Congress;

Kaunakakai Harbor, Hawaii; House Document Numbered 35, Seventy-third Congress;

San Juan Harbor, Puerto Rico; Rivers and Harbors Committee Document Numbered 38, Seventy-fourth Congress;

Mayaguez Harbor, Puerto Rico; House Document Numbered 215, Seventy-second Congress, and subject to the modification recommended in Rivers and Harbors Committee Document Numbered 1, Seventy-third Congress;

Ponce Harbor, Puerto Rico: The existing project is hereby modified in accordance with the report submitted in Rivers and Harbors Committee Document Numbered 18, Seventy-second Congress;

Arecibo Harbor, Puerto Rico; House Document Numbered 214, Seventy-third Congress.

SEC. 2. That for the purpose of controlling floods, improving navigation, regulating the flow of the streams of the United States, providing for storage and for the delivery of the stored waters thereof, for the reclamation of public lands and Indian reservations,

Projects adopted for controlling floods, etc.

and other beneficial uses, and for the generation of electric energy as a means of financially aiding and assisting such undertakings, the projects known as "Parker Dam" on the Colorado River and "Grand Coulee Dam" on the Columbia River, are hereby authorized and adopted, and all contracts and agreements which have been executed in connection therewith are hereby validated and ratified, and the President, acting through such agents as he may designate, is hereby authorized to construct, operate, and maintain dams, structures, canals, and incidental works necessary to such projects, and in connection therewith to make and enter into any and all necessary contracts including contracts amendatory of or supplemental to those hereby validated and ratified. The construction by the Secretary of the Interior of a dam in and across the Colorado River at or near Head Gate Rock, Arizona, and structures, canals, and incidental works necessary in connection therewith is hereby authorized, and none of the waters, conserved, used, or appropriated under the works hereby authorized shall be charged against the waters allocated to the upper basin by the Colorado River compact, nor shall any priority be established against such upper basin by reason of such conservation, use, or appropriation; nor shall said dam, structures, canals, and works, or any of them, be used as the basis of making any such charge, or establishing any such priority or right, and all contracts between the United States and the users of said water from or by means of said instrumentalities shall provide against the making of any such charge or claim or the establishment of any priority right or claim to any part or share of the water of the Colorado River allocated to the Upper Basin by the Colorado River compact, and all use of said instrumentalities shall be in compliance with the conditions and provisions of said Colorado River compact and the Boulder Canyon Project Act.

SEC. 3. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior Act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as required by law on any examination, survey, project, or work under way or proposed are submitted no supplemental or additional report or estimate shall be made unless authorized by law: *And provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this Act until the project for the proposed work shall have been adopted by law:

Long Cove, Maine.

Chandler River, Maine.

Ile au Haut Thoroughfare, Maine.

Eastport Harbor, Maine.

Frenchboro Harbor, Maine.

Stonington Harbor, Maine.

Bagaduce River, Maine.

Prouts Neck, Maine, with a view to the establishment of a harbor of refuge.

Hendrick's Harbor, Maine.

Saint Croix River, Maine.

Bar Harbor, Maine.

Monhegan Harbor, Maine.

Ogunquit-Perkins Cove, Maine.

Cranberry Island Harbor, Maine.

Construction, etc.,  
authorized.  
Post, p. 1784.

Preliminary exami-  
nations and surveys  
authorized.

*Provisos.*  
Restriction.

Reports.

Adoption.

Localities enu-  
merated.



Kennebec River, Maine, with a view to dredging the river from Augusta to Gardiner. Preliminary surveys—Continued.

Harbor at Cuttyhunk, Massachusetts.

Plum Island and Parker Rivers, Massachusetts.

Shore at Gay Head, Massachusetts, with a view to preventing further erosion.

Rock Harbor, Massachusetts.

Shore at Manomet Point, Plymouth Harbor, Massachusetts, with a view to constructing a breakwater.

Westport River, Massachusetts.

Boston Harbor, Massachusetts: Navigable waters adjacent to the shores of Winthrop and East Boston.

The Merrimack River, Massachusetts, with a view to making the river navigable from Lowell to the sea.

Lewis Bay and the Harbor at West Yarmouth, Massachusetts.

Town River, Quincy, Massachusetts.

Inner harbor, Block Island, Rhode Island.

Ash Creek, Connecticut.

Indian Neck Harbor, Connecticut.

Milford Harbor, Connecticut.

Bridgeport Harbor, Connecticut.

The Race, between Block Island Sound and Long Island, Connecticut, with a view to removing Valient Rock and other obstructions.

Westcott Cove, Stamford Harbor, Connecticut.

Noank Cove, Connecticut.

Woodmont Harbor, Connecticut.

Providence River and Harbor, Rhode Island.

Blackstone River, from Narragansett Bay at Providence, Rhode Island, to Worcester, Massachusetts.

Lake Champlain, Vermont, with a view to reopening the old channel through the South Hero sand bar in the vicinity of Milton and South Hero.

Lake Champlain, Vermont, with a view to reopening the channel between East Alburg and West Swanton.

New York State Barge Canal from Three Rivers Point to the city of Syracuse, New York.

Moriches Inlet, Long Island, New York.

Goldsmith Inlet, Long Island, New York.

Long Island Intracoastal Waterway, from East Rockaway Inlet to Great Peconic Bay, New York.

Nissequogue River, Long Island, New York.

Hashamomuck (Arshamomaque) Creek, Long Island, New York.

Irvington Harbor, New York.

Channel between Travers Island and Glen Island, New York.

Lake Montauk Harbor, Long Island, New York.

Waterway from the Hudson River at or near Piermont, New York, to a point at or near the headwaters of the Hackensack River, New Jersey.

Otter River, Vermont, with a view to making the river navigable from Vergennes to Lake Champlain.

Deep waterway to connect Lake Saint Francis on the Saint Lawrence River with the Hudson River at Albany by way of Lake Champlain, with a view to determining the advisability and cost of such a connection between the Saint Lawrence Waterway, as proposed by treaty, and the sheltered waters of the Atlantic coast between Boston, Massachusetts, and Norfolk, Virginia.

Delaware and Raritan Canal, New Jersey.

Preliminary surveys—Continued.

Sandy Hook Bay, off Atlantic Highlands, New Jersey, with a view to providing an anchorage area.

Shark River, New Jersey.

Passaic River, New Jersey, from the Eighth Street Bridge, Wallington, to the Passaic Street Bridge at Garfield.

Menantico Creek, Cumberland County, New Jersey.

Cedar Run Creek, New Jersey, from the Main Channel to Wire Creek.

New Jersey Intra-coastal waterway from Shrewsbury River to Delaware Bay above Cape May by way of the Manasquan-Barnegat Canal and including an entrance thereto through Barnegat Inlet.

Keyport Harbor, New Jersey.

Way Cake Creek, New Jersey.

West Creek, New Jersey.

Waterway across Cape May County, New Jersey, to connect the New Jersey State Inland Waterway with Delaware Bay.

Delaware River, between Easton and Stroudsburg, Pennsylvania.

Chesapeake and Delaware Canal at Chesapeake City, Maryland, with a view to providing an anchorage basin; also to determine if street improvements, in connection with changes of bridges under the existing project, should be made.

Construction of a sea-level waterway between Great Choptank Waterway and Little Choptank River, Maryland.

Wicomico River, Maryland, from Chaptico Wharf to Budd's Landing.

McCreadys Creek, Elliott, Dorchester County, Maryland.

Goose Creek, Maryland.

Channel connecting Plain Dealing Creek and Oak Creek, Maryland.

Back Creek, Anne Arundel County, Maryland.

Saint Marys River, Maryland.

Drum Point Harbor, Maryland.

Lake Conoy, Maryland, and entrance thereto from Potomac River.

Channel connecting Magothy River and Cypress Creek, Anne Arundel County, Maryland.

Channels to Lake Ogleton and Walnut Lake, Anne Arundel County, Maryland.

Farm Creek, Maryland.

Little Creek, Queen Annes County, Maryland.

Jones Creek and Nanticoke River in the vicinity of Waterview and Nanticoke, Wicomico County, Maryland.

Harbor at the mouth of Fishing Creek, at the north end of Calvert County, Maryland.

Little Island Creek, Talbot County, Maryland.

Head of Northeast River, Maryland.

Channel in Southeast Branch of Fox Creek, Dorchester County, Maryland.

Rockhall Harbor, Kent County, Maryland.

Broadwater Creek, Maryland.

Saint Jeromes Creek, Saint Marys County, Maryland.

Upper Chesapeake Bay and Susquehanna River, Havre de Grace, Maryland; for a boat basin and harbor adjoining the City Park, and a channel leading thereto from Point Concord, subject to the approval of the Board of Engineers for Rivers and Harbors.

Channel from George Island Landing, Maryland, to deep water in Chincoteague Bay.

Waterway from Little Annesmessex River to Tangier Sound, Maryland, by way of Cedar Creek, a land cut, and Flat Cap Creek.

Waterway between Cambridge Creek and Fishing Bay, by way of Little Blackwater River, Maryland. Preliminary surveys—Continued.

Black Walnut Harbor, Talbot County, Maryland.

Channel at the entrance of the Claiborne-Annapolis Ferry at Matapeake, Maryland.

Jones Creek, Wicomico County, Maryland, and Nanticoke River at and in the vicinity of Waterview.

Waterway from Pocomoke River, at or near Snow Hill, Maryland, to Chincoteague Bay.

Upper Thoroughfare, Deals Island, Maryland.

Neale Sound, Maryland.

Dogue Run, Virginia.

Coan River, Virginia.

Winter Harbor, Virginia.

Occupacia Creek, Virginia.

Chincoteague Bay, with a view to establishing a harbor of refuge at Greenbackville and Franklin City, Accomac County, Virginia, and protection of adjoining shore from storm depredation.

Inland waterway from Chesapeake Bay to Chincoteague Bay, Virginia.

Onancock River, Virginia.

Waters connecting Cherrystone Channel with Cape Charles, Virginia, with a view to establishing a harbor of refuge at Cape Charles with a minimum depth of ten feet.

Salter's Creek, Newport News, Virginia, and channel connecting with the deep waters in Hampton Roads.

Channel from Back River to the public landing in Wallace Creek, Elizabeth City County, Virginia.

Channel from Pamlico Sound to Mill Creek, North Carolina.

Channel from deep water in Back Sound, North Carolina, through Shackleford Banks, to deep water in Lookout Bight.

Vandermere Harbor and Bay River at Bayboro, North Carolina.

From Croatan Sound to Manns Harbor, North Carolina.

Drum Inlet, North Carolina; near the town of Atlantic with a view to preserving the same to a depth of twelve feet at low water.

Waterway from Charleston, South Carolina, to Columbia, South Carolina.

Ashley River, South Carolina: Municipal yacht basin and connecting channels, and channel to the grounds of the South Carolina Military Academy (the Citadel).

Pee Dee River, South Carolina, with a view to obtaining a navigable channel from the point where Jericho Creek connects the Pee Dee River with the Waccamaw River to a point approximately seventeen miles from Georgetown, where the Thoroughfare also connects the Pee Dee River with the Waccamaw River.

Lower Altamaha River and Darien Harbor, Georgia.

Waterway from the Saint Johns River to the Kissimmee River, Florida, and thence to the Okeechobee Cross-Florida Canal Channel.

Waterway from Banana River to Mosquito Lagoon, Merritt Island, Florida.

Waterway from the mouth of Tampa Bay, Florida, to the mouth of the Manatee River; thence up the Manatee River to approximately its source; thence easterly to Fort Pierce Harbor.

Saint Lucie, West Palm Beach, Hillsboro, North New River, and Miami Canals, Florida.

Melbourne Harbor and Crane Creek, Florida.

Miami Harbor, Florida.

Miami Beach, Florida, turning basin at east end of municipal channel opposite causeway docks of Peninsular Terminal Company.

Preliminary surveys—Continued.

Waterway from DeLeon Springs to Saint Johns River, Florida.  
An inlet or ship channel connecting the Atlantic Ocean with the Intracoastal Waterway at or near Eau Gallie, Florida.

Oklawaha River, Florida, with a view to securing a channel six feet in depth and of suitable width to Leesburg and into Lake Harris.

Side channels or basins at Palm Beach, Courtenay, and Eau Gallie, Florida, with a view to providing connections with the intracoastal waterway.

Clearwater Harbor, Florida, including Big Pass and Little Pass.  
Hillsboro Inlet, Broward County, Florida.

New River Inlet and Sound, Florida.

Sarasota Bay, Florida.

Deepening of the present channel at the northeasterly end of Charlotte Harbor and Peace River from Punta Gorda, Florida, to Cleveland, Florida.

Cut-off from Lemon Bay to Gulf of Mexico and the opening of Lemon Bay for inland waterway purposes.

Carrabelle Harbor, Florida, with a view to providing a channel of twenty-five feet across the bar and in the channel to the docks at Carrabelle.

Waterway and turning basin of suitable dimensions from Intracoastal Waterway, Jacksonville to Key West, to a point at or near Jacksonville Beach, Florida.

Daytona Beach, Florida.

Saint Lucie Inlet, Florida.

Jupiter Inlet, Florida.

Pirates Cove Channel, in Sacarma Bay, Pirates Cove, and Johnson's Pass, Florida.

Waterway from the Saint Johns River at or near Sanford, Florida, to Tampa, by way of the Kissimmee and Alafia Rivers and Tampa Bay.

Channel beginning at terminal of Seaboard Airline Railway and extending through the Bay of Naples and adjacent waters to Gordon's Pass and the jettying of Gordon's Pass. Also inside route from Seaboard Airline Railway terminals through the Bay of Naples, Dollar Bay, and adjacent waters to Big Marco Pass with the deepening of Little Marco Pass and the entrance of the pass into Rookery Bay.

Intracoastal waterway from the Caloosahatchee River to the Withlacoochee River, Florida, with a view to securing a waterway of suitable dimensions, and for the purpose of affording suitable exit to the north for craft using the Okeechobee Cross-Florida Canal.

Intracoastal waterway from Apalachicola Bay to the Withlacoochee River, Florida.

Keaton Beach, Taylor County, Florida.

Keaton Beach Harbor, Florida.

Carrabelle, Crooked, Ochlockonee Rivers, and Ochlochonee Bay, Florida.

Wakulla River, Florida.

Waterway from a point in the Grand Lagoon by way of Bayous Grand and Chico to Pensacola Bay, Florida, as an extension of the intracoastal<sup>1</sup> waterway.

Waterway from Bon Secours Bay, Alabama, to the Gulf by way of Oyster Bay.

Waterway to connect the Tombigbee and Alabama Rivers with the Perdido River, Alabama and Florida.

<sup>1</sup> So in original.

Channel to Point Chugae, Dauphin Island, Alabama, and channel from Point Chugae to the old basin, or Indian Mounds, with a view to providing a harbor of refuge. Preliminary surveys—Continued.

Mississippi Sound in the vicinity of Pass Christain, Mississippi.  
Pascagoula Harbor and Horn Island Pass, Mississippi.

Boston Canal, Vermilion Parish, Louisiana.

Ship Canal from Houma, Louisiana, to the Gulf of Mexico.

Bayou DuLarge, Louisiana.

Vinton Waterway, Louisiana.

Lake Charles Deep Water Channel, Louisiana.

Lake Charles Ship Channel, Louisiana, from Lake Charles to the Gulf of Mexico at a point east of the mouth of the Calcasieu River, including proposed routes by way of the Calcasieu River, the Intra-coastal Waterway, and a land cut and any other route appearing more practicable.

Grand Bayou Pass, Louisiana.

Bayou Dupre, Louisiana.

Bayous La Loutre, Saint Malo, and Yscloskey, Louisiana.

Bayou Rigaud, Louisiana.

Bayou Sennette, Louisiana.

Waterway from White Lake to Pecan Island, Louisiana.

Waterway from the Intracoastal<sup>1</sup> Waterway, by way of the Florence Canal, to Gueydan, Vermilion Parish, Louisiana.

Bayou Saint John, Louisiana.

Houma-Terrebonne Ship Canal, Louisiana.

Franklin Canal, Saint Mary Parish, Louisiana.

Sabine-Neches Waterway, Texas, with a view to constructing revetment work to retain the spoil deposited in Sabine Lake.

Greens Bayou and Pass Palacios (Cotton Bayou), Texas.

Waterway from Offatt's Bayou to San Louis Pass, Galveston Island, Texas.

Arroyo Colorado, Texas, from Llano Grande Lake to its mouth.

Pass Cavallo, Texas, and channel from Pass Cavallo to Port O'Connor and Port Lavaca.

Jefferson-Shreveport Waterway, Texas and Louisiana, with a view to determining advisability of enlargement of existing project and of taking into consideration in this connection establishment of reservoir on Cypress River above Jefferson to assure better water supply.

White River, Arkansas.

Arkansas River, Arkansas and Oklahoma.

Black River, Arkansas and Missouri, and waterway connecting the Black River with the Mississippi River at or near Cape Girardeau.

Hatchie River, Tennessee.

Obion and Forked Deer Rivers, and South Fork of Forked Deer River, Tennessee.

Cumberland River, above Nashville, Tennessee.

Ohio River, below Ironton, Ohio, with a view to the construction of dam.

That portion of the Monongahela River in the State of Pennsylvania with a view of determining what provisions can be made to prevent the erosion of the banks and the destruction of valuable property and the consequent filling of the channel by deposition from the erosion.

Caney Creek, Grayson County, Kentucky.

Lewis Creek, Ohio County, Kentucky.

<sup>1</sup> So in original.

Preliminary sur-  
veys—Continued.

Grand Traverse Bay, Michigan.

At mouth of Black River or Little Girls Point (Ohmans Creek), Gogebic County, Michigan.

At the mouth of Tobacco River near Gay, Michigan, with a view to providing a harbor of refuge for small vessels.

A ship canal connecting Lake Superior and Lake Michigan from Lake Au Train in Lake Superior to Little Bay De Noc in Lake Michigan.

At mouth of Black River and at Little Girl's Point (Ohman's Creek), Gogebic County, Michigan.

With a view to establishing a harbor of refuge at Manitowoc and Two Rivers, Wisconsin, and protection of adjoining shores from storm depredation.

Big and Little Suamico Rivers, Wisconsin.

Channels in the harbors at Washington Island, Door County, Wisconsin.

Pensaukee Harbor, Wisconsin.

Fond du Lac Harbor and vicinity, Lake Winnebago, Wisconsin.

Wilmette Harbor, Illinois.

Waterway from Lake Michigan through Black Lake, by way of Zeeland, Hudsonville, and Jenison, to a point on Grand River near Grandville, thence up Grand River to Grand Rapids, with a turning basin at Grand Rapids; or any preferable alternative route between Grand Rapids and Lake Michigan.

Cheboygan Harbor and Cheboygan River, Michigan.

New Buffalo, Michigan.

Port Austin Harbor, Michigan.

Port Sanilac Harbor, Michigan.

Carvers Bay, Michigan.

Bete Grise Bay, Michigan.

Frankfort Harbor, Michigan.

Fair Haven Harbor, Michigan.

Port Huron Harbor, Michigan.

Clinton River, Michigan.

Detroit River, Michigan, with a view to providing a navigation channel of suitable width and depth located entirely on the American side of the river, and to provide a channel two hundred feet wide and eight feet deep from deep water in Detroit River, in the vicinity of Grosse Isle Light, to deep water at Sugar Island, passing east of Grosse Isle and west of Stony Island.

Waiska River, Michigan.

Crooked and Indian Rivers, Michigan.

Naubinway Harbor, Mackinac County, Michigan.

At or near Marblehead, Ohio, with a view to establishing a harbor.

At or near Put-in-Bay, Ohio, with a view to establishing a harbor.

Vermilion Harbor, Ohio.

Rocky River Harbor, Ohio.

Cattaraugus Creek, New York.

Barcelona Harbor, New York.

Deep channel waterway from Lake Ontario near Olcott, New York, to the Niagara River at Tonawanda, New York; from Lake Ontario via Eighteen Mile Creek to Lockport, New York, and from Lockport to Tonawanda via the western end of the New York State Barge Canal; with a view to determining the possibility, feasibility, practicability, and cost of development for deep channel traffic.

Cayuga Creek and Little River, Niagara Falls, New York.

Alexandria Bay Harbor, New York.

Morristown Harbor, New York.

Port Ontario Harbor, New York.

- Olcott Harbor, New York.  
 Wilson Harbor, New York.  
 Green River, at or near Green River, Utah, with a view to preventing shore erosion, and to submit a report thereon to the Congress as soon as practicable.  
 Redondo Beach Harbor, California.  
 Santa Monica Harbor, California.  
 Palo Alto Harbor, San Francisco Bay, California.  
 Southampton Bay, California.  
 Richardsons Bay, California.  
 Russian River, California.  
 Old River, California.  
 Alsea Bay, Oregon.  
 Yamhill River at Lafayette, Oregon.  
 Columbia River, Oregon and Washington, from Tongue Point to the sea.  
 Seaside Harbor, Oregon.  
 Port Orford, Oregon.  
 Columbia River, at and near Hammond, Oregon, with a view to preventing erosion caused by the construction of the south jetty, and providing a protected harbor near the mouth of said river.  
 Willamette River, Oregon, from Eugene to Springfield.  
 Sandy River, near Troutdale, Oregon.  
 Trask River, Oregon.  
 Miami River, Oregon.  
 Kilchus River, Oregon.  
 Wilson River, Oregon.  
 Chetco Cove, Oregon.  
 Columbia River at Rainier, Oregon.  
 De Poe Bay, Oregon.  
 Skipanon Channel, Oregon, with a view to deepening and widening the channel to accommodate all present and prospective traffic.  
 Skipanon River, Oregon, with a view to modification of the existing project to provide for the needs of navigation above the railroad bridge.  
 Westport Slough, Oregon.  
 Coos River and its tributaries, Oregon, with a view to flood control and the prevention of erosion of the banks and the consequent filling of the channel.  
 Columbia River, Lake River, and Vancouver Lake, near Vancouver, Washington.  
 Elokomin Slough, or River, Washington.  
 Chehalis River, from the mouth of Skookumchuck River to the Grays Harbor County Line, Washington.  
 Shelton Harbor, Washington.  
 Blaine Harbor, Washington.  
 Duwamish River, Washington.  
 Bethel Harbor, Alaska.  
 Douglas Harbor, Alaska.  
 Haines Harbor, Alaska.  
 Juneau Harbor, Alaska.  
 Kake Harbor, Alaska.  
 Metlakatla Harbor, Alaska.  
 Ship canal across Prince of Wales Island, Alaska.  
 Sitka Harbor, Alaska.  
 Unalaska Harbor, Alaska.  
 Valdez Harbor, Alaska.  
 Skagway Harbor, Alaska.  
 Homer Harbor, Kachemak Bay, Alaska.

Preliminary surveys—Continued.

Tanana River and Chena Slough, Alaska.

Hilo Harbor, Hawaii.

Port Allen, Hawaii.

Welles Harbor, Midway Island.

Wake Island.

Aguadilla Harbor, Puerto Rico.

Guayanes Harbor, Yabucoa, Puerto Rico.

Saint Thomas Harbor, Virgin Islands.

Lake Champlain to Hudson River waterway.

*Post*, p. 1631.

Vol. 36, p. 2448.

SEC. 4. That the International Joint Commission created by the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington January 11, 1909, under the provisions of article 9 of said treaty, is requested to investigate the advisability of the improvement of a waterway from Montreal through Lake Champlain to connect with the Hudson River, together with the estimated cost thereof, and to report to the Dominion of Canada and to the Congress of the United States, with its recommendations for cooperation by the United States with the Dominion of Canada in the improvement of said river.

Reports; contents.

SEC. 5. Every report submitted to Congress in pursuance of any provision of law for preliminary examination and survey looking to the improvement of the entrance at the mouth of any river or at any inlet, in addition to other information which the Congress has directed shall be given, shall contain information concerning the configuration of the shore line and the probable effect thereon that may be expected to result from the improvement having particular reference to erosion and/or accretion for a distance of not less than ten miles on either side of the said entrance.

Vol. 44, p. 1010.

SEC. 6. That the surveys authorized pursuant to section 1 of the River and Harbor Act of January 21, 1927, and House Document Numbered 308, Sixty-ninth Congress, first session, shall be supplemented by such additional study or investigation as the Chief of Engineers finds necessary to take into account important changes in economic factors as they occur, and additional stream-flow records, or other factual data.

Sales authorized.

SEC. 7. That when any land which has been heretofore or may be hereafter purchased or acquired for the improvement of canals, rivers and harbors is no longer needed, or is no longer serviceable, it may be sold in such manner as the Secretary of War may direct, and any moneys received from such sale shall be deposited in the Treasury to the credit of miscellaneous receipts.

Amounts collected from defaulting contractors, etc.

SEC. 8. That any amounts collected from defaulting contractors or their sureties under contracts entered into in connection with river and harbor or flood-control work prosecuted by the Engineer Department, whether collected in cash or by deduction from amounts otherwise due such contractors, hereafter shall be credited in each case to the appropriation under which the contract was made.

East River; portion declared nonnavigable.

SEC. 9. That all of that portion of the East River, in the county of Brown, State of Wisconsin, extending from Baird Street, in the city of Green Bay, east and south, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and Laws of the United States of America. That the right of Congress to alter, amend, or repeal this section is hereby expressly reserved.

West Fork of the South Branch of the Chicago River.

SEC. 10. That that portion of the West Fork of the South Branch of the Chicago River in Cook County, Illinois, lying between the west line (produced north) of the Collateral Channel of the Sanitary District of Chicago, in the northwest quarter of section 36, township 39 north, range 13 east, third principal meridian, and a line one



thousand three hundred feet east of and parallel to the west line of section 30 (section line in South Western Avenue), township 39 north, range 13 east, third principal meridian, in the city of Chicago, Illinois, as the same now exists or may hereafter be extended, is hereby declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

The right to alter, amend, or repeal this section is hereby expressly reserved.

SEC. 11. That the Secretary of War is authorized to grant permission, on such terms as he may deem reasonable, to the City of Cascade Locks, Oregon, to make connection with the Government-owned water main at Cascade Locks and take water therefrom for use for fire-protection purposes only.

SEC. 12. That the pier constructed along the west coast of Lake Huron, Michigan, at Greenbush, Michigan, by Carl E. Schmidt, of Oscoda, Michigan, be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permit required by the existing laws of the United States in such cases made and provided had been regularly obtained prior to the construction of said pier.

That the right to alter, amend, or repeal this section is hereby expressly reserved.

SEC. 13. That the Court of Claims shall have jurisdiction to hear and determine claims for damages to oyster growers upon private or leased lands or bottoms arising from dredging operations and use of other machinery and equipment in making such improvements: *Provided*, That suits shall be instituted within one year after such operations shall have terminated.

SEC. 14. That the Secretary of War is authorized and directed to have prepared and transmitted to Congress at the earliest practical date after January 3, 1936, a compilation of preliminary examinations, surveys, and appropriations for works of river and harbor improvement similar in general form and subject matter to that which was prepared in accordance with the Act of March 4, 1913, and printed in House Document Numbered 1491, Sixty-third Congress, third session: *Provided*, That the report to be prepared in accordance with this provision shall be a revised edition of the report printed in the document above mentioned, extended to January 1, 1936.

Approved, August 30, 1935.

[CHAPTER 832.]

AN ACT

Authorizing the Chippewa Indians of Wisconsin to submit claims to the Court of Claims.

August 30, 1935.  
[H. R. 6869.]  
[Public, No. 410.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all claims of whatsoever nature which the Chippewa Tribe or Bands of Indians of Wisconsin may have against the United States, which have not heretofore been determined by the Court of Claims or the Supreme Court of the United States, may be submitted to the Court of Claims with the right of appeal to the Supreme Court of the United States by either party, anything in the Judicial Code of the United States or amendments thereto to the contrary notwithstanding, for determination of the amount, if any, due said Indians from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation or waste of any of the funds or lands of said Indians or band or bands thereof, or for the failure of the United

Reservation of right to amend.

Cascade Locks water main; connection with, authorized.

Pier along Lake Huron, at Greenbush, Mich., legalized.

Reservation of right to amend.

Oyster growers; claims of.

*Proviso.*  
Limitation.

Report to Congress.

Vol. 37, p. 801.

*Proviso.*  
Requirement.

Chippewa Indians of Wisconsin. Claims of, may be submitted to Court of Claims.

Right of appeal. U. S. C., p. 1268.

States to pay said Indians any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the said right of either party to appeal, to hear and determine all legal and equitable claims, if any, of said Indians against the United States, and to enter judgment thereon.

Rights, both legal and equitable, to be settled.

Offsets allowed.

Suits may be joined or presented separately.

Evidence.

Access to official records.

Attorneys' fees, etc., by court decree.

Contract requirement.

Provisos.  
State attorneys.

No pay allowed when compensated by State.

Maximum allowance.

SEC. 2. If any claim or claims be submitted to said courts they shall settle the rights therein, both legal and equitable, of each and all of the parties thereto, notwithstanding lapse of time or statutes of limitations, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said Indians or any band thereof, including gratuities, and that laches shall not be pleaded as a defense thereto. The claim or claims of the Chippewa Indians of Wisconsin or band or bands thereof may be presented separately or jointly by petition, subject however, to amendment, suit to be filed within five years after the passage of this Act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant, and any band or bands of said Indians or any other Indians or band of Indians the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be signed by the attorney or attorneys employed by said Indians or any bands thereof, or by the State of Wisconsin in their behalf, shall set forth all the facts on which the claims for recovery are based and said petition shall be signed by the attorney or attorneys so employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give to the attorney or attorneys of said Indians or bands thereof access to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribe or bands of Indians.

SEC. 3. Upon final determination of such suit, cause, or action, the Court of Claims shall decree such fees and necessary expenses as it shall find reasonable and proper to be paid the attorney or attorneys employed therein by said tribe or bands of Indians under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said Indians or any band thereof in any suit, cause, or action under the provisions of this Act until said contract shall have been so approved: *Provided*, That any attorney appearing for said Indians under any law of the State of Wisconsin authorizing him to prosecute such claims against the Federal Government shall not be required to file a contract of employment, and no compensation shall be allowed such attorney where he is so compensated by the State. The State shall be allowed out of any judgment recovered such necessary and proper expenses as the court may find to have been incurred by the attorney so employed. The fees decreed by the court to the attorney or attorneys of record, except such as shall be employed by the State, shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fees shall be taken from any money in the Treasury of the United States belonging to such tribe or bands of Indians in whose behalf the suit is brought: *Provided further*, That in no case shall the fees decreed by said court amount to more than 5 per centum of the amount of the judgment recovered in such cause, to be paid only to contract attorneys, if

employed. Should an attorney be employed by the State to assist in the prosecution of any suit filed hereunder the court shall determine the value of his services on a quantum meruit basis and such amount shall be withheld from the said 10 per centum and become available to said Indians as a part of said judgment.

SEC. 4. The net amount of any judgment recovered shall be placed in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of 4 per centum per annum and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians: *Provided*, That in making an award under this Act all gratuities paid said Indian tribe by the United States Government shall be offset against any judgment or award made to them.

Award to be placed to credit of Indians, at interest.

Use of.

*Proviso.* Gratuities to Indians to be offsets.

Approved, August 30, 1935.

[CHAPTER 833.]

AN ACT

To authorize the construction of certain bridges and to extend the times for commencing and/or completing the construction of other bridges over the navigable waters of the United States, and for other purposes.

August 30, 1935.

[H. R. 9070.]

[Public, No. 411.]

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

Bridge construction, etc.

MISSISSIPPI RIVER AT SAINT LOUIS, MISSOURI

Mississippi River at Saint Louis, Mo.

Time extended. Vol. 46, p. 1095.

SECTION 1. That the Act entitled "An Act authorizing H. C. Brenner Realty and Finance Corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near a point between Cherokee and Osage Streets, Saint Louis, Missouri", approved on February 13, 1931, be, and the same is hereby, revived and reenacted: *Provided*, That the construction herein authorized be commenced within one year and completed within three years from the date of the approval of this Act.

*Proviso.* Time limitation.

DELAWARE RIVER BETWEEN EASTON, PENNSYLVANIA, AND PHILLIPSBURG, NEW JERSEY

Delaware River between Easton, Pa., and Phillipsburg, N. J.

SEC. 2. (a) That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the Delaware River Joint Toll Bridge Commission of the State of Pennsylvania and the State of New Jersey, be and is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Delaware River, at a point suitable to the interests of navigation, at or near Easton, Pennsylvania, and Phillipsburg, New Jersey, 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.

Construction. Vol. 34, p. 84; U. S. C., p. 1474.

(b) There is hereby conferred upon the Delaware River Joint Toll Bridge Commission of the State of Pennsylvania and the State of New Jersey all such rights and powers to enter upon the lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation 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 in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State,

Acquisition of approaches, etc.

and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

(c) The said Delaware River Joint Toll Bridge Commission of the State of Pennsylvania and the State of New Jersey is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

(d) 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 maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such 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 forty 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 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.

Potomac River, between Old Town, Md., and Green Spring, W. Va.

POTOMAC RIVER BETWEEN OLD TOWN, MARYLAND, AND GREEN SPRING, WEST VIRGINIA

SEC. 3. (a) That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, M. R. Carpenter, his heirs, legal representatives, and assigns, be and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Potomac River, at a point suitable to the interests of navigation, between Old Town, Maryland, and Green Spring, West Virginia, 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.

(b) There is hereby conferred upon M. R. Carpenter, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property 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 in which such real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

(c) The said M. R. Carpenter, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

(d) After the completion of such bridge, as determined by the Secretary of War, either the State of Maryland, the State of West Virginia, any public agency or political subdivision of either of

Toll charges.

Vol. 34, p. 85; U. S. C., p. 1474.

Tolls applied to operation, sinking fund, etc.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

Construction.  
Vol. 34, p. 84.

Acquisition of approaches, etc.

Toll charges.  
Vol. 34, p. 85.

Acquisition authorized after completion by either State, etc.

such States, 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 all interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States 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 interests in real property; (3) the actual financing and promotion costs, 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.

(e) If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them as provided in subsection (d) of this section, 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.

(f) M. R. Carpenter, his heirs, legal representatives, and assigns, shall within ninety days after the completion of such bridge file with the Secretary of War and with the Highway Departments of the States of Maryland and West Virginia, 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 upon request of the highway department of either of such States 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 M. R. Carpenter, his heirs, legal representatives, 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

Conveyance subject only to indebtedness, etc., for construction, etc.

Tolls under State, etc., operation.

Tolls applied to operation, sinking fund, etc.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

Sworn statement of construction cost, etc., to be filed after completion.

Investigation by Secretary of War.

Records to be available.

Findings of Secretary conclusive.

in subsection (d) of this section, subject only to review in a court of equity for fraud or gross mistake.

Right to sell, etc.,  
conferred.

(g) The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted M. R. Carpenter, his heirs, legal representatives, and assigns, and any 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.

Ohio River at Wells-  
burg, W. Va.

#### OHIO RIVER AT WELLSBURG, WEST VIRGINIA

SEC. 4. (a) That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes the Brookewell Bridge Company, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Wellsburg, West Virginia, 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.

Construction.  
Vol. 34, p. 84; U. S.  
C., p. 1474.

Acquisition of ap-  
proaches, etc.

(b) There is hereby conferred upon the Brookewell Bridge Company, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property 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 in which such real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

Tolls.  
Vol. 34, p. 85; U. S.  
C., p. 1474.

(c) The said Brookewell Bridge Company, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Acquisition au-  
thorized after com-  
pletion by West Virginia,  
Ohio, etc.

(d) After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any public agency or political subdivision of either of such States, 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 either of such States 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 goodwill, 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 interests in real property; (3) actual financing and promotion costs, not to exceed 10 per centum of the sum of the cost of constructing the

Conveyance subject  
only to indebtedness,  
etc., for construction,  
etc.

bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

(e) If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in subsection (d) of this section, 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.

Tolls under State, etc., operation.

Tolls applied to operation, sinking fund, etc.

Maintenance as free bridge, etc., after amortizing costs.

Record of receipts and expenditures.

(f) The Brookewell Bridge 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 departments of the States of Ohio and West Virginia 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 upon the request of the highway department of either of such States 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 Brookewell Bridge 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 subsection (d) of this section, subject only to review in a court of equity for fraud or gross mistake.

Sworn statement of construction cost, etc., to be filed after completion.

Investigation by Secretary of War.

Findings of Secretary conclusive.

(g) The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to the Brookewell Bridge Company, its successors and assigns, and any 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.

Right to sell, etc., conferred.

#### MISSISSIPPI RIVER AT NEW BOSTON, ILLINOIS

SEC. 5. That the times for commencing and completing the construction of a bridge across the Mississippi River, at or near New Boston, Illinois, authorized to be built by D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly,

Mississippi River at New Boston, Ill.

Time extended for bridging.  
Vol. 46, p. 1503; Vol. 48, p. 652, amended.

by an Act of Congress approved March 3, 1931, heretofore extended by an Act of Congress approved April 30, 1934, are hereby further extended one and three years, respectively, from April 30, 1935.

Potomac River at  
Dahlgren, Va.

POTOMAC RIVER AT DAHLGREN, VIRGINIA

SEC. 6. (a) That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the George Washington Memorial Bridge Public Corporation, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a highway or combined highway and railroad bridge and approaches thereto across the Potomac River at a point suitable to the interests of navigation from a point in the vicinity of Dahlgren in the northeastern end of King George County, in the State of Virginia, to a point south of Popes Creek, in the county of Charles, in the State of Maryland, 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.

Construction.  
Vol. 34, p. 84; U. S.  
C., p. 1474.

Acquisition of land  
for approaches, etc.

(b) There is hereby conferred upon the said George Washington Memorial Bridge Public Corporation, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes in the State or States in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State or States, and the proceedings therefor shall be the same as in the condemnation and expropriation of property for public purposes in such State or States.

Tolls.  
Vol. 34, p. 85; U. S.  
C., p. 1474.

(c) The said George Washington Memorial Bridge Public Corporation, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Acquisition au-  
thorized after comple-  
tion by Virginia, Mary-  
land, etc.

(d) After the completion of such bridge, as determined by the Secretary of War, either the State of Virginia, the State of Maryland, any public agency or political subdivision of either of such States, 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 interests in real property necessary therefor, by purchase, or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of twenty 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 interests in real property; (3) actual financing and promotion costs (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.

Conveyance subject  
only to indebtedness,  
etc., for construction,  
etc.



(e) If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in subsection (d) of this section, 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 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, within a period of not to exceed thirty 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 operation, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Tolls under State, etc., operation.

Tolls applied to operation, sinking fund, etc.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

(f) The said George Washington Memorial Bridge Public Corporation, its successors and assigns, shall within ninety days after the completion of such bridge file with the Secretary of War and with the Highway Departments of the States of Virginia and Maryland 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 actual financing and promotion costs. The Secretary of War may, and upon the request of the highway department of either of such States 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 George Washington Memorial Bridge Public Corporation, 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 subsection (d) of this section, subject only to review in a court of equity for fraud or gross mistake.

Sworn statement of construction cost, etc., to be filed upon completion.

Investigation by Secretary of War.

Findings of Secretary conclusive.

(g) The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to the said George Washington Memorial Bridge Public Corporation, its successors and assigns, and any corporation to which or any persons 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.

Right to sell, etc., conferred.

#### MISSISSIPPI RIVER AT STITES, ILLINOIS

Mississippi River at Stites, Ill.

SEC. 7. (a) That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the county of Saint Clair, in the State of Illinois, be, and is hereby, authorized to construct, maintain, and operate a bridge and

Post, p. 1253.

approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near a point on Broadway between Florida and Mullanphy Streets in the city of Saint Louis, Missouri, and a point opposite thereto in the town of Stites, in the county of Saint Clair, State of Illinois, and connecting with Saint Clair Avenue extended in said town, 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.

Construction.  
Vol. 34, p. 84; U. S.  
C., p. 1474.

Acquisition of ap-  
proaches, etc.

(b) There is hereby conferred upon the county of Saint Clair, in the State of Illinois, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation 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 in which such real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

Tolls.  
Vol. 34, p. 85; U. S.  
C., p. 1474.

(c) The said county of Saint Clair, in the State of Illinois, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Tolls applied to op-  
eration, sinking fund,  
etc.

(d) 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 maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such 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 thirty 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 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.

Maintenance as free  
bridge, etc., after amor-  
tizing costs.

Record of expendi-  
tures and receipts.

Ohio River at Shaw-  
neetown, Ill.

#### OHIO RIVER AT SHAWNEETOWN, ILLINOIS

Time extended for  
bridging.  
Vol. 48, p. 839,  
amended.

**SEC. 8.** That the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Gallatin County, Illinois, and a point opposite thereto in Union County, Kentucky, authorized to be built by the city of Shawneetown, Illinois, by an act of Congress approved June 4, 1934, are hereby extended one and three years, respectively, from the date of approval hereof.

Compact between  
Pennsylvania and New  
Jersey.

#### COMPACT BETWEEN PENNSYLVANIA AND NEW JERSEY

Consent given to,  
relative to bridge con-  
struction, etc.

**SEC. 9.** That the consent of Congress is hereby given to the compact or agreement set forth below, and to each and every term and provision 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.

The Commonwealth of Pennsylvania and the State of New Jersey do hereby solemnly covenant and agree, each with the other, as follows:

#### ARTICLE I

There is hereby created a body corporate and politic, to be known as the "Delaware River Joint Toll Bridge Commission" (hereinafter in this agreement called the "commission"), which shall consist of the commissioners, on behalf of the Commonwealth of Pennsylvania, provided for by the Act, approved the 8th day of May 1919 (Pamphlet Laws, 148), and its supplements and amendments, for the acquisition of toll bridges over the Delaware River, and of commissioners, on behalf of the State of New Jersey, provided for by the Act, approved the 1st day of April 1912 (ch. 397), and its supplements and amendments, for the acquisition of toll bridges over the Delaware River, which said commissions have heretofore been acting as a joint commission by virtue<sup>1</sup> of reciprocal legislation.

"Delaware River  
Joint Toll Bridge Com-  
mission" created.  
Functions.

No action of the commission shall be binding unless a majority of the members of the commission from Pennsylvania and a majority of the members of the commission from New Jersey shall vote in favor thereof.

The commission shall constitute the public corporate instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey for the following public purposes, and shall be deemed to be exercising an essential governmental function in effectuating such purpose, to wit:

(a) The administration, operation, and maintenance of the joint State-owned bridges across the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey, and located north of the present stone arch bridge of the Pennsylvania Railroad across the Delaware River from Morrisville to Trenton;

(b) The investigation of the necessity for additional bridge communications over the Delaware River north of the said railroad bridge, and the making of such studies, surveys, and estimates as may be necessary to determine the feasibility and cost of such additional bridge communications;

(c) The preparation of plans and specifications for, and location, construction, administration, operation, and maintenance of, such additional bridge communications over the Delaware River, north of the aforesaid railroad bridge, as the commission deems necessary to advance the interests of the two States and to facilitate public travel; and the issuance of bonds and obligations to provide moneys sufficient for the construction of such bridges; and the collection of tolls, rentals, and charges for the redemption of such bonds and obligations, and the payment of interest thereon;

(d) The procurement from the Government of the United States of any consents which may be requisite to enable any project within its powers to be carried out.

<sup>1</sup> So in original.

## ARTICLE II

## Powers conferred.

For the effectuation of its authorized purposes, the commission is hereby granted the following powers:

- (a) To have perpetual succession.
- (b) To sue and be sued.
- (c) To adopt and use an official seal.
- (d) To elect a chairman, vice chairman, secretary, and treasurer, and appoint an engineer. The secretary, treasurer, and engineer need not be members of the commission.
- (e) To adopt suitable bylaws for the management of its affairs.
- (f) To appoint such other officers, agents, and employees as it may require for the performance of its duties.
- (g) To determine the qualifications and duties of its appointees, and to fix their compensation.
- (h) To enter into contracts.
- (i) To acquire, own, hire, use, operate, and dispose of personal property.
- (j) To acquire, own, use, lease, operate, and dispose of real property and interest in real property, and to make improvements thereon.
- (k) To grant the use of, by franchise, lease, and otherwise, and to make and collect charges for the use of, any property or facility owned or controlled by it.
- (l) To borrow money upon its bonds or other obligations, either with or without security.
- (m) To exercise the power of eminent domain.
- (n) To determine the exact location, system, and character of, and all other matters in connection with, any and all improvements or facilities which it may be authorized to own, construct, establish, effectuate, maintain, operate, or control.
- (o) In addition to the foregoing powers, to exercise the powers, duties, authority, and jurisdiction heretofore conferred and imposed upon the aforesaid commissions, hereby constituted a joint commission by reciprocal legislation of the Commonwealth of Pennsylvania and the State of New Jersey, with respect to the acquisition of toll bridges over the Delaware River, the management, operation, and maintenance of such bridges, and the location, construction, operation, and maintenance of additional bridge communications over the Delaware River north of the aforesaid railroad bridge of the Pennsylvania Railroad.
- (p) To exercise all other powers, not inconsistent with the Constitutions of the States of Pennsylvania and New Jersey or of the United States, which may be reasonably necessary or incidental to the effectuation of its authorized purposes or to the exercise of any of the foregoing powers, except the power to levy taxes or assessments for benefits; and generally to exercise, in connection with its property and affairs and in connection with property under its control, any and all powers which might be exercised by a natural person or a private corporation in connection with similar property and affairs.

## ARTICLE III

## Acquisition of land.

If for any of its authorized purposes (including temporary purposes) the commission shall find it necessary or convenient to acquire for public use any real property in the Commonwealth of Pennsylvania or the State of New Jersey, whether for immediate or future use, the commission may, by resolution, determine to acquire such property by a fee simple absolute or a lesser interest, and the said determination shall not be affected by the fact that

such property has therefore been taken for or is then devoted to a public use, but the public use in the hands or under the control of the commission shall be deemed superior to the public use in the hands or under the control of any other person, association, or corporation.

If the commission is unable to agree with the owner or owners thereof upon terms for the acquisition of any such real property in the Commonwealth of Pennsylvania, for any reason whatsoever, then the commission may acquire such real property by the exercise of the right of eminent domain, in the manner provided by the Act, approved the 8th day of May 1919 (Pamphlet Laws, 148), entitled "An Act providing for the joint acquisition and maintenance by the Commonwealth of Pennsylvania and the State of New Jersey of certain toll bridges over the Delaware River", and the Acts amendatory thereof and supplementary thereto, relating to the acquisition of interstate toll bridges over the Delaware River.

If the Commission is unable to agree with the owner or owners thereof upon terms for the acquisition of any such real property, in the State of New Jersey, for any reason whatsoever, then the commission may acquire such property by the exercise of the right of eminent domain, in the manner provided by the act of the State of New Jersey, entitled "An Act authorizing the acquisition and maintaining by the State of New Jersey, in conjunction with the State of Pennsylvania, of toll bridges across the Delaware River; and providing for free travel across the same", approved the 1st day of April 1912 (ch. 297), and the various acts amendatory thereof and supplementary thereto, relating to the acquisition of interstate toll bridges over the Delaware River.

The power of the commission to acquire real property by condemnation or the exercise of the power of eminent domain in the Commonwealth of Pennsylvania and the State of New Jersey shall be a continuing power and no exercise thereof shall be deemed to exhaust it.

The commission and its duly authorized agents and employees may enter upon any land, in the Commonwealth or the State of New Jersey, for the purpose of making such surveys, maps, or other examinations thereof, as it may deem necessary or convenient for its authorized purposes.

However, anything to the contrary contained in this compact notwithstanding, no property, now or hereafter vested in or held by any county, city, borough, village, township, or other municipality, shall be taken by the commission without the consent of such municipality, unless expressly authorized so to do by the Commonwealth or State in which such municipality is located. All counties, cities, boroughs, villages, townships and other municipalities, and all public agencies and commissions of the Commonwealth of Pennsylvania and the State of New Jersey, notwithstanding any contrary provision of law, are hereby authorized and empowered to grant and convey to the commission upon its request, but not otherwise, upon reasonable terms and conditions, any real property which may be necessary or convenient to the effectuation of its authorized purposes, including real property already devoted to public use.

The Commonwealth of Pennsylvania and the State of New Jersey hereby consent to the use and occupation by the commission of any real property of the said two States, or of either of them, which may be or become necessary or convenient to the effectuation of the authorized purposes of the commission, including lands lying under water and lands already devoted to public use.

Consent of participating States.

"Real property" defined.

The term "real property", as used in this compact, includes lands, structures, franchises, and interests in land, including lands under water and riparian rights, and any and all things and rights usually included within the said term, and includes not only fees simple and absolute but also any and all lesser interests, such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments, and every estate, interest, or right, legal or equitable, including terms of years and liens thereon by way of judgments, mortgages, or otherwise, and also claims for damage to real estate.

#### ARTICLE IV

Pledging credit or creating debt.

Notwithstanding any provision of this agreement, the commission shall have no power to pledge the credit of the Commonwealth of Pennsylvania, or of the State of New Jersey, or of any county, city, borough, village, township, and other municipality of said Commonwealth or State, or to create any debt against said Commonwealth or State or any such municipality.

#### ARTICLE V

Rules and regulations.

The commission is hereby authorized to make and enforce such rules and regulations, and to establish, levy, and collect (or to authorize by contract, franchise, liens, or otherwise, the establishment, levying, and collection of) such tolls, rates, rents, and other charges, in connection with any such bridge across the Delaware River which it may hereafter construct and operate, as it may deem necessary, proper, desirable, and reasonable, which tolls, rates, rents, and other charges shall be at least sufficient to meet interest and sinking-fund charges on bonds and obligations issued by the commission, the maintenance of such bridge, and the administrative expenses of the commission properly chargeable to such bridge. The commission is hereby authorized and empowered to pledge such tolls, rates, rents, and other revenues, or any part thereof, as security for the repayment, with interest, of any moneys borrowed by it or advanced to it for any of its authorized purposes, and as security for the satisfaction of any other obligation assumed by it in connection with such loans or advances.

#### ARTICLE VI

Commission's obligations not impaired.

The Commonwealth of Pennsylvania and the State of New Jersey hereby covenant and agree with each other and with the holders of any bonds or other obligations of the commission, for which tolls, rents, rates, or other revenues have been pledged, that, so long as any of said bonds or obligations remain outstanding and unpaid (unless adequate provision is otherwise made by law for the protection of those advancing moneys upon such bonds or obligations), the Commonwealth of Pennsylvania and the State of New Jersey will not diminish or impair the power of the commission to own, operate, and control said properties and facilities, or to establish, levy, and collect tolls, rents, rates, and other charges in connection with such properties and facilities.

The Commonwealth of Pennsylvania and the State of New Jersey hereby covenant and agree with each other and with the holders of any bonds or obligations of the commission, for which tolls, rents, rates, or other revenues shall have been pledged, that the said Commonwealth and State will not authorize or permit the construction, operation, and maintenance of any additional bridge or tunnel

for the transportation of passengers by vehicles over the Delaware River by any other person or body, than the commission, within a distance of ten miles in either direction from any such toll bridge, measured along the boundary line between the said Commonwealth and the said State.

#### ARTICLE VII

The bonds or obligations which may be issued by the commission for any of its authorized purposes, and as security for which tolls, rents, rates, and other revenues shall have been pledged, are hereby made securities in which all State and municipal officers and bodies of the Commonwealth of Pennsylvania and the State of New Jersey, and all banks, bankers, trust companies, savings banks, savings and loan associations, investment companies, and other persons carrying on a banking business, or insurance companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees, and other fiduciaries, and all other persons whatsoever, who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth of Pennsylvania or of the State of New Jersey, may properly and legally invest funds, including capital belonging to them or within their control; and said bonds or other obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officer, or agency of the Commonwealth of Pennsylvania and the State of New Jersey, for any purpose for which the deposit of bonds or other obligations, either of the Commonwealth or of the State, is now or may hereafter be authorized.

Commission's bonds  
made State securities.

#### ARTICLE VIII

The effectuation of its authorized purposes by the commission is and will be in all respects for the benefit of the people of the Commonwealth of Pennsylvania and the State of New Jersey, and for the increase of their commerce and prosperity, and since the commission will be performing essential governmental functions in effectuating said purposes, the commission shall not be required to pay any taxes or assessments upon any property acquired or used by it for purposes authorized by this agreement; and the bonds or obligations issued by the commission, their transfer, and the income therefrom, including any profits made on the sale thereof, shall, at all times, be free from taxation within the Commonwealth of Pennsylvania and the State of New Jersey.

Effectuation of pur-  
poses.

#### ARTICLE IX

The commission shall make annual reports to the Governors and Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey, setting forth in detail its operations and transactions, and may make such additional reports, from time to time, to the Governors and legislatures as it may deem advisable.

Annual reports to be  
made.

Whenever the commission, after investigation and study, shall have concluded plans, with estimates of cost, and means of financing any new toll bridge across the Delaware River, as hereinbefore provided, it shall make to the legislatures of each State, at the next sessions thereof, a detailed report, dealing with the contemplated project; but such project may, nevertheless, be proceeded with if the legislatures of said States, or either of them, are not in session.

ARTICLE X

Free bridge after payment of cost.

Whenever particular bonds issued for any bridge or bridges, and the interest thereon, shall have been paid, or a sufficient amount shall have been provided for their payment and shall continue to be held for that purpose, the commission shall cease to charge tolls for the use of such bridge and thereafter such bridge shall be a free bridge, and shall thereafter be maintained equally at the cost of the Commonwealth of Pennsylvania and the State of New Jersey by appropriations made for such purposes, as now provided by law for the maintenance of bridges over the Delaware River acquired by the Commonwealth of Pennsylvania and the State of New Jersey.

In witness whereof, this 18th day of December 1934, A. Harry Moore has affixed his signature hereto as Governor of the State of New Jersey and caused the great seal of the State to be attached thereto.

[SEAL]

A. Harry Moore,  
Governor, State of New Jersey.

And, on this 19th day of December 1934, Gifford Pinchot has affixed his signature hereto as Governor of the Commonwealth of Pennsylvania and caused the great seal of the Commonwealth to be attached thereto.

[SEAL]

Gifford Pinchot,  
Governor, Commonwealth of Pennsylvania.

Missouri River at Miami, Mo.

MISSOURI RIVER AT MIAMI, MISSOURI

SEC. 10. (a) That the consent of Congress is hereby granted to the county of Saline, 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 Miami, 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.

Construction. Vol. 34, p. 84; U. S. C., p. 1474.

Tolls to be applied to operation, sinking fund, etc.

(b) 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 tolls 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, etc., after amortizing costs.

Record of expenditures and receipts.

Gulf of Mexico, between Cedar Point and Dauphin Island, Ala.

GULF OF MEXICO BETWEEN CEDAR POINT AND DAUPHIN ISLAND, ALABAMA

SEC. 11. That the times for commencing and completing the construction of a railroad bridge and/or a toll bridge across the water between the mainland at or near Cedar Point and Dauphin Island, Alabama, authorized to be built by the Dauphin Island Railway and



Harbor Company, its successors and assigns, by an Act of Congress approved February 25, 1927, heretofore extended by Acts of Congress approved February 7, 1930, and March 1, 1933, are hereby further extended one and three years, respectively, from February 25, 1936.

Time extended for bridging.  
Vol. 44, p. 1242; Vol. 46, p. 65; Vol. 47, p. 1416; *Post*, p. 1104.

## OHIO RIVER AT CANNELTON, INDIANA

Ohio River at Cannelton, Ind.

SEC. 12. (a) That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the Perry County Bridge Commission of Perry County, Indiana, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Cannelton, Indiana, 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.

Construction.  
Vol. 34, p. 84.

(b) There is hereby conferred upon the Perry County Bridge Commission all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation 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 in which such real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

Acquisition for approaches, etc.

(c) The said Perry County Bridge Commission is hereby authorized to fix and charge tolls for transit over such bridge, the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Tolls.

Vol. 34, p. 85.

(d) 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 maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such 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 economical management. 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.

Tolls to be applied to operation, sinking fund, etc.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

## TENNESSEE RIVER BETWEEN DAYTON AND DECATUR, TENNESSEE

Tennessee River between Dayton and Decatur, Tenn.

SEC. 13. (a) That the consent of Congress is hereby granted to the State of Tennessee, any political subdivision thereof within or adjoining which any part of the bridge herein referred to is located, any bridge district created or to be created by the State, or any two or more of them jointly, to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at a point suitable to the interests of navigation, at or near a point between Dayton and

Construction.  
Vol. 34, p. 84; U. S.  
C., p. 1474.

Tolls to be applied  
to operation, sinking  
fund, etc.

Maintenance as free  
bridge, etc., after amor-  
tizing costs.

Record of expendi-  
tures and receipts.

Missouri River at  
Arrow Rock, Mo.

Post, p. 1536.

#### MISSOURI RIVER AT ARROW ROCK, MISSOURI

Decatur, Tennessee, 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.

(b) 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 thirty 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. 14. (a) That the consent of Congress is hereby granted to J. L. Jones, Tyre W. Burton, and H. R. Turley, trustees for Howard County, 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 Arrow Rock, Missouri, 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.

(b) 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 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.

Construction.  
Vol. 34, p. 84.

Tolls to be applied  
to operation, sinking  
fund, etc.

Maintenance as free  
bridge, etc., after amor-  
tizing costs.

Record of expendi-  
tures and receipts.

Columbia River at  
Astoria, Oreg.

Time extended for  
bridging.  
Vol. 48, p. 949.  
Post, p. 1104.

#### COLUMBIA RIVER AT ASTORIA, OREGON

SEC. 15. That the times for commencing and completing the construction of a bridge across the Columbia River, at Astoria, Clatsop County, Oregon, authorized to be built by the Oregon-Washington Bridge Board of Trustees by an Act of Congress approved June 13, 1934, are hereby extended one and three years, respectively, from June 13, 1935.

## OHIO RIVER AT LOUISVILLE, KENTUCKY

SEC. 16. That in the event that the Louisville Bridge Commission shall issue bridge revenue refunding bonds for the purpose of refunding or renewing the outstanding city of Louisville Bridge Revenue 4½ per centum bonds, dated May 1, 1928, which were issued to provide funds for the construction of the bridge authorized by the Act of Congress approved February 25, 1928, entitled "An Act authorizing the city of Louisville, Kentucky, to construct, maintain, and operate a toll bridge across the Ohio River at or near said city", the rates of toll to be charged for the use of said bridge 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 fund sufficient to pay the principal and interest and the redemption premium, if any, of such bridge revenue refunding bonds, as soon as possible under reasonable charges, but within a period not exceeding twenty years from the date of approval of this Act, and such tolls shall be continued until such payment shall have been made. After a fund sufficient for such payment 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.

Ohio River at Louisville, Ky.

Tolls to be charged in event bridge refunding bonds are issued.

Vol. 45, P. 146, amended.

Maintenance as free bridge, etc., after amortizing costs.

## SAINT CLAIR RIVER AT PORT HURON, MICHIGAN

SEC. 17. (a) That in order to facilitate international commerce, improve the postal service, and provide for military and other purposes, the State of Michigan, by and through its State Bridge Commission, or the successors of said commission, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Saint Clair River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near Port Huron, Michigan, 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, and subject to the approval of the proper authorities in the Dominion of Canada.

Saint Clair River at Port Huron, Mich.

Construction. Vol. 34, p. 84; U. S. C., p. 1474.

(b) There is hereby conferred upon the State of Michigan and its State Bridge Commission, or the successors of said commission, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Michigan 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 Michigan, 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 or expropriation of property for public purposes in such State.

Acquisition of approaches, etc.

(c) The State of Michigan, by and through its State Bridge Commission, or the successors of said commission, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of the State of Michigan applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Tolls.

Vol. 34, p. 85; U. S. C., p. 1474.

Tolls applied to operation, sinking fund, etc.

(d) 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 maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such 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 thirty 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 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.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

Missouri River at Brownville, Nebr.  
Post, p. 1529.

#### MISSOURI RIVER AT BROWNVILLE, NEBRASKA

SEC. 18. (a) That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the county of Atchison, State of Missouri, and the county of Nemaha, State of Nebraska, singly or jointly, be, and are hereby, authorized 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 Brownville, Nebraska, 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.

Construction.  
Vol. 34, p. 84.

Acquisition of approaches, etc.

(b) There is hereby conferred upon the county of Atchison, State of Missouri, and the county of Nemaha, State of Nebraska, singly or jointly, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation 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 in which such real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

Tolls.  
Vol. 34, p. 85.

(c) The said county of Atchison, State of Missouri, and the county of Nemaha, State of Nebraska, singly or jointly, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Tolls applied to operation, sinking fund, etc.

(d) 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 maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such 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

Maintenance as free bridge, etc., after amortizing costs.

nance, repair, and operation of the bridge and its approaches under economical management. 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.

Record of expenditures and receipts.

MISSISSIPPI RIVER AT NATCHEZ, MISSISSIPPI

Mississippi River at Natchez, Miss.

Post, p. 1255.

SEC. 19. (a) That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the city of Natchez, State of Mississippi, and the county of Adams, State of Mississippi, singly or jointly, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Natchez, State of Mississippi, 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.

Construction. Vol. 34, p. 84.

(b) There is hereby conferred upon said city and county, acting singly or jointly, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess and use real estate and other property needed for the location, construction, maintenance, and operation 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 in which such real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

Acquisition of approaches, etc.

(c) The said city and county, acting singly or jointly, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Tolls. Vol. 34, p. 85.

(d) 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 maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such 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 economical management. 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.

Tolls to be applied to operation, sinking fund, etc.

Record of expenditures and receipts.

OUACHITA RIVER AT MONROE, LOUISIANA

Ouachita River at Monroe, La.

SEC. 20. That the Act approved January 26, 1925, heretofore extended by Acts of Congress approved February 6, 1928, and January 15, 1931, granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge and approaches thereto across the Ouachita River, at or near Monroe,

Time extended for bridging. Vol. 43, p. 791; Vol. 45, p. 57; Vol. 46, p. 1038, amended.

*Proviso.*  
Time limitation.

Louisiana, be and 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.

Red River at Alexandria, La.

#### RED RIVER AT ALEXANDRIA, LOUISIANA

Time extended for bridging.  
Vol. 46, p. 1037, amended.

SEC. 21. That the Act approved January 15, 1931, granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge and approaches thereto across the Red River, at or near Alexandria, Louisiana, be and 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.*  
Time limitation.

Missouri River at Saint Charles, Mo.

#### MISSOURI RIVER AT SAINT CHARLES, MISSOURI

Time extended for bridging.  
Vol. 45, p. 1511; Vol. 47, p. 82, amended.

SEC. 22. That the Act approved March 2, 1929, heretofore extended by an Act of Congress approved April 15, 1932, authorizing the Saint Louis-Kansas City Short Line Railroad Company to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at or near Saint Charles, Missouri, be and 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.*  
Time limitation.

Missouri River at Arrow Rock, Mo.

#### MISSOURI RIVER AT ARROW ROCK, MISSOURI

Time extended for bridging.  
Vol. 45, p. 1511; Vol. 47, p. 82, amended.

SEC. 23. That the Act approved March 2, 1929, heretofore extended by an Act of Congress approved April 15, 1932, authorizing the Saint Louis-Kansas City Short Line Railroad Company to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at or near Arrow Rock, Missouri, be and 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.*  
Time limitation.

#### EASEMENT OVER GOVERNMENT LAND NEAR NATCHITOCHE, LOUISIANA

Natchitoches, La.  
Easement over Government land near.

SEC. 24. That the Secretary of Commerce be, and he is hereby, authorized and directed to grant to the State of Louisiana an easement over a strip of land situated in the western portion of the Natchitoches (Louisiana) fisheries station property in Natchitoches Parish in said State, for State highway purposes; said strip of land, which consists of three and forty-one one-hundredths acres, more or less, to be particularly described in said grant.

Savannah River at Lincolnton, Ga.

#### SAVANNAH RIVER AT LINCOLNTON, GEORGIA

Time extended for bridging.  
Vol. 47, p. 903, amended.

SEC. 25. That the times for commencing and completing the construction of a bridge across the Savannah River at or near Lincolnton, Georgia, authorized to be built by the State of Georgia by an Act of Congress approved February 24, 1933, are hereby extended one and three years, respectively, from February 24, 1936.

Savannah River at Burtons Ferry, Ga.

#### SAVANNAH RIVER AT BURTONS FERRY, GEORGIA

Time extended for bridging.  
Vol. 45, p. 751; Vol. 47, p. 135; Vol. 48, p. 946.  
*Post*, p. 1537.

SEC. 26. That the times for commencing and completing the construction of a bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Georgia, authorized to be built by the South Carolina and Georgia State Highway Departments by an Act of

Congress approved May 26, 1928, heretofore revived and reenacted by an Act of Congress approved April 22, 1932, and heretofore extended by Acts of Congress approved May 27, 1933, and June 12, 1934, are hereby further extended one and three years, respectively, from the date of approval hereof.

COLORADO RIVER AT PARKER, ARIZONA

Colorado River at Parker, Ariz.

SEC. 27. (a) That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Arizona State Highway Commission be and is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Colorado River, at a point suitable to the interests of navigation, at or near Parker, Arizona, 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.

Construction.  
Vol. 34, p. 84; U. S. C.,  
p. 1474.

(b) There is hereby conferred upon the Arizona State Highway Commission all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation 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 in which such real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

Acquisition of approaches, etc.

(c) The said Arizona State Highway Commission is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Tolls.  
Vol. 34, p. 85; U. S. C.,  
p. 1474.

(d) 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 maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such 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 20 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 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.

Tolls applied to operation, sinking fund, etc.

Maintenance as free bridge after amortizing costs.

Record of expenditures and receipts.

ST. CROIX RIVER AT HUDSON, WISCONSIN

St. Croix River at Hudson, Wis.

SEC. 28 (a). That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the Highway Commission of the State of Wisconsin and the Department of Highways of the State of Minnesota are hereby authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the St. Croix River, at a point suitable to the interests of navigation, at or near the city of Hudson,

Construction.  
Vol. 34, p. 84.

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

Acquisition of ap-  
proaches, etc.

(b) There is hereby conferred upon the Highway Commission of the State of Wisconsin and the Department of Highways of the State of Minnesota all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property 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 in which such real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

Missouri River at  
Decatur, Nebr.  
Post, p. 1530.

#### MISSOURI RIVER AT DECATUR, NEBRASKA

SEC. 29. (a) That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the county of Burt, State of Nebraska, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation between the towns of Decatur, Nebraska, and Onawa, Iowa, 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.

Construction.  
Vol. 34, p. 84.

Acquisition of ap-  
proaches, etc.

(b) There is hereby conferred upon the county of Burt, State of Nebraska, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation 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 in which such real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

Tolls.  
Vol. 34, p. 85.

(c) The said county of Burt, State of Nebraska, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority<sup>1</sup> contained in the Act of March 23, 1906.

Tolls applied to op-  
eration, sinking fund,  
etc.

(d) 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 maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such 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 20 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 cost of

Maintenance as free  
bridge after amortizing  
costs.

<sup>1</sup> So in original.



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.

Record of expenditures and receipts.

#### MISSOURI RIVER AT SOUTH SIOUX CITY, NEBRASKA

Missouri River at South Sioux City, Nebr.  
Post, p. 1530.

SEC. 30 (a). That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the county of Dakota, State of Nebraska, be, and is hereby, authorized 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 the cities of South Sioux City, Nebraska, and Sioux City, Iowa, 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.

Construction.  
Vol. 34, p. 84.

(b) There is hereby conferred upon the county of Dakota, State of Nebraska, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation 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 in which such real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

Acquisition of approaches, etc.

(c) The said county of Dakota, State of Nebraska, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Tolls.  
Vol. 34, p. 85.

(d) 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 maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such 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 20 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 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.

Tolls to be applied to operation, sinking fund, etc.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

#### HUDSON RIVER AT NYACK, NEW YORK

Hudson River at Nyack, N. Y.

SEC. 31 (a). That the consent of Congress is hereby granted to the Rockland-Westchester Hudson River Crossing Authority, State of New York, to construct, maintain, and operate a highway bridge, causeway, and approaches thereto across the Hudson River, at a point suitable to the interests of navigation, in the vicinity of the village of Nyack, Rockland County, and the village of Tarrytown, Westchester

Construction.  
Vol. 34, p. 84.

County, New York, 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.

Tolls to be applied  
to operation, sinking  
fund, etc.

(b) If tolls are charged for the use of such bridge and causeway, 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, causeway, and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge, causeway, and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof.

Maintenance as free  
bridge, etc., after amor-  
tizing costs.

After a sinking fund sufficient for such amortization shall have been so provided, such bridge and causeway shall thereafter be maintained and operated free of tolls, or the rates of tolls 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, causeway, and its approaches under economical management. An accurate record of the cost of the bridge, causeway, 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.

Record of expendi-  
tures and receipts.

Missouri River at  
Niobrara, Nebr.  
*Post*, p. 1354.

#### MISSOURI RIVER AT NIOBRARA, NEBRASKA

SEC. 32. (a) That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the village board of the village of Niobrara, county of Knox, State of Nebraska, be, and is hereby, authorized 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 Niobrara, Nebraska, 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.

Construction.  
Vol. 34, p. 84; U. S. C.,  
p. 1474.

Acquisition of ap-  
proaches, etc.

(b) There is hereby conferred upon the Village Board of the Village of Niobrara, county of Knox, State of Nebraska, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation 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 in which such real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

Tolls.  
Vol. 34, p. 85; U. S. C.,  
p. 1474.

(c) The said Villiage<sup>1</sup> Board of the Villiage<sup>1</sup> of Niobrara, county of Knox, State of Nebraska, is hereby authorized to fix the charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Tolls to be applied  
to operation, sinking  
fund, etc.

(d) 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 maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge

<sup>1</sup> So in original.

and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking<sup>1</sup> sufficient for amortization shall have been so provided, said 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 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.

Maintenance as free bridge after amortizing costs.

Record of expenditures and receipts.

SEC. 33. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, August 30, 1935.

[CHAPTER 836.]

AN ACT

To amend an Act entitled "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", approved May 18, 1933.

August 31, 1935.

[H. R. 8632.]

[Public, No. 412.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subdivision (i) of section 4 of the Act entitled "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", approved May 18, 1933, be, and the same is hereby, amended by adding thereto the following proviso: "Provided, That nothing contained herein or elsewhere in this Act shall be construed to deprive the Corporation of the rights conferred by the Act of February 26, 1931 (46 Stat. 1422, ch. 307, secs. 1 to 5, inclusive), as now compiled in section 258a to 258e, inclusive, of Title 40 of the United States Code."

Tennessee Valley Authority Act of 1933; amendments.

Vol. 48, p. 60; U. S. C., p. 702.

Post, p. 1607.

Rights of Corporation.

Vol. 46, p. 1421; U. S. C., p. 1786.

SEC. 2. That subdivision (j) of said section 4 of said Act be, and the same is hereby, amended to read as follows:

Vol. 48, p. 61; U. S. C., p. 702.

"(j) Shall have power to construct such dams, and reservoirs, in the Tennessee River and its tributaries, as in conjunction with Wilson Dam, and Norris, Wheeler, and Pickwick Landing Dams, now under construction, will provide a nine-foot channel in the said river and maintain a water supply for the same, from Knoxville to its mouth, and will best serve to promote navigation on the Tennessee River and its tributaries and control destructive flood waters in the Tennessee and Mississippi River drainage basins; and shall have power to acquire or construct 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. The directors of the Authority are hereby directed to report to Congress their recommendations not later than April 1, 1936, for the unified development of the Tennessee River system."

Powers of Corporation.

Construction of dams and reservoirs; location.

Acquisition or construction of power houses, transmission lines, etc.

Recommendations for unified development of Tennessee River system.

<sup>1</sup> So in original.

Vol. 48, p. 61.

Authority for disposal of unnecessary real property.

SEC. 3. That said section 4 of said Act be, and the same is hereby, further amended by adding a new subdivision, (k), at the end of said section as follows:

"(k) At any time before the expiration of five years from the date when this section, as amended, becomes law may in the name of and as agent for the United States and subject to approval of the President, dispose of any of such real property as in the judgment of the Board may be no longer necessary in carrying out the purposes of this Act, but no land shall be conveyed on which there is a permanent dam, hydraulic power plant, fertilizer plant or munitions plant, heretofore or hereafter built by or for the United States or for the Authority."

Vol. 48, p. 61; U. S. C., p. 703.

Authority of Board to cooperate for use of new forms of fertilizer.

SEC. 4. That subdivision (c) of section 5 of said Act be, and the same is hereby, amended to read as follows:

"(c) To cooperate with National, State, district, or county experimental stations or demonstration farms, with farmers, landowners, and associations of farmers or landowners, for the use of new forms of fertilizer or fertilizer practices during the initial or experimental period of their introduction, and for promoting the prevention of soil erosion by the use of fertilizers and otherwise."

Vol. 48, p. 64.

Regulation of stream flow at dams.

SEC. 5. That said Act be, and the same is hereby, further amended by adding a new section after section 9 of said Act, as follows:

"SEC. 9a. The Board is hereby directed in the operation of any dam or reservoir in its possession and control to regulate the stream flow primarily for the purposes of promoting navigation and controlling floods. So far as may be consistent with such purposes, the Board is authorized to provide and operate facilities for the generation of electric energy at any such dam for the use of the Corporation and for the use of the United States or any agency thereof, and the Board is further authorized, whenever an opportunity is afforded, to provide and operate facilities for the generation of electric energy in order to avoid the waste of water power, to transmit and market such power as in this act provided, and thereby, so far as may be practicable, to assist in liquidating the cost or aid in the maintenance of the projects of the Authority."

Vol. 48, p. 64; U. S. C., p. 704.

Sales of surplus power; terms and conditions of contracts.

SEC. 6. That section 10 of said Act be, and the same is hereby, amended by adding thereto a proviso as follows: "*Provided further*, That the Board is authorized to include in any contract for the sale of power such terms and conditions, including resale rate schedules, and to provide for such rules and regulations as in its judgment may be necessary or desirable for carrying out the purposes of this Act, and in case the purchaser shall fail to comply with any such terms and conditions, or violate any such rules and regulations, said contract may provide that it shall be voidable at the election of the Board: *Provided further*, That in order to supply farms and small villages with electric power directly as contemplated by this section, the Board in its discretion shall have power to acquire existing electric facilities used in serving such farms and small villages: *And provided further*, That the terms 'States', 'counties', and 'municipalities' as used in this Act shall be construed to include the public agencies of any of them unless the context requires a different construction."

Voiding contract on failure to comply.

Acquisition of existing facilities.

Terms construed. "States"; "counties"; "municipalities."

Vol. 48, p. 66; U. S. C., p. 704.

Authority of Board to extend credit for acquiring distribution facilities, etc.

SEC. 7. That said Act be, and the same is hereby, further amended by adding a new section after section 12 of said Act, as follows:

"SEC. 12a. In order (1) to facilitate the disposition of the surplus power of the Corporation according to the policies set forth in this Act; (2) to give effect to the priority herein accorded to States, counties, municipalities, and nonprofit organizations in the purchase

of such power by enabling them to acquire facilities for the distribution of such power; and (3) at the same time to preserve existing distribution facilities as going concerns and avoid duplication of such facilities, the Board is authorized to advise and cooperate with and assist, by extending credit for a period of not exceeding five years to, States, Counties, municipalities and nonprofit organizations situated within transmission distance from any dam where such power is generated by the Corporation in acquiring, improving, and operating (a) existing distribution facilities and incidental works, including generating plants; and (b) interconnecting transmission lines; or in acquiring any interest in such facilities, incidental works, and lines."

SEC. 8. That said Act be, and the same is hereby, further amended by adding to section 14 of said Act the following:

"The Board shall, on or before January 1, 1937, file with Congress a statement of its allocation of the value of all such properties turned over to said Board, and which have been completed prior to the end of the preceding fiscal year, and shall thereafter in its annual report to Congress file a statement of its allocation of the value of such properties as have been completed during the preceding fiscal year.

"For the purpose of accumulating data useful to the Congress in the formulation of legislative policy in matters relating to the generation, transmission, and distribution of electric energy and the production of chemicals necessary to national defense and useful in agriculture, and to the Federal Power Commission and other Federal and State agencies, and to the public, the Board shall keep complete accounts of its costs of generation, transmission, and distribution of electric energy and shall keep a complete account of the total cost of generating and transmission facilities constructed or otherwise acquired by the Corporation, and of producing such chemicals, and a description of the major components of such costs according to such uniform system of accounting for public utilities as the Federal Power Commission has, and if it have none, then it is hereby empowered and directed to prescribe such uniform system of accounting, together with records of such other physical data and operating statistics of the Authority as may be helpful in determining the actual cost and value of services, and the practices, methods, facilities, equipment, appliances, and standards and sizes, types, location, and geographical and economic integration of plants and systems best suited to promote the public interest, efficiency, and the wider and more economical use of electric energy. Such data shall be reported to the Congress by the Board from time to time with appropriate analyses and recommendations, and, so far as practicable, shall be made available to the Federal Power Commission and other Federal and State agencies which may be concerned with the administration of legislation relating to the generation, transmission, or distribution of electric energy and chemicals useful to agriculture. It is hereby declared to be the policy of this Act that, in order, as soon as practicable, to make the power projects self-supporting and self-liquidating, the surplus power shall be sold at rates which, in the opinion of the Board, when applied to the normal capacity of the Authority's power facilities, will produce gross revenues in excess of the cost of production of said power and in addition to the statement of the cost of power at each power station as required by section 9 (a) of the 'Tennessee Valley Act of 1933', the Board shall file with each annual report, a statement of the total cost of all power generated by it at all power stations during each year, the average cost of such power per kilowatt hour, the rates at which sold, and to whom sold, and copies of all contracts for the sale of power."

Vol. 48, p. 66; U. S. O., p. 705.

Statement of allocation of properties turned over to Board; filing.

Accounts to be kept.

Uniform systems.

Report to Congress.

Available to Federal Power Commission.

Declaration of policy respecting sale rate of surplus power.

Statement to be included in annual report.

Vol. 48, p. 67.

Bond issue; aggregate amount.

Sale.

Bonds and denominations.

Redemption.

Interest rates.

*Proviso.*  
Annual investment yield.

Guaranty of interest and principal.

Payments by Secretary of the Treasury.

Purchases by.

*Ante*, p. 20.

Sales by.

Purchases by Corporation.

Approval of contracts by Federal Power Commission.

Consideration of proposed contracts.

Expiration of authority to issue bonds.

SEC. 9. That said Act be and the same is hereby further amended by adding after section 15 of said Act a new section as follows:

“SEC. 15a. With the approval of the Secretary of the Treasury, the Corporation is authorized to issue bonds not to exceed in the aggregate \$50,000,000 outstanding at any one time, which bonds may be sold by the Corporation to obtain funds to carry out the provisions of section 7 of this amendatory Act. Such bonds shall be in such forms and denominations, shall mature within such periods not more than fifty years from the date of their issue, may be redeemable at the option of the Corporation before maturity in such manner as may be stipulated therein, shall bear such rates of interest not exceeding 3½ per centum per annum, shall be subject to such terms and conditions, shall be issued in such manner and amount, and sold at such prices, as may be prescribed by the Corporation, with the approval of the Secretary of the Treasury: *Provided*, That such bonds shall not be sold at such prices or on such terms as to afford an investment yield to the holders in excess of 3½ per centum per annum. Such bonds shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guaranty shall be expressed on the face thereof, and such bonds shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. In the event that the Corporation should not pay upon demand, when due, the principal of, or interest on, such bonds, the Secretary of the Treasury shall pay to the holder the amount thereof, which is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such bonds. The Secretary of the Treasury, in his discretion, is authorized to purchase any bonds issued hereunder, and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of the Corporation's bonds hereunder. The Secretary of the Treasury may, at any time, sell any of the bonds of the Corporation acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of the bonds of the Corporation shall be treated as public-debt transactions of the United States. With the approval of the Secretary of the Treasury, the Corporation shall have power to purchase such bonds in the open market at any time and at any price. No bonds shall be issued hereunder to provide funds or bonds necessary for the performance of any proposed contract negotiated by the Corporation under the authority of section 7 of this amendatory Act until the proposed contract shall have been submitted to and approved by the Federal Power Commission. When any such proposed contract shall have been submitted to the said Commission, the matter shall be given precedence and shall be in every way expedited and the Commission's determination of the matter shall be final. The authority of the Corporation to issue bonds hereunder shall expire at the end of five years from the date when this section as amended herein becomes law, except that such bonds may be issued at any time after the expiration of said period to provide bonds or funds necessary for the performance of any contract entered into by the Corporation, prior to the expiration of said period, under the authority of section 7 of this amendatory Act.”

SEC. 10. That section 26 of said Act be, and the same is hereby, amended to read as follows: Vol. 48, p. 71; U. S. C., p. 708.

“SEC. 26. Commencing July 1, 1936, the proceeds for each fiscal year derived by the Board from the sale of power or any other products manufactured by the Corporation, and from any other activities of the Corporation including the disposition of any real or personal property, shall be paid into the Treasury of the United States at the end of each calendar year, save and except such part of such proceeds as in the opinion of the Board shall be necessary for the Corporation in the operation of dams and reservoirs, in conducting its business in generating, transmitting, and distributing electric energy and in manufacturing, selling, and distributing fertilizer and fertilizer ingredients. A continuing fund of \$1,000,000 is also excepted from the requirements of this section and may be withheld by the Board to defray emergency expenses and to insure continuous operation: *Provided*, That nothing in this section shall be construed to prevent the use by the Board, after June 30, 1936, of proceeds accruing prior to July 1, 1936, for the payment of obligations lawfully incurred prior to such latter date.”

Proceeds from power sales, disposition of property, etc.

Deposit.

Withholding continuing fund.

*Proviso.*  
Use of proceeds accruing prior to July 1, 1936.

Vol. 48, p. 71.

SEC. 11. That said Act be, and the same is hereby, further amended by adding after section 26 of said Act a new section, as follows:

“SEC. 26a. The unified development and regulation of the Tennessee River system requires that no dam, appurtenant works, or other obstruction, affecting navigation, flood control, or public lands or reservations shall be constructed, and thereafter operated or maintained across, along, or in the said river or any of its tributaries until plans for such construction, operation, and maintenance shall have been submitted to and approved by the Board; and the construction, commencement of construction, operation, or maintenance of such structures without such approval is hereby prohibited. When such plans shall have been approved, deviation therefrom either before or after completion of such structures is prohibited unless the modification of such plans has previously been submitted to and approved by the Board.

Prohibition on constructions affecting navigation on Tennessee River system; approval required.

“In the event the Board shall, within sixty days after their formal submission to the Board, fail to approve any plans or modifications, as the case may be, for construction, operation, or maintenance of any such structures on the Little Tennessee River, the above requirements shall be deemed satisfied, if upon application to the Secretary of War, with due notice to the Corporation, and hearing thereon, such plans or modifications are approved by the said Secretary of War as reasonably adequate and effective for the unified development and regulation of the Tennessee River system.

Approval of plans when Board fails to approve.

“Such construction, commencement of construction, operation, or maintenance of any structures or parts thereof in violation of the provisions of this section may be prevented, and the removal or discontinuation thereof required by the injunction or order of any district court exercising jurisdiction in any district in which such structures or parts thereof may be situated, and the Corporation is hereby authorized to bring appropriate proceedings to this end.

Injunction to restrain violations.

“The requirements of this section shall not be construed to be a substitute for the requirements of any other law of the United States or of any State, now in effect or hereafter enacted, but shall be in addition thereto, so that any approval, license, permit, or other sanction now or hereafter required by the provisions of any such law for the construction, operation, or maintenance of any structures whatever, except such as may be constructed, operated, or maintained by the Corporation, shall be required, notwithstanding the provisions of this section.”

Requirements to be additional to existing laws.

Vol. 48, p. 72.

SEC. 12. That said Act be, and the same is hereby, further amended by adding at the end of said Act a new section, as follows:

Construction of Act.

“SEC. 31. This Act shall be liberally construed to carry out the purposes of Congress to provide for the disposition of and make needful rules and regulations respecting Government properties entrusted to the Authority, provide for the national defense, improve navigation, control destructive floods, and promote interstate commerce and the general welfare, but no real estate shall be held except what is necessary in the opinion of the Board to carry out plans and projects actually decided upon requiring the use of such land: *Provided*, That any land purchased by the Authority and not necessary to carry out plans and projects actually decided upon shall be sold by the Authority as agent of the United States, after due advertisement, at public auction to the highest bidder, or at private sale as provided in section 3 of this amendatory Act.”

Vol. 48, p. 61.

SEC. 13. That section 4 of said Act of May 18, 1933 (48 Stat. 58), be amended by adding subsection (1) as follows:

Power of Corporation.  
Readjustment of population displaced by dam construction, etc.

“(1) Shall have power to advise and cooperate in the readjustment of the population displaced by the construction of dams, the acquisition of reservoir areas, the protection of watersheds, the acquisition of rights-of-way, and other necessary acquisitions of land, in order to effectuate the purposes of the Act; and may cooperate with Federal, State, and local agencies to that end.”

Vol. 48, p. 63; U. S. C., p. 704.

SEC. 14. That subsection (b) of section 9 of said Act be and the same is hereby amended to read as follows:

Purchases and contracts for supplies; advertising.

“(b) All purchases and contracts for supplies or services, except for personal services, made by the Corporation, shall be made after advertising, in such manner and at such times sufficiently in advance of opening bids, as the Board shall determine to be adequate to insure notice and opportunity for competition: *Provided*, That advertisement shall not be required when, (1) an emergency requires immediate delivery of the supplies or performance of the services; or (2) repair parts, accessories, supplemental equipment, or services are required for supplies or services previously furnished or contracted for; or (3) the aggregate amount involved in any purchase of supplies or procurement of services does not exceed \$500; in which cases such purchases of supplies or procurement of services may be made in the open market in the manner common among businessmen: *Provided further*, That in comparing bids and in making awards the Board may consider such factors as relative quality and adaptability of supplies or services, the bidder's financial responsibility, skill, experience, record of integrity in dealing, ability to furnish repairs and maintenance services, the time of delivery or performance offered, and whether the bidder has complied with the specifications.

*Provisos*.  
When advertising waived.

Factors to be considered in comparing bids.

Audit of transactions.

“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, 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

Access to books, etc.

Report of audit.



the uses of the Congress: *Provided*, That such report shall not be made until the Corporation shall have had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General or the General Accounting Office, to point out errors therein, explain or answer the same, and to file a statement which shall be submitted by the Comptroller General with his report. The expenses for each such audit shall be paid from any appropriation or appropriations for the General Accounting Office, and such part of such expenses as may be allocated to the cost of generating, transmitting, and distributing electric energy shall be reimbursed promptly by the Corporation as billed by the Comptroller General. 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 entrusted to the Corporation by law."

*Proviso.*  
Examination of report.

Expenses of audit.

Special report.

SEC. 15. That the sections of this Act are hereby declared to be separable, and in the event of any one or more sections of this Act, or parts thereof, be held to be unconstitutional, such holding shall not affect the validity of other sections or parts of this Act.

Separability clause.

Approved, August 31, 1935.

[CHAPTER 837.]

JOINT RESOLUTION

Providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war.

August 31, 1935.  
[S. J. Res. 173.]  
[Pub. Res., No. 67.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That upon the outbreak or during the progress of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any port of such belligerent states, or to any neutral port for transshipment to, or for the use of, a belligerent country.

Neutrality; prohibition on export of arms and munitions of war.  
*Post*, p. 1152.

The President, by proclamation, shall definitely enumerate the arms, ammunition, or implements of war, the export of which is prohibited by this Act.

President to definitely enumerate prohibited exports.

The President may, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war.

Extension of embargo to other States.

Whoever, in violation of any of the provisions of this section, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States, or any of its possessions, shall be fined not more than \$10,000 or imprisoned not more than five years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the Act approved June 15, 1917 (40 Stat. 223-225; U. S. C., title 22, secs. 238-245).

Penalty for violation.

Seizure and forfeiture.  
Vol. 40, p. 223; U. S. C., p. 962.

In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this Act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.

Disposition of seized munitions.

Revocation of proclamation.

When in the judgment of the President the conditions which have caused him to issue his proclamation have ceased to exist he shall revoke the same and the provisions hereof shall thereupon cease to apply.

Duration of Act.

Except with respect to prosecutions committed or forfeitures incurred prior to March 1, 1936, this section and all proclamations issued thereunder shall not be effective after February 29, 1936.

National Munitions Control Board; establishment.

SEC. 2. That for the purposes of this Act—

(a) The term "Board" means the National Munitions Control Board which is hereby established to carry out the provisions of this Act. The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board; the Secretary of the Treasury; the Secretary of War; the Secretary of the Navy; and the Secretary of Commerce. Except as otherwise provided in this Act, or by other law, the administration of this Act is vested in the Department of State;

Composition.

Administration of Act.

Definitions. "United States."

(b) The term "United States" when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia;

"Person."

(c) The term "person" includes a partnership, company, association, or corporation, as well as a natural person.

Registration of persons engaging in manufacture or traffic in munitions.

Within ninety days after the effective date of this Act, or upon first engaging in business, every person who engages in the business of manufacturing, exporting, or importing any of the arms, ammunition, and implements of war referred to in this Act, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

Requirements.

Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, and implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$500, and upon receipt of such fee the Secretary of State shall issue a registration certificate valid for five years, which shall be renewable for further periods of five years upon the payment of each renewal of a fee of \$500.

Registration fee.

Issue of registration certificate; renewals.

Requirement of license for exporting or importing.

It shall be unlawful for any person to export, or attempt to export, from the United States any of the arms, ammunition, or implements of war referred to in this Act to any other country or to import, or attempt to import, to the United States from any other country any of the arms, ammunition, or implements of war referred to in this Act without first having obtained a license therefor.

Records to be maintained.

All persons required to register under this section shall maintain, subject to the inspection of the Board, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Board shall prescribe.

Issue of licenses.

Licenses shall be issued to persons who have registered as provided for, except in cases of export or import licenses where exportation of arms, ammunition, or implements of war would be in violation of this Act or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued.

The Board shall be called by the Chairman and shall hold at least one meeting a year.

No purchase of arms, ammunition, and implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this Act.

The Board shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such report shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war. It shall include a list of all persons required to register under the provisions of this Act, and full information concerning the licenses issued hereunder.

The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions.

The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

This section shall take effect on the ninetieth day after the date of its enactment.

SEC. 3. Whenever the President shall issue the proclamation provided for in section 1 of this Act, thereafter it shall be unlawful for any American vessel to carry any arms, ammunition, or implements of war to any port of the belligerent countries named in such proclamation as being at war, or to any neutral port for transshipment to, or for the use of, a belligerent country.

Whoever, in violation of the provisions of this section, shall take, attempt to take, or shall authorize, hire, or solicit another to take any such vessel carrying such cargo out of port or from the jurisdiction of the United States shall be fined not more than \$10,000 or imprisoned not more than five years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and the arms, ammunition, and implements of war on board shall be forfeited to the United States.

When the President finds the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation, and the provisions of this section shall thereupon cease to apply.

SEC. 4. Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel, domestic or foreign, whether requiring clearance or not, is about to carry out of a port of the United States, or its possession, men or fuel, arms, ammunition, implements of war, or other supplies to any warship, tender, or supply ship of a foreign belligerent nation, but the evidence is not deemed sufficient to justify forbidding the departure of the vessel as provided for by section 1, title V, chapter 30, of the Act approved June 15, 1917 (40 Stat. <sup>1</sup>; U. S. C., title 18, sec. 31), and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign nations, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, he shall have

Meetings of Board.

Restriction on purchases from person failing to register.

Annual report of Board.

Contents.

Enforcement rules and regulations.

Proclamation of articles considered arms, ammunition, etc.  
*Post*, pp. 3471, 3503.

Effective date of section.

Carriage by American vessel of arms, etc., to port of belligerent.

Penalty for violation.

Revocation of proclamation.

Prohibition against vessels carrying arms, etc., out of United States ports.

Vol. 40, p. 221; U. S. C., p. 721.

<sup>1</sup> So in original.

- Bond. the power and it shall be his duty to require the owner, master, or person in command thereof, before departing from a port of the United States, or any of its possessions, for a foreign port, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel will not deliver the men, or the cargo, or any part thereof, to any warship, tender, or supply ship of a belligerent nation; and, if the President, or any person thereunto authorized by him, shall find that a vessel, domestic or foreign, in a port of the United States, or one of its possessions, has previously cleared from such port during such war and delivered its cargo or any part thereof to a warship, tender, or supply ship of a belligerent nation, he may prohibit the departure of such vessel during the duration of the war.
- Prohibition of departure. SEC. 5. Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States, or of its possessions, by the submarines of a foreign nation will serve to maintain peace between the United States and foreign nations, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine to enter a port or the territorial waters of the United States or any of its possessions, or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. When, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply.
- Proclamation. SEC. 6. Whenever, during any war in which the United States is neutral, the President shall find that the maintenance of peace between the United States and foreign nations, or the protection of the lives of citizens of the United States, or the protection of the commercial interests of the United States and its citizens, or the security of the United States requires that the American citizens should refrain from traveling as passengers on the vessels of any belligerent nation, he shall so proclaim, and thereafter no citizen of the United States shall travel on any vessel of any belligerent nation except at his own risk, unless in accordance with such rules and regulations as the President shall prescribe: *Provided, however,* That the provisions of this section shall not apply to a citizen traveling on the vessel of a belligerent whose voyage was begun in advance of the date of the President's proclamation, and who had no opportunity to discontinue his voyage after that date: *And provided further,* That they shall not apply under ninety days after the date of the President's proclamation to a citizen returning from a foreign country to the United States or to any of its possessions. When, in the President's judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply.
- Prohibition on entry of submarines of belligerent nations. SEC. 7. In every case of the violation of any of the provisions of this Act where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.
- Revocation of proclamation. SEC. 8. If any of the provisions of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.
- Restriction on traveling by citizens of United States aboard vessels of belligerent nations. *Post*, pp. 3476, 3528.
- Proclamation.
- Provisos. Persons in transit.
- Citizens returning to United States.
- Revocation of proclamation.
- Penalty provision.
- Separability clause.

SEC. 9. The sum of \$25,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the Secretary of State in administering this Act.

Appropriation au-  
thorized.  
Post, pp. 1124, 1153,  
1315.

Approved, August 31, 1935.

[CHAPTER 839.]

AN ACT

To refer the claim of the Menominee Tribe of Indians to the Court of Claims with the absolute right of appeal to the Supreme Court of the United States.

September 3, 1935.  
[S. 3210.]  
[Public, No. 413.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction is hereby conferred on the Court of Claims to hear, determine, adjudicate, and render final judgment on all legal or equitable claims of whatsoever nature which the Menominee Tribe of Indians may have against the United States, arising under or growing out of any treaties, agreements, or laws of Congress, or out of any maladministration or wrongful handling of any of the funds, land, timber, or other property or business enterprises belonging to said tribe or held in trust for it by the United States, or otherwise; including, but without limiting the generality of the foregoing, (1) a claim for damages for swamp lands which the United States allegedly purported to convey to the Menominee Tribe of Indians by a treaty ratified May 12, 1854 (10 Stat. L. 1064), but which the United States allegedly did not convey because of already having conveyed the same to the State of Wisconsin (9 Stat. L. 519); (2) claims for damages resulting from the improper or unlawful expenditures of tribal trust funds, including trust funds created by the Act of April 1, 1880, entitled "An Act to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment" (21 Stat. L. 70), and the Act of March 22, 1882, entitled "An Act authorizing the sale of certain logs cut by the Indians of the Menominee Reservation in Wisconsin" (22 Stat. L. 30), and the Act of June 12, 1890, entitled "An Act to authorize the sale of timber on certain lands reserved for the use of the Menominee Tribe of Indians, in the State of Wisconsin" (26 Stat. L. 146), and the Act of March 28, 1908, entitled "An Act to authorize the cutting of timber, the manufacture and sale of timber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin" (35 Stat. L. 51), and the Act of February 12, 1929, entitled "An Act to authorize the payment of interest on certain funds held in trust by the United States and Indian Tribes" (45 Stat. L. 1164); (3) claims for damages allegedly caused by the United States cutting timber on the Menominee Reservation contrary to the terms and provisions of the aforesaid Act of March 28, 1908 (35 Stat. L. 51); (4) claims for damages allegedly caused by maladministration on the part of the United States as respects its management of the timber and lumber industries of the Menominee Indian Tribe, in particular, its management of the Menominee Indian mills.

Menominee Tribe of  
Indians.  
Jurisdiction to hear  
claims of.

Vol. 10, p. 1064.

Vol. 9, p. 519.

Vol. 21, p. 70.

Vol. 22, p. 30.

Vol. 26, p. 146.

Vol. 35, p. 51.

Vol. 45, p. 1164.

Vol. 35, p. 51.

Petition to be filed.

SEC. 2. The Menominee Tribe of Indians is hereby empowered to bring such suit, as party plaintiff, against the United States, as party defendant, by filing its petition in the Court of Claims and serving a copy thereof on the Attorney General of the United States. Such petition shall set forth the facts on which the claim for recovery is based and shall be verified by the attorney or attorneys employed by said Menominee Tribe of Indians in accordance with existing law to prosecute such claims which may be made upon information and

- Limitation of action. belief and no other verification shall be necessary. Suit shall be instituted within two years from the date of this Act by the filing of a petition in the Court of Claims in behalf of the Menominee Tribe of Indians.
- Principles of law applicable. SEC. 3. At the trial of said suit the court shall apply as respects the United States the same principles of law as would be applied to an ordinary fiduciary and shall settle and determine the rights thereon both legal and equitable of said Menominee Tribe against the United States notwithstanding lapse of time or statute of limitations. No payment or payments which have been made by the United States upon any claim or claims therein asserted or for the account of said Menominee Tribe of Indians nor any gratuities paid to or expended for said tribe or members thereof shall apply as an estoppel against said suit but may be pleaded as offsets. No gratuities, however, paid to or expended for said tribe or members thereof prior to the Act of Congress of March 28, 1908 (35 Stat. L. 51), or paid pursuant to any emergency relief legislation enacted subsequent to January 1, 1933, or out of any appropriations authorized by the Act of June 18, 1934 (48 Stat. L. 984), shall be pleaded by the United States as offsets.
- Payments heretofore made. SEC. 4. At the trial of such action so instituted in the Court of Claims, any letter, paper, document, map, or record in the possession of any officer or department of the United States (or a certified copy thereof) may be used in evidence, and the departments of the Government of the United States shall give full and free access to the attorneys for said tribe of Indians to such letters, papers, documents, or records as may be useful to said attorney or attorneys in the preparation for trial or trials of such action and shall afford facilities for the examination of the same and the making of copies thereof.
- Evidence admitted. SEC. 5. Either party shall have the absolute right of appeal (not by writ of certiorari) from any final judgment entered by the Court of Claims to the Supreme Court of the United States and the Supreme Court of the United States is hereby invested with jurisdiction of such appeals.
- Appeals to Supreme Court of United States. SEC. 6. (a) If it shall be determined by the court that the United States in violation of the terms and provisions of the treaty ratified May 12, 1854 (10 Stat. L. 1064), unlawfully failed to convey certain swamp lands to the Menominee Tribe of Indians the court shall render judgment in favor of the Menominee Tribe of Indians for a sum equal to (1) the value of the timber removed therefrom since May 12, 1854, with interest at 4 per centum per annum from the time of such removal and (2) the present acquisition costs of such lands to the Menominee Tribe of Indians, which shall be determined by the court, with a proviso that the United States may in lieu of paying the present acquisition costs of such lands acquire and hold said lands in trust for the sole benefit and use of the Menominee Tribe of Indians.
- Payments to Indians if determined that United States unlawfully failed to convey certain swamp lands. (b) If it shall be determined by the court that the United States has improperly or unlawfully expended or misappropriated tribal funds or properties of said tribe of Indians the court shall render judgment against the United States for an amount equal to the value of all such funds and property with interest thereon at the same rate per annum as provided by the Act of Congress authorizing the creation of the fund or property improperly or unlawfully expended or misappropriated from the date of the unlawful expenditures or misappropriations.
- Judgment if determined that United States unlawfully expended tribal funds, etc.

(c) If it shall be determined by the court that the United States has violated the terms and provisions of the Act of Congress of March 28, 1908 (35 Stat. L. 51), by cutting other than dead and down timber or such fully matured and ripened timber as the Forestry Service shall have properly designated, or by cutting such timber so as to prevent forest perpetuation, the court shall award as damages to the Menominee Tribe of Indians either (1) the difference between the net income that has been and will be received from the liquidation of the timber unlawfully cut and the net income which would have been and would be received from an acreage which would have produced, under selective cutting, if then cut, the same volume of timber as that unlawfully cut, from the time of the commencement of the unlawful cutting up to the time when the timber unlawfully cut shall have been replaced by replanting and the sustained yield from the said replanted timber shall be equal, acre for acre, to the sustained yield from the timber had it been selectively cut so as to perpetuate the forest, as required by law, with interest thereon at the rate of 4 per centum per annum for the same period, said period, wherever specified herein, to be deemed to be sixty years, unless otherwise determined at the trial, plus the cost of replacement of the timber on the same areas including the necessary protection until the replanted timber shall have attained the said sustained yield; or (2) the cost of replacement of timber on the respective areas thus unlawfully cut, including the necessary protection until the replanted timber shall have attained the aforesaid sustained yield plus interest at 4 per centum per annum for the same period of time on an amount equal to the reasonable value as of the date of the unlawful cutting of the timber on the areas thus cut, whichever is the greater.

Unlawfully cut timber.

(d) If it shall be determined by the court that there has been maladministration on the part of the United States as respects its management of the timber or lumber industry of the Menominee Indian Tribe, including, but without limitation, its disposal of timber and lumber products and its management of the Menominee Indian Mills, the court shall award to the Menominee Tribe of Indians as damages either (1) an amount equal to the net losses incurred during the year or years in which maladministration is found, with interest thereon at the rate of 4 per centum per annum from the respective dates of said losses, or, (2) interest at the rate of 4 per centum for the particular year or years in which maladministration is found on the capital investment of the Menominee Tribe of Indians in their standing timber, lumber, plant, buildings, equipment and all other assets used in, or about, or in any way connected, with the Menominee Indian Mills or the timber and lumber industry of the Menominee Indian Tribe, whichever is the greater. "Net losses" shall be determined by using customary and accepted principles of accounting. "Capital investment" in standing timber and lumber shall be determined by using the unit price for each species of lumber and timber as used by the United States in its accounting records at the Menominee Indian Mills at the beginning and end of each year in which maladministration is found and dividing the sum thereof by two. "Capital investment" in plant, buildings, equipment and all other assets shall be determined by using cost less depreciation at the beginning and end of each year in which maladministration is found and dividing the aggregate thereof by two. In determining "Cost less depreciation" the general ledger accounts maintained at the Menominee Indian Mills shall be accepted subject to such adjustments as may be found proper upon investigations using customary and accepted principles of accounting.

Maladministration of timber and lumber industry.

Fees upon final determination of suits.

*Provisos.*  
If compromise effected without assistance of attorneys.

With assistance.

Restriction on amount.

Expenses.

Deposit of net amount of judgment.

Service of copy of petition.

SEC. 7. Upon the final determination of such suit, cause, or action, whether by judgment, compromise, or otherwise, the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said Menominee Tribe of Indians under contracts negotiated and approved as provided by existing law: *Provided*, That in the event the claim for damages for swamp lands shall be compromised and settled by the Menominee Tribe of Indians and the United States without the assistance of the attorney or attorneys employed hereunder pursuant to a special resolution adopted by the Menominee Advisory Council authorizing the rendering of such assistance, no fees shall be paid or decreed with respect thereto: *Provided further*, That in the event the claim for damages for swamp lands shall be compromised and settled by the Menominee Tribe of Indians and the United States, prior or subsequent to the institution of suit hereunder but prior to the trial thereof, with the assistance of the attorney or attorneys employed hereunder pursuant to a special resolution adopted by the Menominee Advisory Council authorizing such attorney or attorneys to render such assistance, the Secretary of the Interior shall, for such assistance, award to said attorney or attorneys such fees, with respect thereto, as based upon a quantum meruit he shall deem reasonable. In no case shall the fee decreed by said Court of Claims and the Secretary of the Interior be in excess of the amount stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior. The fees decreed by the court to the attorney or attorneys shall be paid out of any sum or sums recovered in such suit or action or received by compromise and not otherwise. All actual and necessary expenses incurred by the attorney or attorneys so employed, including court costs, bills for printing required by law, or court rules, the cruising and examination of lands and timber, the auditing and tabulation of accounts, travel, and subsistence of said attorney or attorneys and his or their employees while engaged solely in the preparation or prosecution of said suit or suits, securing and taking evidence deemed material therein, the compensation of stenographers, and such clerical assistance as shall be reasonably employed solely upon work in connection therewith, fees or commissions of notaries public or commissioners, and any other expense reasonably necessary for the preparation for trial or prosecution of any such suit or suits shall be paid by the Secretary of the Interior, when approved by him, from time to time, as the same shall accrue out of the funds standing to the credit of said Menominee Tribe of Indians in the Treasury of the United States upon verified accounts submitted in such form as may be required by the Secretary of the Interior, and without regard to the outcome or success of said suit or action against the United States. The net amount of any judgment recovered shall be placed in the Treasury of the United States to the credit of the said Indians, and shall draw interest at the rate of 4 per centum per annum and shall be thereafter subject to appropriation by Congress for the benefit of said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians.

SEC. 8. A copy of the petition in any suit instituted under this Act shall be served upon the Attorney General of the United States and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States.

Approved, September 3, 1935.



[CHAPTER 840.]

## AN ACT

To provide for the immediate settlement of the obligation of the Joe Graham Post of the American Legion arising out of the purchase of the Ship Island Military Reservation.

September 4, 1935.

[S. 3184.]

[Public, No. 414.]

*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 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", approved June 15, 1933, and the contract entered into on September 15, 1933, between the War Department and the Joe Graham Post Numbered 119, of the American Legion, Incorporated, the Secretary of War is authorized and directed to cause a reappraisal to be made of such lands and to accept, in full settlement of the obligation of said Joe Graham Post under the terms of said contract, such sum, not less than \$1,658.22, as he deems fair and equitable in the light of such reappraisal.

Approved, September 4, 1935.

Ship Island Military  
Reservation, Miss.  
Vol. 48, p. 150.

Settlement of obligation  
of Joe Graham  
Post, American Legion,  
arising from purchase of.